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# NEITHER NAKED NOR SACRED: A THEOLOGY FOR THE PUBLIC SQUARE

# THE IRISH CATHOLIC CHURCH IN THE REPUBLIC OF IRELAND

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A thesis submitted in fulfilment of the requirements for the degree of
Doctor of Philosophy

School of Hebrew Biblical and
Theological Studies
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#### INTRODUCTION

Publicly assertive religious forces will have to learn that the remedy for the naked public square is not naked religion in public. They will have to develop a mediating language by which ultimate truths can be related to the penultimate and pre-penultimate questions of political and legal contest.<sup>1</sup>

The Roman Catholic Church in Ireland, accustomed from the genesis of the Republic to a "special position," has been experiencing the loss of that privileged status. In the growing pluralism of the Republic some argue that, for the sake of that pluralism, all faith traditions should go private, that the "sacred" square should go "naked", to borrow from a phrase coined by Richard John Neuhaus. In the wake of the recent publicity about its clergy sexual abuse cases there is also some internal pressure within the Irish Catholic church to "go quiet." But the role of the Irish Catholic church is complex. Historically, it has been a source of identity and cohesion in the face of colonial oppression. Along with the State it shaped the ideologically conservative and certain world view out of which the Republic lived until the latter part of the twentieth century. This social cohesiveness, however, was gained at the price of an often harsh control and the failure to nurture a critically thinking public. More fundamental for the Irish Catholic church is that living at the heart of Christianity is a public mission, one which calls the church to live and preach the gospel, to be communicatively engaged at the

<sup>&</sup>lt;sup>1</sup> Richard John Neuhaus, "Nihilism Without the Abyss: Law, Rights and Transcendent Good," 5 J.L. & Religion 53, 1987–62. In Michael J. Perry, *Religion in Politics*....78.

centres of thought and life. To go private or quiet is to abandon that mission.

Because of its religious and political history, Ireland has not followed the typical modernisation trajectory.<sup>2</sup> In Ireland, industrialisation came *after* modernisation and there are counter-secularising tendencies. Sociologist, Michelle Dillon says Ireland's "cultural exceptionalism" can be traced to its colonial history, peripheral economy and an identity symbolised by the Catholic Church.<sup>3</sup> It is probable that Ireland will continue "...to offer its own distinctive, angular variants of modern values for some time in the future."<sup>4</sup> For observers of Irish society the challenge is to articulate an interpretative framework for these "distinctive, angular variants." In the age of the *Celtic Tiger*, Ireland's economy is no longer peripheral, the final vestiges of colonisation are being slowly shed, and, the Republic of Ireland's identity symbols are no longer exclusively those of the Roman Catholic Church.

As it enters the third millennium, the Republic of Ireland continues to experience an accelerated social change in all aspects of public life.

Historically entwined with Britain, the Republic's public choices are never far from the political waves of Northern Ireland; also, the European Union, itself characterised by increasingly global economics and communication media,

<sup>&</sup>lt;sup>2</sup> Christopher Whelan,(ed.), *Values and Social Change in Ireland*, Gill and MacMillan,Dublin,1994. This is a report of the results of an analysis of the 1990 European Values survey in respect of the Republic of Ireland. It is an effort to illustrate the importance of examining "...the manner in which country-specific factors interact with the globalization of values through mobility and the mass media".(p.6)

<sup>&</sup>lt;sup>3</sup> Michelle Dillon, Debating Divorce, Moral Conflict in Ireland, University Press of Kentucky, Lexington, 1993. 144.

<sup>&</sup>lt;sup>4</sup> Christopher Whelan, Values and Social Change in Ireland... 81.

brings added complexity to legislation, economics and the cultural outlook in the Republic. This newly complex diversity challenges the Republic of Ireland, in its public choices and decision-making, to address differences in a way which holds them all but privileges none.

The role of the Irish Catholic church as primary interpreter of the lifeworld of the people of the Republic has been gradually absorbed by Irish television, itself once exclusively a child of the State, and now also staring into the face of its own change variant—an increasingly globalised, competitive media and diversified information systems. How to remain public? Both interpretative institutions, the Irish Catholic Church and the State Broadcasting System, lay claim to traditions which carry within them the seeds of their continuity and their relevance as players in the Irish public sphere, but their relevance is no longer automatic.

As economists and social and political scientists seek, through their disciplines, to interpret the distinctive Irish variants at work, it is also incumbent upon theologians to reflect upon what this scope and depth of change means for the Irish Catholic church. Historically conscious theology makes use of the wisdom of these other social and critical disciplines while at the same time mining its own tradition for the insights helpful for answering the new questions of history.

One of the ongoing discussions in Christian theology has been whether theory or praxis provides the best starting point for doing theology. Even within the continuum of praxis-paradigm theologians, as theologian Werner Jeanrond points out, there are differences in the procedural order given to

praxis and theory.

The question therefore is not the question simply of praxis or theory, but which praxis on which theoretical basis.<sup>5</sup>

Jeanrond maintains that, necessary for the safeguarding of theology from the twin pitfalls of irresponsible action and hidden ideologies, is a *theology of praxis*, one which has, at its heart, a critical hermeneutic—critical of Christian self-understanding as well as of human experiences in a world in need of transformation. It is this self-critical, theologically interpretative process which discloses the principles of Christian action which, in turn, call for strategically reflected responses in *particular contexts*. These contexts, then, are *loci theologici* for the continual self-critical hermeneutic. Herein, for Jeanrond, lies theology's very practical nature. These particular situations call for reflection on particularity and the significance of unity within diversity. Particularity is a significant theological issue in that it is integral to the church's catholicity but not in opposition to its unity. For example, as Christian theology has already discovered, there is difficulty in the naive exporting of Latin American liberation theologies into other cultural and social situations. Yet, through critical principles and critical theories applied

<sup>&</sup>lt;sup>5</sup> Werner G. Jeanrond, "Towards a Critical Theology of Christian Praxis," *The Irish Theological Quarterly*, Volume 51, No.2, 1985, pp. 136-145. 137

<sup>&</sup>lt;sup>6</sup> Jeanrond, "Towards a Critical Theology...138.

<sup>&</sup>lt;sup>7</sup> David Tracy, "Fragments and Forms: Universality and Particularity Today," *Concilium*, 1997/3, *The Church in Fragments: Towards What Kind of Unity?*" (eds.) G. Ruggieri, M. Tomka, SCM Press, London. 1997. 122-129. Tracy cautions against appeals to universality which conceal uniformity, disallowing genuine particularity. The "church Catholic" he says has always honoured true catholicity—diversity-in-unity—though its ecclesial history reveals frequent bouts of *false catholicity*, defined as "an appeal to any form of universality that uneasily masks a totality-system designed to render all particularities either finally harmless and insignificant or significant and therefore harmful." (122)

in many local contexts, there can surface what Jeanrond calls a *systemic* interdependence of the different concerns for liberation. This understanding allows both the universal unity and the local expression to be held in balanced perspective. The recognition of a critical principle at the heart of a local church praxis, however *foreign* that praxis may seem to those outside it, may begin to answer theologian Giancarlo Collet's question of what an intercultural hermeneutic might look like, one which "...took seriously the appropriation and developed interpretation of the gospel in a particular context, and at the same time held fast to the universality of the one truth of faith and the one church."

The growing pluralism of the Republic of Ireland, and the role of the Irish Catholic Church in that pluralism, is the particular context, the *locus* theologicus, for the theologically interpretative process undertaken in this research. The search for grounding principles for an Irish public theology resulted in a fertile mix of interpretative theories being brought together in conversation for the sake of mutual critique. These principles suggest a public theology and a general strategic response applicable to the entire Christian Catholic Church. In fact, the transformative task of mediating religious

<sup>&</sup>lt;sup>8</sup> Jeanrond, "Towards a Critical Theology...143. "A theology which recognises its always practical character can map out the framework of principle for very particular fields of action...Then it could take up for instance the concern for liberation voiced so strongly in South American and elsewhere, yet not universalise the particular needs for liberation in Rio De Janeiro or Lima, but work out what kind of liberating powers are given us by our tradition in order to demand liberation from all ungodly oppression. Liberation as critical principle together with a critical theory of justice could be applied in the context of liberation from oppression in South America. So could liberation from the pressure of middle-class consumerism be an application of God's liberating will for us in Dublin or Paris. And we could learn to see the systemic interdependence of these two concerns for liberation."

convictions about what is good and what is just in contexts which are complex and diverse, is a challenge facing all faith traditions with a public mission. Though this project most particularly applies these grounding principles to the recent historical experience of the Irish Catholic Church, with the hope of surfacing its particular practice of public theology, it is cognisant of already having drawn upon the development of public theology in other contexts, particularly that of the United States.

Attention to the development of a public theology is a task which can, and probably should, be undertaken by local and regional churches in pluralist societies. It is also, in the best sense of Michael Perry's work, an *ecumenically political* task; if undertaken ecumenically, one can only imagine the benefit to the common cultural ground and the vitality of the public face of religion in pluralism.

<sup>&</sup>lt;sup>9</sup> Giancarlo Collet, "Theology of Mission or of Missions? The Treatment of a Controversial Term," *Concilium*, **1991**/1, SCM Press, London, 1999. 85-91.91

## **CHAPTER ONE**

## A PUBLIC MISSION: THEOLOGICAL PRINCIPLES FOR THE CHURCH'S ENGAGEMENT IN THE PUBLIC SPHERE

There is evidence in earliest Christianity of a "...universe of meaning, defined by 'the gospel,' and wide and capacious enough to accommodate many diverse conceptualities and culturally conditioned self-definitions."1 Ben Meyer sees *identity* as a principle of unity and *self-definition* as a principle of diversity for the early Christian community, whose central concern, nevertheless, was not to define itself but

the dead. From this the proclamation to Israel concluded that he had been enthroned as Messiah and the proclamation to the gentiles that he had been made "Lord (kyrios) of all" (Rom. 10:12; Act 10:36cf.1 Cor. 8:6), of Jew and Greek (Rom. 10:12; Acts 20:2I; cf. 11:20),the living and the dead (Rom14: 7-9; 2 Cor. 5:15), the human and the spirit world (Phil.2:10f.). 2

This universal and non-discriminating capaciousness of the good news of the risen Christ becomes the ground for the Christian community's emerging understanding of its world mission. As Meyer puts it: "The Christian proclamation, then, invited Jew and Greek alike to step into a spacious circle of fulfilment." New concerns, as they came along in the Christian community, were "filtered through Christological reflection, so maintaining the classic pattern: first Christ, then those who belong to him

<sup>1</sup> Ben F. Meyer, "Resurrection as Humanly Intelligible Destiny," *Ex Auditu*, 9 (1993), 13-27. 14

<sup>2</sup> Ben F. Meyer, *The Early Christians, Their World Missior: & Self Discovery*, Michael Glazier, Inc., Wilmington, Delaware, 1986. 19. Also, *Variety and Unity in New Testament Thought*, The Oxford Bible Series, John Reumann, Oxford University Press, Oxford. 1991. Also, *Unity and Diversity in the New Testament, An Inquiry into the Character of Earliest Christianity, Second Edition*, James D. G. Dunn, SCM Press, London, 1990.

<sup>3</sup> B. Meyer, The Early Christians...20.

(I Cor.15:23)."4 As Meyer admits, the deceptive simplicity of this must be balanced by the incredible complexity of factors, which constitute, then and now, the "new concerns" faced by the Christian community. New Testament scholar Sean Freyne, agrees that unity in diversity is the hallmark of the early Christian fellowship in Christ:5 he also suggests that the diversity was "based on cultural and social factors" as much as it was on theology, something which Acts 6-8 makes clear.6

The creative tension between being *one* and being *catholic* is present from earliest Christianity, (1 Cor. 12, 4-13; Jn. 17, 20-21). Ben Meyer suggests there is strong evidence that "... every New Testament writer asserts or betrays a certain recoil from division, but *unity without diversity would have been impossible* and all early Christian writers seem to know this."7 Meyer adds that the "true contraries" are unity and division, uniformity and diversity. Diversity, therefore, can yield either unity *or* division; uniformity yields only uniformity.

Its *particular* cultural and social history, and an increasingly pluralistic matrix, affect the way the Irish Catholic church carries out the public mission at the heart of Christianity.8 This matrix is the *locus theologicus* 

<sup>4</sup> B. Meyer, The Early Christians ... . 21.

<sup>5</sup> Seán Freync, "Introduction," in *Church and Change, The Irish Experience*, Hans Küng, Gill and Macmillan, Dublin, 1986.1-20. 16

<sup>6</sup> Seán Freync. Church and Change... 16 For a detailed and interesting consideration of the history of the New Testament Canon as it reflects a concern for church unity while maintaining a heterogeneity and variety in its texts, see: Hans Dieter Betz, "Is the New Testament Canon the Basis for a Church in Fragments?" in Concilium, 1997/3, The Church in Fragments: Towards What Kind of Unity? (e.s.) Giuseppe Ruggieri, Miklós Tomka, SCM Press, London. 1997. 35-46.

<sup>7</sup> Ben F. Meyer, "Resurrection as Humanly Intelligible Destiny," *Ex Auditu*, 9 (1993), 13-27. 14

<sup>8</sup> See, Seán Freyne, "Religion in Ireland," also, "Early Irish Spirituality: the social world as sacrament." Papers delivered at Trinity College, 1999. Also, Michael Drumm, "Neither Pagan nor Protestant? Irish Catholicism since the Reformation," *Religion in Ireland, Past, Present and Future*, Denis Carrol' (ed.), The Columba Press, Dublin, 1999.13-28.

for the self-critical hermeneutical process. The first step in developing a public theology in the Irish Catholic Church is to ask Jeanrond's question: which praxis on which theoretical basis? The Roman Catholic Church continues to be engaged in the reception of its most recent Council, Vatican II (1962-1965). This reception has not been without polarisation. Some hold that the only proper response to Vatican II is resistance;9 there are efforts to resurrect minority views which were rejected by the Council Fathers 10 Others say the Council is passé and its documents compromised by efforts to accommodate. This Chapter assumes a different stance: it acknowledges that Vatican II is a product of its time; but it also marks a theological paradigm shift.(1.1) Through the use of a certain hermeneutic (1.1.1) and by reviewing its guiding principles and processes (1.1.2, 1.1.3) Vatican II reveals a self-critical and historically conscious approach which continues to inform a public theology. Vatican II offers key theological concepts for a public theology (1.2) the people of God (1.2.1); public mission(1.2.2); religious freedom(1.2.3) and, social communications (1.2.4). Ongoing conciliar reception (1.3) and the Irish Church's conciliar reception (1.4) suggest parameters for developing a public theology based on Vatican II principles(1.5). Theology's task of immanent critique and the task of developing a public theology suggest the necessity of engaging with other interpretative theories for their aid in analysing the social and political matrix.

<sup>9</sup> Daniele Menozzi, "Opposition to the Council (1966-84)," *The Reception of Vatican II*, (eds.) G. Alberigo, J-P Jossua, J.A. Komonchak, Catholic University Press, Washington, D.C., 1987. 325-348. A comprehensive review of opposition to the Council up to 1984.

<sup>10</sup> A recent example: preliminary reports from a Vatican symposium on the work of the council, held in Rome in February, 2000. See, *The Tablet*, 11 March 2000. 358-359.

## 1.1 A Theological Paradigm Shift: The Second Vatican Council 11

The very phrase *paradigm shift*12 implies a period of straddling two worlds—a transition—preliminary to the fuller moving into a radically new way of thinking and being. In the thirty-five years since the conclusion of Vatican II, the Roman Catholic church has been in such a transition. In calling for an Ecumenical Council, Pope John XXIII, Angelo Roncalli, was acting on his insight that it was time for the Church to move theologically and institutionally. The retrenchment after the Council of Trent guaranteed that this move would be wrenching.

The turbulence into which Vatican II threw the Catholic church was due not only to the abruptness with which its reform was thrust upon us. It was due as well to the fact that in our consciousness no paradigms of reform were operative which were appropriate to the reality we began to experience.13

This turbulence pervaded the Catholic church and society. Twenty years after the Council, Giuseppe Alberigo observed that one of the biggest obstacles to the reception of Vatican II was an attitude that somehow blamed the Council itself for the larger unrest in western society as well in

<sup>11</sup> The Council was announced by Pope John XXIII, Angelo Roncalli, in January, 1959. In June, 1959, in *Ad Petri Cathedram*, the Pope described his intentions for this Ecumenical Council: 1) to promote unity; 2) to promote the growth of the Christian faith; 3) a renewal of Christian standards of morality; and, 4) the adaptation of ecclesiastical discipline to the needs of the time. There were four sessions of Vatican II: Session 1 (11Oct.-8Dec.,1962); Session II (29Sept-4Dec.,1963); Session III (14 Sept.-21 Nov., 1964) and Session IV (14 Sept.-8Dec.1965). From: *Ecclesia*, *a Theological Encyclopaedia of the Church*, (ed.) Christopher O'Donnell, O. Carm., Michael Glazier, published by The Liturgical Press, 1996.

<sup>12</sup> Philosopher of science, Thomas Kuhn popularised the concept *paradigm shift*. See, Thomas S. Kuhn, *The Structure of Scientific Revolutions*, University of Chicago Press Chicago, 1962. Paradigm is used to mean the entire constellation of beliefs, values etc., shared by a given community. In the shift from one paradigm to another the "old" paradigm continues even while the "new" paradigm is coming to strength, and it may, in fact, never disappear completely.

<sup>13</sup> John W. O'Malley, SJ, "Reform, Historical Consciousness, and Vatican II's Aggiornamento," *Theological Studies*, 32 (1971) 573-601. 573

the late 1960's.

It is surprising that credit should have been given to such a misunderstanding, namely, that Vatican II was contradicted by the appearance of the very needs and demands that played a normative role in its most enlightened decisions!...it bears eloquent witness to the confusion that marked the beginning of the postconciliar phase, dominated, on the one hand, by an implementation focused on a return to normality, and, on the other, by expectations—soon dispelled by brutal contact with reality—of an easy renewal. Both positions were inspired by a myopic and reductive vision of the Council; they fastened on the letter alone and were unable to penetrate to the deeper motivation and universal, historical significance of the Council. I may add that a similar lack of historical perspective was to be seen after the councils of Chalcedon and Trent.14

Alberigo was observing a Church which, while it *had* significantly changed from the Church of the 1950's, was still struggling with reception of the Council, and so was feeling the tension between the desire to go back—Alberigo calls it a "deceitful nostalgia"—and the fear of fully entering into the challenge of the gospel which renewal was demanding.

More recently the Roman Catholic church has been experiencing the polarisation which occurs when a Council is used as a "collection of proof-texts." The ability to use the conciliar texts in this manner is a remnant of what Hermann Pottmeyer refers to as the *transitional* nature of Vatican II; the Council's main thrust was not to counteract error but to call the Church to renewal, resulting in texts which "…lack the conceptual

<sup>14</sup> Giuseppe Alberigo, "The Christian Situation After Vatican II," pp. 1-26, in *The Reception of Vatican II*, (eds. Giuseppe Alberigo, Jean-Pierre Jossua, Joseph Komonchak), Catholic University of America Press, Washington, DC, 1987. 19 This view was supported somewhat by Pope Paul VI in 1969 when he wondered whether Vatican II was not responsible for the crisis in the Church at that time due to its emphasis on the Church and not on the personal practice of religion. See, Daniele Menozzi, "The Reception of Vatican II....334; also, 339-341 on Pope Paul VI's vacillations regarding the Council's work and how this both supported the anticonciliarists and undercut the reforming efforts of the Council.

precision, the unambiguous definition of positions, the technical form and the unity of literary genre to which Trent and Vatican I had accustomed us."15 In addition, the struggle and compromise between the so-called "majority" and Curial/Roman interests during Vatican II resulted in texts lacking in internal coherence and manifesting a two-sided character.

Pottmeyer blames this two-sidedness, rather than the influence of a preconciliar mentality, as the "... essential cause of continuing post-conciliar conflicts."16 Alberigo agrees, citing the level of equivocation resulting from the group dynamics (otherwise disparate groups forming a "majority" solidarity over against the resistance which was blocking free participation) as "... obliging all to accept a common denominator."17 It is the continuing presence of these postconciliar conflicts that surfaces the need for a hermeneutic for understanding Vatican II.

#### 1.1.1 A Hermeneutic for Understanding

15 Hermann J. Pottmeyer, "A New Phase in the Reception of Vatican II: Twenty Years of Interpretation of the Council," *The Reception of Vatican II*, (eds. Giuseppe Alberigo, et al) The Catholic University of America Press, Washington, DC. 1987. Pp. 27-43. 27

see also, Nicola Colaianni, "Criticism of the Second Vatican Council in Current Literature," *The Ecumenical Council, Concilium, 167*, T.& T. Clark, Ltd., Edinburgh, 1983, for an interesting review which shows the progression and change in response to Vatican II (through 1983 only).

16 Pottmeyer, "A New Phase...", 34. Pottmeyer saw this especially surfacing in the 1983 Code of Canon Law, where the minority interests seemed to prevail, not because they represented the overall spirit of the Council but because, in the spirit of collegiality, the majority were willing to compromise. (p. 35) also, *Concilium* 167 (7/1983), *The Ecumenical Council—Its Significance in the Constitution of the Church*, (eds.) Peter Huizing, Knut Walf, T&T. Clark Ltd, Edinburgh.

Giuseppe Ruggieri suggests a way of interpreting Vatican II:

When the Council stops being a series of texts with which one's own theological and practical choices are proved; when, that is, we get past the phase of using the Council as a collection of proof-texts, and rediscover its spirit through a rigorous awareness of the whole event of the Council, we shall be able to get a little milk. Milk...is opposed to the blood of violence, and suggests rather the gentleness and the humility of the one who does not resist the spirit that prays within us and opens history to the gospel of the Crucified.18

There are several dimensions in Ruggieri's suggested hermeneutic: 1) the *rigorous awareness of the whole event* of the Council which, for Ruggieri, also involves the possibility of a *collective awareness of an event*; 2) the movement away from the polarisation of proof-texting (blood of violence) toward a rediscovery of the common ecclesial nurturance (milk) offered by Vatican II; and, 3) receptivity to the "spirit that prays within us" and "opens history to the gospel."

## 1) Rigorous awareness of the whole event

In arguing for a "rigorous awareness of the whole event of the Council," Ruggieri is suggesting, among other things, more attention to the process and debate which resulted in the council texts. Continuing research at this level is offering a better understanding of how the final documents came to be, an understanding which leaves them less open to the polarising effects of proof-texting.19 This approach does not resolve

<sup>17</sup> Giuseppe Alberigo, "The Christian Situation after Vatican II," *The Reception of Vatican II...*.pp.1-26. 9-10.

<sup>18</sup>Giuseppe Ruggieri, "Towards a Hermeneutic of Vatican II," *Concilium*, 1999/1, *Unanswered Questions*, (eds.) Christoph Theobald and Dietmar Mieth, SCM Press, London. pp. 1-13.

<sup>19</sup> One of the earliest attempts to do this more in-depth work was Herbert Vorgrimler's five Volume *Commentary on the Documents of Vatican II, Herder and Herder, NY, Burns and Oates. Ltd., London,, 1969.* The value of this series is that most of the

the inherent tensions, ambiguities and lack of cohesiveness apparent in the Council texts but it does clarify the *trajectory* of those texts. 20

More pertinent to a public theology, is Ruggieri's positioning of the Council as event ,21 in this instance defined as a fact or a series of facts which determine the transition from one structure to another, and which therefore introduce innovations into history. This is an understanding that suggests "Vatican II has been an event capable of modifying substantially the mentality and behaviour of all Christians, and not just the Catholics of our time."22 This capability of "substantially modifying behaviour" in the wider arena is due in part to a phenomenon of the contemporary age—broadcasting. For Ruggieri the relationship between Council as an event and the liberative potential of signs of the times pivots on the possibility of collective awareness. Vatican II, the first Council to be held in a broadcasting age, was able to be brought into the collective consciousness of a world-wide Catholic and Christian ecclesial community, as well as those of other faiths, through radio and television.23 This collective

contributors were directly involved in the Council in some way, e.g., Cardinal Bea, Karl Rahner, Bernard Häring, Joseph Ratzinger.

<sup>20</sup> G. Thils, ... en pleine fidélité au Concile du Vatican II, "La foi et le temps, 10 (1980)278. Cited in Pottmeyer, "A New Phase.....," 40, fn.#9 Thils makes the case for two criteria for understanding Vatican II: a) bringing to bear on a question all the doctrines accepted and promulgated, each in proper relation to the whole; and, b) pointing out the trajectory the doctrines travelled in the debates to see which acquired and which lost importance. This approach makes less possible the manipulation of texts to suit one thesis or another.

<sup>21</sup> G. Ruggieri, "Towards a Hermeneutic... p. 10: also, fn#26 on p. 13 in which Ruggieri describes the two extremes of the French 'Annales' School (1929-1989)— Braduel's, for whom history was an applied social science arising above human events and Nora's, for whom event is the effect of a fact that leads to changed attitudes. As Ruggieri points out, this second view is possible only in an age with a social communication of enough scope to draw attention to an event.

<sup>22</sup> Ruggieri, 10. Hermann Pottmeyer concurs with this view and describes Vatican II as "...an event, an opening, a *movement* in the course of which the Church elaborated a new interpretation of itself. The Council was therefore first experienced, then understood and received." (Pottmeyer, 30)

<sup>23</sup> Schillebeeckx, in writing about the third and fourth sessions of the Council, put it this way: "For this is clear: the will to steer a new course, though guided by the compass of the evangelical, apostolic church and her scriptures, witness of the unique

awareness, with its resulting shift in behaviours and mentalities, has the potential for bringing about a new paradigm: "... since an event introduces a new element into history, it can modify those structures of human relationships which constituted the former equilibrium."24 For example, the awareness alone that members of other Christian traditions were invited to be official observers at Vatican II caused a major, positive shift in ecumenism.25

In a broader sense, and most important to developing a public theology, Ruggieri sees the Council offering theology a new method for facing the questions put to the church by history, one which has at its core both *a self-critical hermeneutic* and an *historical consciousness*.

Interpreting the Council from this perspective saves it from being dismissed as passé and allows the emergence of its continuing and crucial relevance for the present and future tasks of theology. 26

2) the movement away from the polarisation of proof-texting (blood of violence) toward the (milk) offered by Vatican II. "Milk…is opposed to the blood of violence…

The two-sidedness of the Council documents, which enables them to be selectively read in order to support opposing theological views, results

fact of the redemption wrought by God in Christ, is something that has struck believers and atheists alike." E. Schillebeeckx, OP, *Vatican II: The Real Achievement*, Sheed and Ward, London, 1967. 5-6

<sup>24</sup> Ruggieri, "Toward a Hermeneutic...., 10.

<sup>25</sup> For a personal witness to the experience of being an observer see: Franz Hildebrandt, "Methodist Observer at the Council," *Doctrine and Life*, Vol. 13, No. 4, April, 1963. 199-201.

<sup>26</sup> Y. Congar, "The Conciliar Structure or Regime of the Church," *Concilium*, 167, September, 1983,. 3-9. Ruggieri's thinking is consistent with Congar's understanding of ecumenical councils being, not the Church, but an *event in the Church's life*. He makes the distinction between the *conciliarity* which is in the nature of the Church and part of the ordinary means of its government and ecumenical councils, which are not normal structures of the Church's government but are called to meet certain needs. The

from the continual struggle during the Council itself between two opposite viewpoints. Schillebeeckx, in an essay written between the first and second sessions of the Council, located the basic conflict of the first session precisely in the difference between the Pope's historical sense and some of the Council fathers' more essentialist way of thinking which wanted to hold onto an absolute Truth, outside of time. As Schillebeeckx argued:

Truth, as a human possession, is never outside time and place...[P]reserving the faith intact...does not only, not even primarily, demand the maintenance of what at one time has been dogmatically stated, but an increasingly shaded integration of what has been defined in the balanced totality of the faith. Without this it is impossible to keep the faith pure, because people will become obsessed with a part truth to the detriment of the whole.27

For Schillebeeckx the solution to the conflict in the first session was not in sacrificing an historical sense on the altar of "pure faith" but, rather, in recognising that by keeping the faith alive historically the Church would also keep it intact. He reiterated this view in his assessment of the final sessions of the Council when he refers to the tension "...between the recognition of the historical and that of the speculative truth... There were those who couldn't realise that the essence of the church can never show up other than in historical form." 28

Schillebeeckx maintained that examples of this tension could be found in the discussion of every schema; also, it could be argued, the tension remains in the *final documents*. This reflects the degree of compromise necessary for approval and remains a source of post-conciliar polarisation.

concentration of the "mind of the Church" during a Council results in decisions "the density of which makes the effect of a council long-lasting." (p.7)

<sup>27</sup> E.H. Schillebeeckx, *Vatican II, A Struggle of Minds and other essays*, M. H. Gill and Son, Dublin, 1963. 30-32

<sup>28</sup> E. Schillebeeckx, Vatican II: The Real Achievement.... pp. 9-11.

Pottmeyer views the juxtaposed theses of the documents as a *healthy dialectic*, and suggests that the post-conciliar reception task is to "...go beyond the juxtaposition to a new synthesis"—a third phase of reception.29

The abandonment of selective interpretation and the resultant beginning of a third phase of reception require a hermeneutic that reflects fidelity to the Council, its intention, its procedure, and its transitional character.30

For Pottmeyer, fidelity to the Council's procedure rules out the possibility of seizing upon one thesis without attending to the other; both must be taken seriously and, with theological reflection and ecclesial praxis, brought to a synthesis that will allow development. But, he adds, fidelity to the Council also "...requires that we pay heed to the stress that the Council itself laid on one or the other thesis, according as a thesis was supported by the majority or the minority," taking into consideration that the majority and minority alike agreed to the juxtaposition. 31 This agreement reflects the larger theological shift the Council made in moving very deliberately from schemata based on pre-Tridentine theology to ones more biblically based. Yet, as Pottmeyer cautions:

The return to sacred scripture and the early Church cannot be made in a biblicist or classicist spirit; the need is rather for us to listen to the gospel as living human beings and relate it to the present age with an eye on the "signs of the times." On the other hand the reference to sacred scripture and tradition will prevent aggiornamento from becoming simply conformity to the modern world.32

For Pottmeyer the synthesis of the juxtaposing views reflected in the Council documents demands a critical distance not possible during the

<sup>29</sup> Hermann J. Pottmeyer, "A New Phase...38

<sup>30</sup> Hermann J. Pottmeyer, "A New Phase... 39

<sup>31</sup> Hermann J. Pottmeyer, "A New Phase... 39

<sup>32</sup> Hermann J. Pottmeyer, "A New Phase... 32

Council; but the critical distancing itself brings in its wake certain perils of interpretation which often lead to polarisation.33 Ruggieri emphasises moving beyond the polarising use of Council documents so that the Church will be able to re-connect with the *method for meeting the new questions of history* which Vatican II offers.

3) receptivity to the "spirit that prays within us" and opens history to the transformative power of the gospel.

Rediscovering the "...link between history and the Spirit of Christ in such a way that the new questions of history make it possible to understand the gospel again in time," indicates the need for a theology of the signs of the times. 34 While critical of post-conciliar tendencies to reduce the concept to sociology, Ruggieri claims that John XXIII's own historical sense enabled him to use the category with theological depth. For him it was a way to "correct a vision" prominent in the Church from the nineteenth-century until the mid-twentieth which -in its zeal to correct errors—negatively viewed history, Western society, and especially, democracies, tending to see corruption everywhere in modern society. John XXIII, on the other hand, saw "...indications which give hope for the future of the church and humankind" and a way to keep the gospel ever young 35 This represented a very different view of the magisterium, one which found consonance with the Eastern concept of "tradition as the 'epiclesis' of the Spirit in history... which emphasises that now it is the history actually lived out by human beings that must be invested with the

<sup>33</sup> Hermann J. Pottmeyer, "A New Phase... 32-33. Pottmeyer says that until there is some new synthesis in ecclesial understanding, the question will remain: is Vatican II to be read in light of Vatican I, or vice versa? (p.33)

<sup>34</sup> G. Ruggieri, "Towards a Hermeneutic... 6-7

<sup>35</sup> G. Ruggieri, "Towards a Hermeneutic... 6. *Humanae Salutis*, the bull announcing Vatican II. 25 Dec., 1961.

energy of the spirit of Christ."36 History becomes a *locus theologicus*. 37 The "...signs of the times are not 'external' to the economy of salvation, but go to constitute it, together with the epiclesis of the Spirit of Christ, crucified and risen "38

Pottmeyer says the authentic reception of the Pentecostal event which was the Council goes beyond textual interpretation to "...the renewal of the Church in the Holy Spirit," and this calls for a *discretio spirituum*, a recognition and distinction or discernment of spirits. The "... 'spirit' of the Council makes itself known from the direction given in the texts. Conversely, ...it is only in this 'spirit' that the texts are properly understood."39 Pottmeyer understands this use of *spirit* pneumatologically. What he describes is the Johannine double-task of the Spirit: to teach and remind us of everything Jesus told us (Jn. 14:26)40 and to guide us into all the truth and to make known to us what is to come (Jn. 16: 13-15).41

This theology of signs of the times allows for the introduction of new questions, which often heralds a break with the past. Ruggieri agrees with Rahner's reading of Vatican II as being historically akin to the break the disciples made in the "transition from Jewish Christianity to pagan

<sup>36</sup> G. Ruggieri, "Towards a Hermeneutic...7

<sup>37</sup> G. Ruggieri. "Faith and History," in *The Reception of Vatican II*, G. Alberigo, J-P. Jossua, J. Komonchak (eds.) Catholic University Press, Washington, DC, 91-114. 38 G. Ruggieri. *Concilium*, 1999/1,8. See also, *Concilium*, 167, 1983 The Ecumenical Council, Yves Congar, "The Conciliar Structure or Regime of the Church," 3-9. Especially, p.6, on the presence of the Holy Spirit in Councils.

<sup>39</sup> H. Pottmeyer, "A New Phase... 42

<sup>40 &</sup>quot;...but the advocate, the Holy Spirit whom the Father will send in my name, will teach you everything and remind you of all that I have told you." (Jn. 14:26 in Revised English Bible, Oxford University Press, 1989, 95)

<sup>41 &</sup>quot;However, when the Spirit of truth comes, he will guide you into all the truth; for he will not speak on his own authority, but will speak only what he hears; and he will make known to you what is to come." (Jn. 16-13-15, Revised English Bible, Oxford University Press, 1989. 96, 97.)

Christianity."42 In combination with Ruggieri's understanding of *event*, a theology of *signs of the times* allows for innovation, for a new understanding of what the gospel demands in the modern world.

Accepting this hermeneutic of a rigorous and collective awareness of the whole event of Vatican II, and especially the understanding that the Council allows theology to use a self-critical method with which to face the new questions put to the church by history, a method which also allows the church to be open to the transforming power of the gospel in history, this research now looks in more depth to the guiding principles and processes of Vatican II to determine how they reflect this self-critical method and how they provide theological grounding for a public theology.

## 1.1.2 Guiding Principles

There were three concomitant points of reference in the nature of the work of Vatican II. One was *ressourcement*, "a return to wider biblical, patristic and liturgical sources for theological reflection;" another was captured by the term most associated with this Council, *aggiornamento*, a " ' bringing up to date' of the Church in the light of new cultural, sociological and pastoral circumstances." 43 However, the post-Tridentine mentality was so entrenched in the Roman Catholic church that it made it as difficult to access pre-Tridentine sources as it was to move beyond Trent. 44 Yet, in order to break out of the entrenchment of Trent, and to reconnect with an historical consciousness about the Church, it was

<sup>42</sup> G. Ruggieri, "Towards a Hermeneutic... 5. He adds that it can be argued that Vatican II was the "third break" if you take the break with the Constantinian Era. See his fn#14, p.12. In the context of Christian theology it could be argued that the Reformation makes the third break, thus making Vatican II the fourth break.
43 Richard R. Gaillardetz, "Shifting Meanings in the Lay-Clergy Distinction," *Irish Theological Quarterly*, Vol. 64, No.2, Summer, 1999. Pp. 115-139. 119

necessary for the Council Fathers to move in *both* directions—backwards and forwards. The inseparability of *ressourcement* and *aggiornamento* guarantees the continuity of an historically conscious Church tradition.

It was Pope John XXIII's vision that this movement be done together with all Christians in an *Ecumenical* Council—an ecclesial event in as broad a sense as possible for the time; thus, the third point of reference—*unity*. Despite the Church's history of *ecumenical* Councils (21 of them in 17 centuries 45), by the middle of the twentieth-century the unity of Christianity was fractured enough for the Pope to invest the term *ecumenical* with his hope that the Council would indeed promote Christian unity. Promoting unity was the first of the four priorities the Pope outlined in *Ad Petri Cathedram*, the address in which he described his intentions for the Council 46

These three points of reference—ressourcement, aggiornamento and unity -- became the animating criteria of Vatican II. As they reflected Pope John XXIII's understanding of the Council, the words historical, pastoral, and ecumenical came to capsulise these points of reference and even became informal criteria for judging contributions from the floor of the Council. In its on-going reception of Vatican II, the Church is called to attend to these guiding principles as touchstones in its continual task of self-understanding. Therefore, Catholic Christian theology after Vatican

<sup>44</sup> Giuseppe Alberigo, "The Christian Situation After Vatican II," pp. 1-26 in *The Reception of Vatican II*, (eds.) Giuseppe Alberigo, Jean-Pierre Jossua, Joseph A. Komonchak, Catholic University of America Press, Washington, DC., 1987. P.16 45. For an interesting *quantitative* analysis of the 21 ecumenical councils see, Jan van Laarhoven, "The Ecumenical Councils in the Balance: A Quantitative Review," *Concilium* 167, T.&T. Clark, Ltd., Edinburgh, 1983.50-60. van Laarhoven comments that "although the tradition is historically untenable, ecclesiologically false and ecumenically intolerable" he felt constrained to keep to the traditional term "ecumenical council." (p.50)

II, especially public theology, must attend to being *historical*, *pastoral* and *ecumenical*.

#### Historical

Ruggieri sees the Council as evolving from John XXIII's understanding that "... the interpretation of the gospel was inseparable from the reference to history,"47 an understanding which offers the church a way to deal with new questions while neither sacrificing nor being paralysed by tradition. At the time of the convening of the Council the historical-critical method had already influenced biblical and liturgical theology.48 This new approach was putting into relief the growing gap between Church formulations and the questions and needs of the times. In John XXIII's historical view the reformulation of the substance of the gospel is a "requirement for 'continuity' and not a break;" in fact, this is the way pastoral responsiveness to new "historical imperatives" is an historical hermeneutic and, in Jeanrond's sense, a theology of praxis with a critical hermeneutic at its heart. 49 John XXIII saw that the Christian Church tradition is constituted not by repetition but by this ability to answer to the needs of the times. Vatican II's return to Biblical sources reconnected the Church with an ecclesiology of "people of God," freeing it from an ecclesiology of societas perfecta with its demand for unchanging certainty

46 The others were to promote the growth of the Christian faith; renewal of Christian standards of morality; and, the adaptation of ecclesiastical discipline to the needs of the time (aggiornamento).

<sup>47</sup> G. Ruggieri, "Towards a Hermeneutic... 4. Also, Giuseppe Ruggieri, "Faith and History," in *The Reception of Vatican II*, (eds. Giuseppe Alberigo, Jean-Pierre Jossua, Joseph A. Komonchak) The Catholic University of America Press, Washington, DC, 1987 pp. 91-114.

<sup>48</sup> Re: the critical method in the relationship between Scripture and Theology in the official Church see, Sean Freyne, "The Bible and Theology: An Unresolved Tension," *Concilium* 1999/1, *Unanswered Questions*, SCM Press, London, 1999. 15-20. 49 Giuseppe Ruggieri, "Towards a Hermeneutic...4.

A few years after the Council, Jesuit John O'Malley tried to put into perspective the relationship between the historical consciousness of Vatican II's *aggiornamento* and the possibility of reform. The "modern historical method", as it was referred to in the 1960's and 70's brought into greater relief that

...every person, event, and document of the past is the product of very specific and unrepeatable contingencies...we realise, perhaps to our dismay, that we cannot simply repeat the answers of the past, for the whole situation is different. The question is different. We are different.50

A philosophy of history which views the past as culturally relative rather than culturally absolute leaves the past accessible for critical review, thus loosening its authoritative grasp on the present. Alberigo defines *reductionism* as "...the risk run by any assertion that the history of the Church has no before and after." 51 This historical consciousness allowed the Church to return to its sources and to be critical of its own past, especially its recent tradition since Trent.

There is a continuing importance for the Church and theology to be faithful to this criterion of historical consciousness. The tension between historical and speculative truth which Schillebeeckx noted at the time of the Council is still evident today as the Church struggles to articulate its self-understanding. A theology faithful to the two-fold movement of ressourcement /aggiornamento, modelled during the Council, is less likely to be frozen in an historical moment or in a part of the whole and, inspired by its original impetus, more likely to be accessible to the self-criticism necessary for reform and renewal.

<sup>50</sup> John W. O'Malley, SJ, "Reform, Historical Consciousness... 597.

<sup>51</sup> G. Alberigo, The Reception of Vatican II...23

#### **Pastoral**

There are two senses in which to consider the pastoral characteristic of Vatican II. First, the Council was conceived as a "pastoral" council, "...one that expressly shunned definitions and chose discourse as the literary genre for conveying its decisions."52 The division among the Fathers which emerged in the first few days of the Council arose partly from this choice. Some Fathers adopted the much more dogmatic and disciplinary mindset which marked the Councils of Trent and Vatican I and they viewed Vatican II as a continuation of the two previous Councils. Others were more interested in discussing the dilemma of the Church's lessening ability to communicate itself and respond to the world. On the other hand, Hermann Pottmeyer cautions that it is not accurate to describe the Council as only pastoral. From a statistical viewpoint alone Vatican II produced a significant volume of dogmatic text.53 Schillebeeckx warned, early on, that it would be a "fundamental misconception" to consider Vatican II less doctrinal than the earlier ones. He predicted that some of those holding minority views during the Council would be tempted to accept the final decisions of the Council precisely because in their thinking it was only pastoral and therefore left doctrinal presentations untouched and unchanged 54 A better construct offered by Pottmeyer is that of Vatican II as a transitional Council,55 not meant to codify or even to offer a single, coherent interpretation, but meant to "get the Church moving" while maintaining continuity. This view is helpful in explaining the way Vatican II has been received, which will be discussed later.

52 G. Alberigo, The Reception of Vatican II... 24

<sup>53</sup> Hermann J. Pottmeyer, "A New Phase in the Reception of Vatican II: Twenty Years of Interpretation of the Council," *The Reception of Vatican II*, (eds. Alberigo, et al), The Catholic University of America Press, Washington, DC. 1987 pp. 27-43 28

<sup>54</sup> E. Schillebeeckx, Vatican II: The Real Achievement...15.

<sup>55</sup> H. Pottmeyer, "A New Phase in the Reception... 27.

The second sense in which Vatican II was pastoral is in its very coming to be. The wisdom of John XXIII was in recognising the need to call such a Council in the first place. A month before he announced the Council the Pope had been thinking of it "like a shepherd or a pilot in a storm." 56 Most simply put, the Church was no longer able to communicate effectively, no longer able to engage creatively with the lifeworld of the times. The old categories, very much like old wine skins, were unable to contain the new wine, the increasingly complex questions of the day. The Pope articulated this need and linked it directly to the pastoral character of the magisterium in his opening address to the Council:

The deposit of faith itself or the truth which is contained in our time-honoured teaching is one thing; the manner in which it is set forth, in full integrity of sense and meaning, is another. Indeed, much consideration must be devoted to this manner of presentation, and if need be, a painstaking effort must be made to elaborate it. This is to say that ways and means of exposition must be sought which are more in harmony with the magisterium whose character is predominantly pastoral.57

In the very act of calling for a Council which would be concerned, not primarily with refuting error or clarifying dogma, but with the spiritual needs of the contemporary world, Angelo Roncalli was exercising a pastoral magisterium. His distinction between the deposit of the faith and the manner of its presentation is at the core of his understanding of a magisterium which is predominantly pastoral.

Son, Dublin, 1963. Pp. 149-150

<sup>56</sup> Charles Moeller, *Pastoral constitution on the Church in the Modern World, History of the Constitution*, in *Commentary on the Documents of Vatican II*, (ed.) Herbert Vorgrimler, Volume Five, p.1, quoting René Laurentin, *Bilan du Concile*, 4 Volumes. (1963-66). Pope John XXIII's emphasis on the pastoral was first indicated in his coronation address in 1958: Some want a pontiff...of statesmanship...a skilled diplomatist...a man of wide knowledge...a prudent guide, a progressive pope...Our dearest wish is to be the universal pastor. All the other endowments and achievements...can complete and enrich the pastoral office, but they cannot substitute for it." Cited in, Bernard Treacy, OP (ed) "The Legacy of Pope John XXIII," Editorial, *Doctrine and Life*, Vol. 13, No. 7, July, 1963. 333-335. 334.

#### Ecumenical

Ever since the experience of the first community in Jerusalem, "councils" have been privileged moments at which the Spirit has permeated the Church and taken possession of it in an exceptionally intense way. The ecumenical councils in particular have been experiences of joint quest and following of the Lord, experiences that are not the privilege of a minority but involve the ecclesial community as such. That is why the early church venerated the first four councils as it did the four gospels; that is why the great councils have become the patrimony of all Christians, and why each Christian has the right and duty of defending the councils against any reductionist attack on their full meaning and message.58

The "joint quest" of the tradition of ecumenical councils recognises the need for the broadest ecclesial representation. John XXIII's insistence that Vatican II be an ecumenical council stemmed from his realization that the task of moving the Church out of retrenchment in order to engage with the world, was one which called for the greatest possible *ecclesial understanding and effort*. The invitation to representatives of other Christian traditions to be observers during the Council was a clear sign of a change in attitude in Rome.59

That the schemata should have been submitted to the delegate-observers and their comments requested is an open declaration that the Church has accepted her principle that her own theological clarifications must go hand-in-hand with, if not be subordinated to, the great problem of the reunion of Christendom. If the Second Vatican Council achieved no more than this, it would have been

<sup>58</sup> G. Alberigo, The Reception of Vatican II ... 23.

<sup>59 &</sup>quot;The observer-delegates...represented all the important non-Roman communions except the Greek Orthodox, the World Baptist Alliance, and certain fundamentalist churches." P. 78, Letters from Vatican City, Vatican Council II, First Session, Background and Debates, Xavier Rynne, Faber and Faber, London 1963. Also, pp. 80-82 gives a complete list of the observer-delegates.

well worth while. It is the final proof that the Church has entered the ecumenical age.60

As was typical of John, the priority status given to *unity* carried a depth beyond the obvious. In his opening address to the Council John XXIII described the need for a *three-fold* unity

...the unity of Catholics among themselves, which must always be most firm and exemplary; the unity of devout prayer and most ardent desire prompting the Christians separated from this Apostolic See to aspire to be united with us; and finally, the unity based on esteem and respect for the Catholic Church shown by those who profess diverse forms of religion though they have not reached the point [non adhunc] of becoming Christians.61

It is clear that this statement betrays a certain limitation in its understanding of Christian unity, maintaining as it does the idea of reunification *to* the Roman Catholic church; as well, it seems to establish Christianity as the defining point toward which other faith traditions are travelling, though they have not yet arrived. Even with these limited understandings a theological foundation for ecumenism emerges from the Pope's vision *and* the Council's discussion and resulting documents.

The Decree on Ecumenism, *Unitatis redintegratio* (UR) presumes the Constitution on the Church, *Lumen gentium* (UR 1) and the two documents are meant to complement one another. 62 *Unitatis* 

<sup>60</sup> James Good, "Observers at the Council," *The Furrow*, Vol. 14, No.5, May 1963. 310-314. 314

<sup>61</sup> Bernard Häring, The Johannine Council, Witness of Unity... 152.

<sup>62</sup> Decree on Ecumenism, *Unitatis redintegratio*, 21 November, 1964. Dogmatic Constitution on the Church, *Lumen gentium, 21 November, 1964, Vatican Council II, The Conciliar and Post Conciliar Documents*, (ed.) Austin Flannery, O. P., Scholarly Resources, Inc., Wilmington, Delaware, 1975. Pp. 452-470 and pp. 350-423. (UR1) "The sacred Council...has already declared its teaching on the Church, and now, moved by a desire for the restoration of unity among all the followers of Christ...." P.453, Flannery.

redintegratio focuses on the restoration of Christian unity which it identifies as one of the major concerns of Vatican II (UR 1). Lumen gentium offers several key points for an ecumenical theology:

...the use of the word "subsists" (LG 8); the assertion that "many elements of sanctification and of truth" are to be found outside the structure of the RCC (LG 8; cf. UR 3); the notion of full and imperfect communion (LG 14: cf. UR 3, 14, 22) in place of the language of being really members (reapse) of Pius XII's *Mystici Corporis*; the application of the word "churches" and "ecclesial communities" for bodies not in full communion with the RCC (LG 15; cf. UR 19).63

Unitatis Redintegratio takes as its focus "...the restoration of unity among all Christians." (UR 1) The "wider ecumenism" of relations with other faith communities—the third dimension of the Pope's three-fold unity—was addressed in the Declaration on the Relation of the Church to Non-Christian Religions, Nostra Aetate. 64 There was also the Decree on the Eastern Catholic Churches (Orientalium Ecclesiarum).65

Ecclesiologist, Joseph Komonchak, says these documents "...represent an enthusiastic commitment of the church to the effort to replace suspicion and hostility among churches and religions with an attitude of dialogue and collaboration."66

A complete evaluation of the success of this commitment in the thirtyfive years since the Council is not within the scope of this research project but it is clear, even from cursory review, that there have been great successes along with deep disappointments in ecumenical practice,

<sup>63</sup> Christopher O'Donnell, O. Carm., *Ecclesia, A Theological Encyclopedia of the Church*, The Liturgical Press, Collegeville, Minnesota.1996. p.148

<sup>64 28</sup> October, 1965 see, Flannery. Pp. 738-742.

<sup>65 21</sup> November, 1964, see Flannery, Pp.441-451.

<sup>66</sup> Joseph A. Komonchak, *Vatican Council II*, in *The New Dictionary of Theology*, Komonchak, Joseph; Collins, Mary; and, Lane, Dermot (eds.) Gill and MacMillan, Dublin, 1987. 1072-1077. 1075

dialogue and collaboration since Vatican II.67 The point being established here is one of *orientation*. Vatican II, in its practice and in its theological statements, established that, from its time onward, the theology of the Roman Catholic tradition is, by definition, ecumenical.

Sacred theology and other branches of knowledge, especially those of a historical nature, must be taught with due regard for the ecumenical point of view, so that they may correspond as exactly as possible with the facts. (UR 10)

The manner and order in which Catholic belief is expressed should in no way become an obstacle to dialogue with our brethren. It is, of course, essential that the doctrine be clearly presented in its entirety. Nothing is so foreign to the spirit of ecumenism as a false irenicism...(UR 11)

While preserving unity in essentials, let everyone in the Church, according to the office entrusted to him, preserve a proper freedom in the various forms of spiritual life and discipline, in the variety of liturgical rites, and even in the theological elaborations of revealed truth. In all things let charity prevail. If they are true to this course of action, they will be giving ever richer expression to the authentic catholicity and apostolicity of the Church. (UR 4)

As cautious as these early statements may sound today, they were "...part of a wider scheme of things which freed Roman Catholic theology and church order from the crippling restrictions of an imposed Scholastic theology which was then in place throughout the Church."68 Beyond the

<sup>67 &</sup>quot;Since Vatican II there has been international bilateral theological dialogue with eleven world confessional bodies." *Ecclesia, A Theological Encyclopedia of the Church*, (ed.) Christopher O'Donnell, O. Carm., Liturgical Press, Collegeville, Minnesota, 1996. "Ecumenism and the Roman Catholic Church," 148-150. 150. See also: "Anglicanism and Ecumenism," 12-14 for a review of the history of ARCIC-I and ARCIC-II, The Roman Catholic/Anglican dialogues; also, 278-279 for the Lutheran/Roman Catholic dialogue. See also: *Ut Unum Sint* (25 May, 1995), Pope John Paul II's encyclical on ecumenism. In the Jubilee Year, 2000, the CDF produced several statements which were considered ecumenically unfortunate in their choice of language.

<sup>68</sup> Gabriel Daly, O.S.A., *One Church: Two Indispensable Values, Protestant Principle and Catholic Substance*, Occasional Paper 4, Irish School of Ecumenics, Leinster Leader Ltd, Naas, Co. Kildare, Ireland, 1998. 15-16 Also, Aloys Grillmeier, "The

theological liberation, Giuseppe Alberigo adds that Vatican II represented an "embryonic inversion" of the tendency to reduce ecumenical councils to one tradition (first, Western and then Western—Roman); *Unitatis redintegratio* and the presence of observers opened up issues and problems which transcended the purview of one tradition. 69

These shifts marked a movement toward a theology more open to rediscovering the principle of unity in diversity of the early Christian community, a principle which enabled Christianity to come to a sense of its world mission.

Accepting Ruggieri's whole event hermeneutic for understanding Vatican II as giving the Church a self-critical method for facing the new questions and allowing the gospel to transform history; acknowledging the ressourcement/aggiornamento dynamic as constitutive of an historically conscious continuity of Christian faith; and, recognising the three animating criteria of Vatican II – historical, pastoral and ecumenical— as integral to the doing of theology today, it is also important to consider the process at the heart of Vatican II, collegiality. The ability of church leadership to understand itself as working in "common cause," with its decision-making under the guidance of the Spirit, is crucial for the public mission of the church. At Vatican II the Council fathers found themselves in the rather unique position of forging

People of God", Commentary on Chapter II of *Lumen Gentium*, in *Commentary on the Documents of Vatican II*, *Volume One* (ed) Herbert Vorgrimler, Burns and Oates, London.1967.pp.168-185 for how the Council had to work through the theological problem of salvation outside the Church as a result of Article 14.
69 Giuseppe Alberigo, "For a Christian Ecumenical Council," *Toward Vatican III*, *The Work That Needs To Be Done*, David Tracy, Hans Kúng and Johann B. Metz (eds.), Gill and MacMillan, Dublin, 1978. 57-66. 57 Precisely because the issues raised by Vatican II transcend the bounds of the Roman Catholic tradition Alberigo holds little hope that a Roman Catholic "Vatican III" would be able to move enough beyond its own "ecclesiocentrism" to address the issue of Christian unity. In his opinion this has to be taken on by all the Christian churches together.

the *principle* of collegiality even as they were engaged in the *practice* of it.

### 1.1.3 Process of Collegiality

It was in the great nave of Saint Peter's during the two months of the first session that the collegiality of the whole episcopacy of the church became a contemporary reality for Catholics and Christians everywhere-and not least for the bishops themselves.70

The spectacle of the world's Roman Catholic Bishops, Cardinals and Pope filling the nave of Saint Peter's as they opened Vatican II is an image, reproduced by the media, which constituted Vatican II as a common event, in Ruggieri's sense, and accessible to the world. It became the visual representation of collegiality for the church and a pivotal image for the time, similar to earthlings seeing their planet, for the first time, from space. These pivotal images change consciousness.

"... And not least for the bishops themselves" the very act of assembly allowed for a level of communication, learning and change. Yves Congar, who cites the act of assembling—the coming together in time and space—as one of the values or aspects of an ecumenical council, 71 observes that the fathers of Vatican II "...learnt, for example, in the areas of collegiality and ecumenism. Thanks to the exchanges, the arguments pro and contra, the conclusions can attain a greater completeness."72 Giuseppe Alberigo adds that the experience of Vatican II

...showed that the formally institutional aspects of such an assembly are balanced, corrected and even set aside by the creative dynamism of the assembly itself. Formal propositions, faced with a

<sup>70</sup> Sean O' Riordan, "Looking Towards the Second Session," *The Furrow*, Vol. XIV, No. 10, October, 1963. 607-616. 611.

<sup>71</sup> The other values are representation of the churches and the Church, and the concentration of the church's consciousness in space and time. Yves Congar, "The Conciliar Structure or Regime of the Church," Concilium 167, The Ecumenical Council, T.& T. Clark, Ltd., Edinburgh, 1983. 3-9.5-6

<sup>72</sup> Congar, "The Conciliar Structure.... 6

living assembly tackling real problems and inspired by effective openness to the Spirit, have repeatedly been shown to be insubstantial and illusory.73

Avery Dulles wrote that the "principle of collegiality runs through the documents of Vatican II like a golden thread,"74 but even by the end of the first session, with no documents promulgated, the council fathers had modelled a return to the *practice* of collegiality of the early church. The council fathers embodied the struggle to do so through their collaboration in the difficult days of the first session, during which great effort was expended in untangling the Curia from the Pope and from the Council especially in terms of determining procedures and agenda for the council.75 By doing so they signalled, especially to the newer churches, that there was an alternative to the Curial-bound bureaucracy which had come to characterise church government. 76 This recovery was integral to a constant underlying theme of Vatican II, the relationship between bishops and Pope. This relationship had not been clarified in Vatican I's concern to define papal infallibility; by the second session of Vatican II the debate on collegiality became the key to the new self-understanding of the Church the council was trying to forge. Paul VI, in his opening address to the second session, referred to the

<sup>73</sup> Giuseppe Alberigo, "The Papacy in the Ecumenical Council," *Concilium*, 167, T.& T. Clark, Ltd., Edinburgh. 69-78. 72.

<sup>74</sup> Avery Dulles, S.J., *Vatican II and the Extraordinary Synod: An Overview*, The Liturgical Press, Collegeville, Minnesota, 1986. 12

<sup>75</sup> see, Joseph Ratzinger, "The Second Vatican Council, The First Session," *The Furrow*, Vol. 14, No.5, May 1963. 267-288. Reprint of address at the University of Bonn to Pax Christi and Catholic students given on Jan. 18, 1963.

<sup>76</sup> Giuseppe Alberigo describes the behaviour of the Curia during the years of the Council as "a mute institutional resistance," finding expression in acts of hostility toward Pope John XXIII, in opposition to the Secretariat for Christian Unity and the commission for liturgical reform. Alberigo says Paul VI did not sufficiently analyse the institution and therefore was unsuccessful in solving the problem by internationalising the Curia. See, G. Alberigo, "The Christian Situation After Vatican II." *The Reception of Vatican II*, G.Alberigo, J-P. Jossua, J. Komonchak(eds.), Catholic University Press, Washington, DC. 1987. 1-24, Fn.#26, p. 9

...human and divine phenomenon we are bringing about...as if in a new cenacle...we look forward with great expectations and confidence to this discussion which...will go on to develop the doctrine regarding the episcopate, its function and its relationship with Peter.77

Even before *Lumen Gentium* was promulgated there were indications of a shift toward a fuller practice of collegiality. An early indicator is almost hidden in the Constitution on the Sacred Liturgy, *Sacrosanctum Concilium*, one of the first Council documents to be promulgated.78 Cipriano Vagaggini described to it as "the most important innovation".79 It is Section III., *The Reform of the Sacred Liturgy*, Section A. General Norms, No. 22, which, after reaffirming the Holy See as the authority for regulation of sacred liturgy, then "... establishes the principle that by concession of law the same could apply to a territorial supra-diocesan, even national episcopal authority."80 In effect, the Holy See was no longer reserving all powers regarding the liturgy to itself. Liturgically, this was seen as the beginning of a movement toward decentralisation; in a broader sense. *Sacrosanctum Concilium* paved the way for a "rediscovery of the Bishop" and laid the groundwork for a theology of the local Church and a fuller understanding of *Lumen Gentium*.81

<sup>77</sup> Xavier Rynne. Second Session, Faber and Faber, London. 1963,1964. Appendices, Address of His Holmess Pope Paul VI at the opening of the Second Session of the Second Vatican Council, September 29, 1963. P. 347-363. 347, 354-55.

<sup>78</sup> The Constitution on the Sacred Liturgy, *Sacrosanctum Concilium*, 4 December, 1963, Flannery, Pp.1-40

<sup>79</sup> Cipriano Vagaggini. Vice Rector, San Anselmo, Rome, "The General Principles of Liturgical Reform." *The Furrow*, Vol. XIV, No. 2, February, 1963.

<sup>80</sup> Vagaggini, 83. The wording in Sacrosanctum Concilium: "In virtue of power conceded by law, the regulation of the liturgy within certain defined limits belongs also to various kinds of bishops' conferences, legitimately established, with competence in given territories. Flannery, p. 9

<sup>81</sup> See, Adrien Nocent, "The Local Church as Realization of the Church of Christ and Subject of the Eucharist," *The Reception of Vatican II*, (eds.) Giuseppe Alberigo, Jean-Pierre Jossua, Joseph A. Komonchak, The Catholic University of America Press, Washington, DC, 1987. Pp.215-232. Esp. pp.217-219.

## The principle of collegiality

The *principle* of collegiality is defined in *Lumen Gentium*, paragraphs 22 and 23, of Chapter III. 82 The relationship between St. Peter and the apostles in "constituting a unique apostolic college" is the paradigm for the relationship between the Pope, Peter's successor, and the bishops, the successors of the apostles. The "communion" of the bishops with one another and with the Roman Pontiff in a

...bond of unity, charity and peace; likewise the holding of councils in order to settle conjointly, in a decision rendered balanced and equitable by the advice of many, all questions of major importance; all this points clearly to the collegiate character and structure of the episcopal order...

The college or body of bishops has for all that no authority unless united with the Roman Pontiff ...(LG 22)

LG 22 is a good example of the juxtaposition of theses in Council documents as described earlier by Pottmeyer. In a commentary on this article Rahner remarks:

Regrets were often expressed in the discussion of this section that the doctrine of the primacy, which no one doubted, was inculcated too often in this article in repetitions inspired by over-anxiety, even in contexts where it was not called for by the subject matter.83

Chapter I, *The Mystery of the Church* and Chapter II, *The People of God*, precede Chapter III, *The Church is Hierarchical*, in which

<sup>82</sup> Flannery, 374-378. Collegiality is also a theme in *Christus Dominus* The Decree on the Pastoral Office of Bishops in the Church, (28 October, 1965) (Flannery, 564-590) which assumes and agrees with *Lumen Gentium's* articulation.

<sup>83</sup> Karl Rahner, Commentary on *Lumen Gentium*, Chapter III, Articles 18-27, in *Commentary on the Documents of Vatican II*, Volume One, Herbert Vorgrimler (Ed.), Burns and Oates/ Herder and Herder, London/New York, 1967, p. 196.

collegiality is defined. In effect the importance and meaning of the hierarchy is placed within the larger context of the concept *People of God*. This placement is most often recognised as signifying one of the major shifts in the Church's self-understanding. *People of God* does not refer to the faithful over against the hierarchy, but to the Church as a whole. It is a "...new view of the whole reality of the Church under the aspect of 'people of God'."84

Herwi Rikhof observes that the structure of *Lumen Gentium* as a whole—"What is held in common has priority over marks of differentiation"—is reflected in the structure of Paragraphs 22 and 23 which set out the parameters of collegiality.85 By reason of its early placement in Chapter III the principle of collegiality is given prominence. However, Rikhof, who begins with the premise that intention and prehistory are significant helps in understanding a text, suggests that there is confusion around which Council, Vatican I or Vatican II, provides the framework for developing the principle. He concludes from his reading of the text, that the tensions and ambiguities present in *Lumen Gentium*, 22 and 23 were always there. The result is a text which "... does not give a clear and unambiguous view of the place and content of collegiality."86 Rikhof suggests that the opposed movements present from the beginning of the development of the text must be resolved *post-conciliarly* in the direction of giving the "central place of collegiality its full weight."87

<sup>84</sup> Aloys Grillmeier, Commentary on *Lumen Gentium*, Chapter II, in

Vorgrimler....153. Grillmeier adds that the term serves to demonstrate the continuity and difference between the Old and New Testaments and also offers a more profound understanding of Church as *communio*.

<sup>85</sup> Herwi Rikhof, "Vatican II and the Collegiality of Bishops: A Reading of *Lumen Gentium* 22 and 23, *Concilium*, 1990/4 Collegiality Put To The Test, SCM Press, London, 1990. 3-17. 5

<sup>86</sup> Herwi Rikhof, "Vatican II and the Collegiality...16.

<sup>87</sup> Ibid. The post-conciliar struggle of National Episcopal Conferences to establish the authority of the local church is a case in point. See, Thomas J. Reese, SJ (ed.) *Episcopal Conferences: Historical, Canonical, and Theological Studies*, Washington, DC, 1989.

The implementation of collegiality necessitates a consideration of another principle, that of *subsidiarity*. 88 The unity in diversity dynamic at the heart of the character of being *catholic* implies, among other things, a theology of the local church, which is the locus for questions of *subsidiarity*. While Vatican II used the term in the context of social justice (i.e., GS 86), the question of whether and how *subsidiarity* can be applied to the Church has been the subject of debate since. This question cannot be pursued here, but minimally it would suggest 1) the possibility of more ecclesial venues for input on church teachings which affect the lives of church members, i.e., the development of sexual morality, and, 2) the development of local church consultative structures with membership representative of the entire community and with the authority and responsibility for decision-making. Together, the principles of collegiality and subsidiarity raise the larger question—how does the Church understand itself and its public mission?

#### 1.2 The Public Mission of the Church

There were at least two ecclesiologies operative during Vatican II, one a *communio* ecclesiology of local churches and the other a *preconciliar universalist* understanding of Church.89 On one level these correspond to the historical and essentialist split Schillebeeckx observed in the first session of the Council; in another sense they reflect the ongoing tension

Also, *Concilium*, 1990/4, 105-140 for accounts of Episcopal Collegiality in the US, Brazil, Asia and Africa.

<sup>88</sup> For a description of subsidiarity as the principle of Christian social doctrine which should govern the relations between public authorities and individual citizens, families and intermediary bodies, see Pavan, Pietro, "The Agricultural and Rural Section of *Mater et Magistra*," *Christus Rex*, Vol. XVI, No. 3, July 1963. 191-200, esp. 198-199

between the Church's characters of being catholic and of being one. On still a third level, the different ecclesiologies betray the deep conflict between a Curia over-identified with the Papacy and Episcopal bodies, be they Fathers convened in a Council or Synod or Bishops working together in Conferences.

Even with this ubiquitous—some say *creative*—tension,90 Vatican II marks a major turning point in the Catholic Church's self-understanding and realisation. In the most broad sense Vatican II provided the ecclesial space for the Church to see itself anew. So, Karl Rahner, in 1979, developed the thesis: "the Second Vatican Council is, in a rudimentary form still groping for identity, the Church's first official self-actualization as a world Church."91 Rahner considered this a "theological break in Church history"92 He considered this a fundamental theological interpretation because it was not imposed on the Council from the outside but the Council itself suggested it 93

In addition to Rahner's macro-analysis, there are three particular conceptual shifts which, in addition to the guiding principles and processes of Vatican II, are significant in the development of a public theology. They are: a) Lumen Gentium's reclaimed prominence of Church as people of God; b) Gaudium et Spes's sense of the public mission of the Church;

<sup>89</sup> A. Acerbi refers to them as "juridical" and "communion:": see, A. Acerbi, *Due ecclesiologie: Ecclesiologia giurdica ed ecclesiologia di communione nella "Lumen gentium*," Bologna, Dehoniane, 1975.

<sup>90</sup> Pottmeyer refers to the resulting juxtaposition within texts as a creative dialectic during the Council but is less positive about the subsequent selective readings of texts. The Reception of Vatican II, 38-39; in a lecture just after the first session Joseph Ratzinger referred to the struggle for control between the curialists and the Council fathers as tension that "can promote vitality." The Furrow, Vol. 15, No.5, May, 1963. 270-271.

<sup>91</sup> Karl Rahner, "Towards a Fundamental Theological Interpretation of Vatican II," *Theological Studies*, Vol.40, No. 4, December 1979. 716-727.717

<sup>92</sup> Karl Rahner, "Towards a Fundamental Theological Interpretation...727.

<sup>93</sup> Karl Rahner, "Towards a Fundamental Theological Interpretation ... 716

and, c) Dignitatis Humanae's revolutionary sense of religious freedom. Though these will be considered separately it is important to recognise that the documents are best understood as theologically informing one another and, given the transitional nature of Vatican II, these concepts are not fully worked out in the texts but do provide a direction for theological development.

## 1.2.1 The People of God/ Lumen Gentium 94

The shift in dominance from *perfect society* to *people of God* as the prime model for the Church's self-understanding was articulated in the Dogmatic Constitution on the Church, *Lumen Gentium*, which itself has been described as "...the vitally important centre to which the other decrees must be referred, and they must all be read in the light of the mystery of the Church."95 As previously mentioned, In *Lumen Gentium*, Chapter II, "People of God" comes immediately after "The Mystery of the Church" (Chapter I) and just before "The Church is Hierarchical" (Chapter II). This placement upset the value system in place until then. What Church members had in common became of greater value than what differentiated them in terms of their function in the church or their state of life.

Chapter II of *Lumen Gentium* establishes the scriptural and theological foundation for understanding the Church as *people of God*: 1) *God's* universal acceptance; 2) the common priesthood by virtue of baptism; 3)

<sup>94</sup> Dogmatic Constitution on the Church, Vatican II, *Lumen Gentium*, 21 November, 1964. *Vatican Council II, The Conciliar and Post Conciliar Documents*, (ed.) Austin Flannery, O.P., Scholarly Resources, Inc., Wlimington, Delaware. 1975–350-426 95 Gerard Philips, "Dogmatic Constitution on the Church: History of the Constitution," in *Commentary on the Documents of Vatican II*, (ed.) Herbert Vorgrimler, Burns and Oates, London, 1967. 105-137. 105 Cardinal Suenens is the one who suggested both the title *Lumen Gentium* and the change in structure which resulted in the people of

the unity and diversity of the catholicity of the Church, the People of God; 4) belonging to this unity of the People of God; and, 5) the universal mission of the People of God.

### 1) God's universal acceptance;

This indiscriminate acceptance begins with the covenant with Israel and brought to fulfilment in the new covenant with a new People in Christ (Articles 9-17). This new people is a "chosen race, a royal priesthood, a holy nation... who in times past were not a people, but now are the people of God."(I Pet. 2:9-10) (LG9) 96The state of this people is that of the dignity and freedom of the sons of God in whose hearts the Holy Spirit dwells as in a temple. Its law is the new commandment to love as Christ loved us (cf. Jn. 13:34)." (LG 9). As Israel was called the Church of God....so the new Israel is called the Church of Christ.

All those, who in faith look towards Jesus, the author of salvation and the principle of unity and peace, God has gathered together and established as the Church, that It may be for each and everyone the visible sacrament of this saving unity. Destined to extend to all regions of the earth, it enters into human history though it transcends at once all times and all racial boundaries. (LG 9).

2) The common priesthood (sacerdotium commune) by virtue of baptism and made holy by the Spirit.

In Article 10, the document develops the concept of the new People of God as sharing a *common priesthood* for which baptism is the source. It is quickly clarifies that the priesthood of the faithful and the ministerial or hierarchical priesthood differ "essentially and not only in degree" but "none the less are ordered one to another…each sharing in the one

God becoming a separate chapter to be placed immediately after the mystery of the Church, p. 110.

priesthood of Christ." (LG 10, 361) This juxtaposition is an example of the compromise evident in conciliar texts. Aloys Grillmeier says some of the Fathers probably had doubts and fears that the special status of the consecrated priesthood might be diminished; in addition the Eastern churches were not accustomed to the concept of a common priesthood and feared lay interference. However, as Grillmeier concludes, the biblical foundations are strong enough and the notion had already been established in the Constitution on the Liturgy.97

Article 11 develops the "sacred nature and organic structure" of this common priesthood by exploring the sacramental and moral life underpinning it and how the personal/public aspects of the individual sacraments reveal the Church as sacrament. Sacramental life, though it has a personal dimension, is definitely oriented toward building up the life of the Church, the community of the people of God.

The subject of Article 12 is the witness of the People of God who share in the prophetic office of Christ, through ,1) actively preserving the faith as a community for the sake of the salvation and revelation available to all and, 2), using the special gifts or charisms given, without discrimination, to all in the church. Again, the effort to balance different emphases is evident here. While this "whole body of the faithful... cannot err in matters of belief," shown in the *sensus fidei* of the whole people of God, it is all guided by "the sacred teaching authority" of the *magisterium*. In regard to charisms, they are for the service of the body of Christ. This article emphasises that they are "among the faithful of every rank" for the

<sup>96</sup> See also, *Concilium*, Vol. 1, No. 1, January 1965, "The Church as the People of God, "Rudolf Schnackenburg, Jacques Dupont. Pp. 56-61. Esp. 59 for other scriptural texts on people of God, Acts 15: 14, Acts. 20, 28, Hebrews 3.7-4.11 and Apoc. 12. 97 The Constitution on the Sacred Liturgy, *Sacrosanctum Concilium*, 4 December, 1963, Chapter I, Secion II, Article 14. In, Flannery, p. 7, cited by Aloys Grillmeier, in *Commentary on the Documents of Vatican II*, Vorgrimler....156.

use of the Church. Leaders in the Church have the task of discerning these gifts, with the caution that "their office is not to distinguish the Spirit, but to test all things and hold fast to what is good. (cf. Th. 5:12 and 19-21)."(LG, 364).

In an important speech from the floor of the Council during debate on this section, Cardinal Suenens argued for a more thorough and lengthy treatment of the charismatic structure of the Church. Re-emphasising the common baptismal foundation he says

...the whole Church is essentially a truly pneumatic or spiritual reality, built on the foundation not only of the apostles, but-as Ephesians 2, 20 says—also of the prophets...A statement about the Church, then, which would speak only of the Apostles and their successors, and fail to speak also about prophets and teachers, would be defective in a matter of highest importance.98

3) the unity and diversity of the catholicity of the Church, the People of God; Article 13 reasons that if all are called to belong to the new People of God then the issue of unity and diversity arises. The People of God are called to be *catholic* yet bring variety and difference to the unity of the Church—individually as members with various charisms; in the form of particular churches that retain their own traditions; and, in the different spiritual and temporal resources of all the various parts of the Church. This diversity is in the service of the universal mission and finds its meaning in the communion ecclesiology which is its foundation. "All... are called to this catholic unity which prefigures and promotes

<sup>98</sup> see, Cardinal Leon Joseph Suenens, "The Charismatic Dimension of the Church," in *Council Speeches of Vatican II*, (eds.) Y. Congar, H. Küng, D. O'Hanlon, Sheed and Ward, London, 1964. 18-21. 18-19 In this speech Suenens went on to make some very practical suggestions: pastors, of local and individual churches and the universal Church, have a duty to discover the charisms, foster them, listen and dialogue with lay people...not quenching the Spirit. He advocated that the number and range of lay auditors should be increased at the Council and that women should be invited as auditors, as well as religious brothers and sisters. (p. 21)

universal peace. And in different ways to it belong, or are related: the Catholic faithful, others who believe in Christ, and finally all mankind, called by God's grace to salvation." (365)

## 4) belonging to this unity of the People of God

Underlying this issue is all the complexity of the ecumenical questions which the Council would consider in more detail in other documents. Grillmeier, in his commentary, digresses at this point in order to give the specific theological and historical problems this section represents; most simply put, how to bring two truths into harmony—the universality of God's salvation over against the necessity of the Church for salvation.99 Article 14 discusses the meaning of incorporation into the Church for Catholics—accepting profession of faith, the sacraments, ecclesiastical government and communion. Once can belong "in body" and not "in heart." Article 15 discusses the membership in the one Church of those "... baptised who are honoured by the name of Christian but who do not however profess the Catholic faith in its entirety..." or are not in full communion in some other way. This Article's key phrase is: "...these Christians are indeed in some real way joined to us in the Holy Spirit" and the tone is optimistic and generous in finding whatever links exist. Article 16 deals with non-Christians, but who are "...related to the People of God in various ways." Jews are given pride of place as being "the people to which the covenants and promises were made" (Rom. 9: 4-5); Muslims are included as among those who acknowledge God; God is not remote even from those "who in shadows and images seek the unknown God" (Acts 17: 25-28). Salvation is accessible also to those who, through no fault of their own "do not know the Gospel of Christ or his Church, but who nevertheless seek God with a sincere heart...." Finally, there are those who "have not yet arrived at an explicit knowledge of God"—

whatever good or truth is found amongst them is considered by the Church to be a preparation for the Gospel."

### 5) the universal mission of the People of God.

The final section of Chapter II, Article 17, is about the mission of the Church to preach the Gospel to the ends of the earth. If this is to be accessible to all, as was expressed in the preceding articles, then the Church must never cease to send out "heralds of the Gospel." The text returns to the unity and diversity theme while, at the same time, laying the ground for the Decree on the Church's Missionary Activity which will come later.

The effect of her [the Church's] work is that whatever good is found sown in the minds and hearts of men or in the rites and customs of peoples, these not only are preserved from destruction, but are purified, raised up, and perfected for the glory of God....(369)

It is clear from this article that the mission of the People of God is meant to be world-wide. There is a universal call to Christians to take upon themselves the task of mission

Thus the Church prays and likewise labours so that into the People of God, the Body of the Lord and the Temple of the Holy Spirit, may pass the fullness of the whole world, and that in Christ, the head of all things, all honour and glory may be rendered to the Creator, the Father of the universe. (369)

Yves Congar, in his contribution to the inaugural issue of *Concilium* (January, 1965) 100 elucidates the richness of the concept *People of God* for the Church's self-understanding. He traces the re-discovery of the concept to the Biblical scholarship between 1937 and 1942, which studied

<sup>99</sup> Grillmeier, Commentary on the Documents of Vatican II... 168-175. 100 Yves Congar, "The Church: The People of God," Concilium, Volume 1, Number 1, January, 1965. 7-19.

the entire Bible in order to see God's total plan, the history of salvation. This reconnected the Church with its continuity with Israel as the People of God of messianic times. 101 Congar shows that this reconnection brings along with it all the values associated with the biblical notion, i.e., the idea of election and call, covenant, belonging to God, fulfilment of promises for the future and the eschaton. 102 This last is most important in Congar's eyes because it reintroduces hope into the Christian equation. The Church's neglect of this aspect, he says, coincided with the development of modern interpretations of history; "Confronted by religion without a world, men formulated the idea of a world without religion."103 The concept People of God is dynamic, in the world and for the world a sacrament and sign of this hope of salvation for all 104 For Congar, People of God is completed by the idea of the Body of Christ which gives it its full Christological meaning and establishes what it is that makes the Church "new" in relation to its Jewish roots. 105 The Spirit "dwells" in the Church because the Spirit dwells in the Body of Christ offered and glorified and in the community of those who belong to him. The People of God had become not only a new community but the Body of Christ. 106

At this time, immediately after the Council, Congar goes on to discuss the Church's ongoing need for reform. He argues that the concept *People* 

<sup>101</sup> Congar, "The Church: The People of God..., 8. Congar reviews the work of M. D. Koster, Canon L. Cerfaux, A. Oepke, Don Anscar Vonier, Frank B. Norris, and the number of German theologians who "have done the most to introduce the theme of the People of God into ecclesiology:" M.Schmaus, I. Backes, K. Mörsdorf,

<sup>102</sup> YvesCongar, "The Church: The People of God...10.

<sup>103</sup> YvesCongar, "The Church: The People of God...10

<sup>104</sup> From an ecumenical point of view this concept forces the Church to face its Judaic roots and the reality of the Jewish people in the context of eschatology. This answers critics who suggest the Roman Catholic church took over the concept as if it alone constituted "people of God."

<sup>105</sup> Yves Congar, "The Church: The People of God...14-15.

<sup>106</sup> Yves Congar, "The Church: The People of God...16. Congar makes reference to the early Christian community's awareness of itself as a *tertium genus*, neither Jews nor pagans, characterised by the edict of a pagan emperor (Edict of Licinius) as *Corpus Christianorum*. See his fn #39, p. 18

of God has anthropological value in that it moves the church's self-understanding away from a strictly institutional reading to one more consonant with a community of faithful. It is this historical reality which is the *locus of* the Church's permanent need for reform 107 But, he cautions, the dialectical truth which describes the Church *in via* between Pentecost and the Parousia works in two ways; even with the gift of the Spirit, the Church is not yet completely holy. There is the paradox of the Church's indefectibility and infallibility *and* its humanness and sinfulness. "We must not allow the *not yet* to take all the truth from the *is now*."108

Lumen Gentium's achievement is not that it laid a fully developed theological foundation but that its foundational work *oriented* the Church for the developments to come. Reviewing the concept People of God alone, Lumen Gentium, in establishing the universality of God's acceptance, provided the germinal orientation for new understandings of the Church's character of being catholic; in locating baptism as the source of the common priesthood it opened the way for full participation of the laity in preserving the faith and in fulfilling the mission of the Church; by placing both unity and diversity squarely within the catholicity of the Church, the People of God, it laid the ground for a theology of local and particular churches and a Christian anthropology valuing respect for difference; in exploring the Church's own tradition of what constituted belonging to this unity of the People of God it created the possibility of a wider ecumenism and a new understanding of how salvation is accessible to all through the universal mission of the People of God. Above all, the priority of place which Lumen Gentium afforded this

<sup>107</sup> Yves Congar, "The Church: The People of God.....11-12. In the interest of making this last point Congar says, "The Church as an institution does not need to be converted. Reform may be needed, at least in some of its parts, if it concerns the institution's very existence or its historical forms."(12) He says the patristic period knew nothing of the later concept of "reform" but already spoke of the restoration of "that Christian in whom the image of God had been obscured." (12)

rich scriptural and theological concept, *People of God*, enabled the Church to develop an ecclesiology which opened itself to engagement with the entire world. For a Church which understands itself to be accessible to all, there needs to be a correlative sense of the publicness of its mission.

# 1.2.2 Public Mission / Gaudium et Spes)109

What does the Church think of man? What measures are to be recommended for building up society today? What is the final meaning of man's activity in the universe? These questions call for a reply. From their answers it will be increasingly clear that the people of God, and the human race which is its setting, render service to each other; and the mission of the church will show itself to be supremely human by the very fact of being religious.(GS, 11)

This seminal section of *Gaudium et Spes* lays the foundation for the Church's sense of mission. The Church, insofar as it is the sacrament of Christ, is

...a community...united in Christ and guided by the Holy Spirit [which presses] onward towards the kingdom of the Father and [whose members] are bearers of a message of salvation intended for all...(GS1)

The Church's mission is a universal one, "intended for all." This implies its accessibility:

The Church learned early in its history to express the Christian message in the concepts and language of different peoples and tried to clarify it in the light of their philosophers. It was an attempt to adapt the Gospel to the understanding of all men (sic) and to the requirements of the learned, insofar as this could be done. Indeed, this kind of adaptation and preaching of the revealed Word must ever be the

law of all evangelization. (Flannery, 946)

This responsibility goes deeper than adaptation. It requires, according to the Council, understanding the context of any given time in history.

At all times the Church carries the responsibility of reading the signs of the time and of interpreting them in the light of the Gospel, it if is to carry out its task. In language intelligible to every generation, she should be able to answer the ever recurring questions which men ask about the meaning of this present life and of the life to come, and how one is related to the other. We must be aware of and understand...the world in which we live. (Flannery, 905)

The theological methodology of Gaudium et Spes, which came under criticism during Council debates on its schema, 110 is to place the Church squarely within its human history. Christianity has a mission which, by definition, is a public one. The "world" in which the Church is, is "the world as the theatre of human history" (GS 2) a history always in need of critical transformation. To be at the service of the transformation of this world demands that we first understand that world. And so, the Pastoral Constitution on the Church in the Modern World begins with a description of the situation of man in the world today. The development of this Christian anthropology at the heart of Gaudium et Spes is a result of the ressourcement aggiornamento dynamic at the heart of the Council—a return to the scriptural theme of creation in the image of God (Gen. 1:27) and the confrontation of these sources with the actual human condition. "From this confrontation came the insight that the scriptural image theme was admirably suited to serve as the basis for explaining the Church's mission in the world." 111

<sup>110</sup> Antonio B. Lambino, S.J., *Freedom in Vatican II, The Theology of Liberty in Gaudium et Spes*, Logos 10, Ateneo University Publications, Manila, 1974. 111 Antonio B. Lambino, S.J., *Freedom in Vatican II...* 115.

Missiologist Giancarlo Collet investigates the very word *mission*.112 Collet sees reflected in conciliar (Vatican II) and post-conciliar documents (especially, Paul VI's Evangelii Nuntiandi and John Paul II's Redemptoris Missio) a gradual opening out of the church's sense of its lifeworld, its living space as Rahner puts it113, to encompass the whole world. This enlarged view, in turn, broadens out the church's understanding of its mission. It can no longer be confined, Collet illustrates, to preaching the Gospel in remote geographical areas, the traditional understanding of the church's foreign missions or missionaries. Ten years after Vatican II, Paul VI, in Evangelii Nuntiandi (19) speaks of "affecting and...upsetting...mankind's criteria of judgement, determining values, points of interest, lines of thought...".114 In Redemptoris Missio, promulgated in 1990, John Paul II refers to the different spheres of mission, including the "new worlds" of cities, social phenomena and cultural sectors—the "modern equivalents of Areopagus (cf. Acts, 17:22-31); the world of communications, scholarly research and international relations (RM37c)".115 Redemptoris missio (1990) reflected Pope John Paul II's development of the notion of a "new evangelization" for the Church, one with a two-fold thrust: first, a "primary evangelization," (ad gentes) which is the traditional outreach to those who have not heard the gospel; and, second, a "re-evangelization" of those who have heard the gospel but who are alienated from the Church 116 This concept of

<sup>112</sup> Giancarlo Collet, "Theology of Mission or of Missions? The Treatment of a Controversial Term", *Concilium 1999/1, Unanswered Questions*, (eds.) Christoph Theobald, Deitmar Mieth, SCM Press, London. 1999. 85-91. Also, "Mission as an Ecclesiological Theme," Marie-Joseph Le Guillou, O.P., *Concilium*, Vol.13, March, 1966. Pp81-132.

<sup>113</sup> Giancarlo Collet, "Theology of Mission or of Missions?...85. Collet quotes from K.Rahner, "Basic theological Interpretations of the Second Vatican Council", in *Theological Investigations 10*, London, 1981, 77-89. 83

<sup>114</sup> Giancarlo Collet, "Theology of Mission or of Missions... 88.

<sup>115</sup> Giancarlo Collet, "Theology of Mission or of Missions... 89.

<sup>116</sup> Thomas P. Rausch, *Reconciling Faith and Reason*, *Apologists, Evangelists and Theologians in a Divided Church*, The Liturgical Press, Collegeville, MN., 2000. P. 100.

evangelization, which is at the heart of the Church's mission, is beyond proselytising in that it includes interreligious dialogue for the sake of understanding, not agreement. It also includes spreading the Church's social doctrine, which is in the service of the historical transformation possible in the proclamation of and witnessing to gospel values. 117

Collet observes another kind of broadening of the understanding of *mission* when he suggests that there is a difference in methodology between documents of the magisterium and authoritative church documents and statements from around the world. The former begin with theological documentation; the latter "...always begin from real situations in which the churches find themselves and derive a concept of mission from them".118 This second approach results in a plurality of forms of missionary expression and "...embraces a shaping of the 'world' which is expressed with terms like 'total liberation' or 'comprehensiveness'.119 The result is a plurality—*mission(s)*.

In terms of the interest of this research, it seems important, in alignment with Collet, to adopt this broadest sense of *mission(s)*, as well as to affirm that the starting point of this research is the very real, concrete experience of a local church, that of the Roman Catholic Christian church in the Republic of Ireland. This is faithful to the theological methodology reflected in *Gaudium et Spes*, which held in dialectic relationship the interplay between contemporary human experience and the light of revelation.120

<sup>117</sup> Thomas P. Rausch, *Reconciling Faith and Reason...*, p. 101, citing John Paul II, Centessimus Annus, *Origins* 21 (1991) 1-24. (fn#5)

<sup>118</sup> Thomas P. Rausch, Reconciling Faith and Reason...90.

<sup>119</sup> Thomas P. Rausch, Reconciling Faith and Reason...90.

<sup>120</sup> Antonio B. Lambino, S.J., Freedom in Vatican II... 11

## 1.2.3 Religious Freedom/Dignitatis Humanae

The Declaration on Religious Liberty, *Dignitatis Humanae* 121 embodies the Church's awareness of the diversity of the world to which it is called in a mission of service. Ruggieri cites Lumen Gentium 8 as "...perhaps the Council's strongest passage on Church-world relations." 122

As already mentioned, *Lumen Gentium* is the central text in understanding the change in ecclesiology marked by Vatican II. By way of theological background for *Dignitatis Humanae*, LG8 establishes these particular shifts:

- 1) it *moves away from dualistic thinking* about the Church by defining its visible, concrete and human social structure and its invisible, spiritual and heavenly endowments as forming "one complex reality, which comes together from a human and a divine element" which must be held together. The analogy of the incarnation is used 123 The social structure of the Church serves the Spirit of Christ as a living organ of salvation.
  - 2) it raises the issue of the ecclesiality of other Christian communities with the now famous "subsists" phrase—"This Church, constituted and organised as a society in the present world, subsists in the Catholic Church..."(Flannery, 357), a phrase of immense ecumenical

<sup>121</sup> Declaration on Religious Liberty, *Dignitatis Humanae*, 7 Dec. 1965, Flannery, pp. 799-812. This subject of religious freedom entered the Council first in the schema on the Church and then from the schema for the Decree on Ecumenism. Eventually it became an independent document under the responsibility of the Secretariat for Unity. see, Pietro Pavan, "Declaration on Religious Freedom," in *Commentary on the Documents of Vatican II, Volume IV*,(ed.) Herbert Vorgrimler, Burns and Oates, London, 1969. 49-86. *PP. 49-62 traces the genesis of the document.* 122 Giuseppe Ruggieri, "Open Questions: Church-World Relations," in *Concilium* 188, December 1986, pp. 131-137. 135

importance in the light of the one Church as living means of salvation;

3) it suggests a kenotic model for the Church to follow in carrying out her mission. As Christ "emptied himself" (Phil. 2: 6,7) so the Church must not seek glory or power and must align herself with the poor and marginalised. "The Church... at once holy and always in need of purification, follows constantly the path of penance and renewal." (Flannery, 358) It is possible for the Church, by its behaviour, to lessen the clarity of its role to be the sign of salvation promised by Christ. It is the hope given by this same risen Lord which sustains the Church in its difficulties, "both those that are from within and those that are from without, so that she may reveal in the world, faithfully, however darkly, the mystery of her Lord...." (Flannery, 3)

These shifts—moving away from dualistic thinking about, and recognising the complex reality of, the organisation which is the Church; expanding the definition of ecclesiality beyond the Roman Catholic Church; suggesting a kenotic model for mission; and, re-emphasising the Church's responsibility to be open to continual renewal and reform, precisely for the sake of the clarity of her mission to be a sign of salvation for all—provide the backdrop for the Council's teaching on religious freedom.

Dignitatis Humanae begins by clarifying several points. First, it acknowledges the contemporary concern about individual freedom. The Council is attending to the concerns for freedom especially as concerns for religious values and the "free practice of religion in society" (Flannery, 799) and looks to the Church's tradition for direction. The second

<sup>123</sup> Grillmeier clarifies how this analogy does not infer "continual incarnation" or "prolongation of incarnation." See, Grillmeier, *Commentary on the Documents of* 

paragraph is another example of allaying the fears of Council Fathers who worried that a declaration on religious freedom would be interpreted as religious indifferentism. This paragraph reiterates the centrality of Christ as the organ of salvation for all and the Catholic and apostolic Church as the place in which the true religion subsists and which has the responsibility for carrying out the mission of Jesus (Mt. 18: 19-20). The obligation to seek truth is one of conscience and the mind will be won over by the "truth of truth".

So while the religious freedom which men demand in fulfilling their obligation to worship God has to do with freedom from coercion in civil society, it leaves intact the traditional Catholic teaching on the moral duty of individuals and societies towards the true religion and the one Church of Christ. (Flannery, 800)

This passage is meant to protect what the Council fathers saw as non-negotiable doctrine. The issue is *freedom from coercion in civil society* not the issue of the truth of religious content. The final sentence of paragraph one is designed to place this teaching in the stream of recent papal social teaching, from Leo XIII's *Rerum novarum* to John XXIII's *Pacem in Terris*, on the rights of human persons and the value of modern democratic, constitutional States.124 It is clear that the Council fathers recognised that some form of democracy was necessary for the protection and exercise of individual and organisational rights. Therefore, this first paragraph sets the parameters, both religious and political, for the teaching of this Decree. *Dignitatis Humanae* 

...reversed long-standing Roman Catholic opposition to

Vatican II, Vorgrimler....146-149.

<sup>124</sup> The Decree makes reference in particular to John XXIII's *Pacem in Terris* (1963), To Radio messages of Pius XII (24 Dec.,1943 and 1944), to the Encyclical *Mit brennender Sorge* of Pius XI and to Leo XIII's Encyclical, *Libertas Praestantissimum*, 20 June 1888.

the separation of church and state and to the freedom of religion (and freedoms of speech, assembly, and press). As alternatives to the freedoms of liberal society, the church had insisted upon the establishment of Catholicism as the religion of the state and coercive intolerance toward non-Catholic religious expression.125

The Decree is divided into two Chapters. Chapter I establishes the general principles of religious freedom; Chapter II discusses religious freedom in the light of Revelation. Dignitatis Humanae begins with rights: the right of the human person to religious freedom, to freedom from coercion, the right not to be forced to act against religious convictions in private or in public, alone or with others. These rights arise from the dignity of the human person "..as known through the revealed word of God and by reason itself." (Flannery, 800) Further, this right is a civil right and should be protected constitutionally. Since seeking the truth is an obligation of conscience, and living by the truth, once known, is also an obligation, there must be "...both psychological freedom and immunity from external coercion" (2, Flannery 801) if persons are to be able to follow their nature in the exercise of their reason and free will. The document makes it clear that this immunity and right continue to exist whether or not individuals take their obligations toward seeking the truth seriously. "The exercise of this right cannot be interfered with as long as the just requirements of public order are observed." (2,Flannery, 801) As Patrick Hannon points out, it is crucial to understand that the way the term *public order* is used in *Dignitatis Humanae* is in the wider civil law sense of ordre public and orden publico as distinct from the narrower interpretation of *lack of disorder*. 126 This distinction is important because of the connection of public order with the concept common good which,

<sup>125</sup> J. Leon Hooper, S.J., (ed.) *John Courtney Murray: Religious Liberty, Catholic Struggles with Pluralism*, Westminster/John Knox Press, Louisville, Ky., 1993. "General Introduction," 11-48.12-13

<sup>126</sup> Patrick Hannon, *Church, State, Morality and Law*, Gill and Macmillan, Dublin, 1992. 95. See especially, fn# 46, p.154.

Hannon argues, is not set over against *individual good* in *Dignitatis Humanae*.

Thus personal freedom is itself a part of the common good; and care of the common good includes the promotion of all human rights...this is an important point because the concept is often used in public debate as though it meant something wholly separate from the freedom of individuals.127

Murray offers a succinct summation of *Dignitatis Humanae*'s argument for religious freedom from Revelation (Part II).

It embraces three major statements. (1) The human person's right to religious freedom cannot itself be proven from Holy Scriptures, nor from Christian revelation. (2) Yet the foundation of this right, the dignity of the human person, has ampler and more brilliant confirmation in Holy Scripture than can be drawn from human reason alone. (3) By a long historical evolution society has finally reached the notion of religious freedom as a human right. And a foundation and moving force of this ethical and political development has been Christian doctrine itself—I use "Christian" in its proper sense—on the subject of human dignity, doctrine illuminated by the example of the Lord Jesus.128

At the end of this decree, Article 15 describes the contemporary situation of growing pluralism in societies which are linked together by communications. Developments in one society impact other societies. The important value of religious freedom already "...declared a civil right in most constitutions and...given solemn recognition in international documents." (15, Flannery 811) In his commentary Pavan says that, as the discussion on this issue progressed, the majority of the fathers of the Council came to agree that, compelling as the current historical conditions

<sup>127</sup> Patrick Hannon, Church, State, Morality and Law... 95

<sup>128</sup> J. Leon Hooper, S.J. (ed.), *John Courtney Murray, Religious Liberty...* "The Human Right to Religious Freedom," 241-242 Murray adds that there is disagreement regarding the consonance of Christian freedom as found in Scripture and the religious freedom embraced by contemporary society. Murray takes the position that "...in the

were, the *source* of the right to religious freedom must be grounded in the very nature of the individual, a natural right. It is a principle not an expediency. This consensus resulted in the strong phrasing, "The Vatican Council declares that the human person has a right to religious freedom." (2, Flannery 800) and, that this right must be given constitutional recognition as a civil right. (2, Flannery 800). 129

In discussing *Dignitatis Humanae*, the contribution of the U.S. Jesuit John Courtney Murray cannot be underestimated. Murray had written extensively on the topic of religious freedom in the United States even before he was invited to the second session of Vatican II.130 Despite his role in shaping the conciliar document on religious freedom, Murray himself felt the Church was coming too late, with arguments too weak, to a war that was already won on the international scene and that *Dignitatis Humanae* (*DH*) represented not so much an innovation as a mark of humility on the Church's part, considering the years it had actively fought against religious and civil freedoms initiated independently of the Church.131 After the Council he made efforts to expand the arguments in *DH* which he considered to be too individualistic and a-historic.

#### 1.2.3 Social Communication/Inter Mirifica

The 1963 Decree on the Means of Social Communication, Inter

very notion of Christian and gospel freedom...in free Christian existence itself a demand is given for religious freedom in society." (242)

<sup>129</sup> Pietro Pavan, "Declaration on Religious Freedom," *Commentary on the Documents of Vatican II*, (ed.) Herbert Vorgrimler

<sup>130</sup> J. Leon Hooper, S.J. (ed.), *John Courtney Murray, Religious Liberty...* 12 Hooper says Murray wrote 38 articles before 1962 and another 30 during and after the Council. He worked closely with American Bishops during the Council and drafted two versions of what eventually became *Dignitatis Humanae*.

<sup>131</sup> J. Leon Hooper, S.J. (ed.), *John Courtney Murray, Religious Liberty* ...13. Murray, in attempting to respond to the new complexities of society, struggled with the

Mirifica, 132 when read in the light of an Internet world, was quite prescient in its call for a responsibly active audience and parental vigilance regarding the content of media entering the home. It acknowledges the role of all members of society in the formation of "sound public opinion" and the demand for justice and charity in that formation. And ,though it calls for a separate Catholic press and media, it also admits that in terms of the general mass media "...it will be principally for laymen[sic] to animate these media with a Christian and human spirit...".133 It urges the formation of correct consciences regarding the use of media, especially in relation to issues of information and access to it, and the upholding of the objective moral order and the rights and dignity of human persons, especially their right to information.

Inter Mirifica was considered an "easier" schema and hurriedly passed so that the Council Fathers could promulgate it along with the Decree on the Liturgy, thus having more than one Decree to show for almost two years of work.134 Consequently, from a theological and a communication point of view, *Inter Mirifica* was relatively undeveloped. In fact the Council Fathers did not consider it a "theological" decree at all. There were voices calling for more thoughtful consideration given the

fact that an immutable belief theology left only religious tolerance as a response to the pluralism.

<sup>132</sup> Vatican Council II, The Conciliar and Post Conciliar Documents, (ed.) Austin Flannery, O.P., Liturgical Press, Collegeville, ., 1975. Inter Mirifica, Decree on the Means of Social Communication, 4 December, 1963. 283-292. For a most interesting background on the development of Inter Mirifica see Robert P. Waznak, "The Church's Response to the Media: Twenty-Five Years After Inter Mirifica", AMERICA, January 21, 1989. 36-40. Waznak's account suggests that the document was quickly compiled without expert communication advice, considered a waster of time by many of the council fathers, and voted in early because, after an entire year's work the council had only the document on liturgy to consider and wished to appear more productive. 133 Austin Flannery, O.P., (ed.) Vatican Council II, The Conciliar and Post Conciliar Documents... 285.

<sup>134</sup> Commentary on the Documents of Vatican II, Volume One, (ed) Herbert Vorgrimler, Crossroad Press, N.Y., 1989. "Decree on the Instruments of Social Communication", Karlbeinz Schmidthus (trans. Richard Strachan), 89-104.

culture of the times, but expediency won out. Perhaps the most ongoing practical effect of this document is that *Inter Mirifica* also called for the establishment of a Pontifical Office of the Means of Social Communication. It is this office which in 1971promulgated *Communio et Progressio*, *The Pastoral Instruction on the Means of Social Communication*135 and continues to publish documents concerning media and the press.136.

Chronologically, *Inter Mirifica* came before the Council documents on the Church and so doesn't reflect the more developed ecclesiology of later documents. When read along with other Council documents, Inter Mirifica's underlying theology is based on the Christian belief in a God communicating in history and is, at least implicitly, incarnational, trinitarian, christological and ecclesiological. In addition, the greatly limited input by communications and media experts to *Inter* Mirifica meant that the development of the relationship between communication and theology occurred in post-conciliar time. Two sources of this post conciliar development are important for this research and deserve mention: 1) the correlative approach of Walter J/Ong, S.J.137 and, 2) Paul Soukup's efforts to develop frameworks of correspondence between theology and communications. (Appendix A) The importance of their post-conciliar work in developing the relationship between communications and theology is that the context in which the Church is to be public is a mediated one. Mass media and information technology are major forms of communication in modern society.

<sup>135</sup> *Communio et Progressio*, Pastoral Instruction on the Means of Social Communication, 29 January, 1971. Flannery. 293-349.
136 As example, topics such as *Criteria for Ecumenical and Interreligious* 

Cooperation in Communications and Pornography and Violence in the Communications Media: A Pastoral Response, November and June, 1989, Pontifical Council for Social Communications.

Understanding the underlying implications of technology (Ong) affects both the way theology is understood and carried out, and helps a public theology better understand the way technology affects the cultural context. Soukup has surfaced one of the more important principles for the public communication of the church, which is that the model of communication belies an underlying dynamic, and, in the case of the Church, an underlying theology. Without being aware of these deeper dimensions in which theology and communications relate, those who speak for the Church in the public arena risk communicating contradictory messages.

While a Church Council may herald the kind of guiding principles and processes, as well as paradigm altering theological shifts as we have outlined above, setting the direction is only the first step. As with any Council, it is the *process of reception* which determines the way conciliar concepts take flesh.

#### 1.3 Ongoing Conciliar Reception

In the classical sense *reception* is the acceptance, as a norm of belief or behaviour, of councils and creeds by the whole Church.138 Patrick Granfield describes reception as a *process*, "as old as the Church itself", which involves the entire Church, which takes time and is under the guidance of the Holy Spirit. 139 Newman offers the phrase, *conspiratio* 

<sup>137</sup> Walter Ong, S.J., Professor emeritus of English at Saint Louis University, St. Louis, Missouri.

<sup>138</sup> Christopher O'Donnell, O. Carm., (ed.) *Ecclesia, A Theological Encyclopedia of the Church* The Liturgical Press, Collegeville, Minnesota.1996. 400 139 Patrick Granfield, *The Limits of the Papacy*, Authority and Autonomy in the Church, Crossroad, New York,1987. Especially 147-168.

Roman Catholic tradition the development of doctrine is an historical process involving the interplay between an authoritative *teaching* and the *reception* of that teaching by the *entire church*. In more recent Church parlance the word *magisterium*, which for St. Thomas meant the "authority of one who teaches," (which he applied both to bishops and theologians 141) has moved into contemporary ecclesiastical use with one fairly exclusive meaning; it has become primarily associated with "...the body of men who exercise this office (of teaching and authority)...namely the pope and bishops," rather than with the teaching office itself. 142 Increasingly, the term has become even more narrowly applied to the teachings of the Pope and certain Curial offices, a tendency which has also raised the question of what constitutes "consultation" within the episcopal college, given the unique position of bishops with both particular churches and the church universal.143 Theologians are not generally included in the

<sup>140</sup> Paul C. Crowley, "Catholicity, Inculturation and Newman's *Sensus Fidelium*, *Heythrop Journal*, *XXIII* (1992), 161-174. 166. See as background, John Henry Cardinal Newman's essays, "On Consulting the Faithful in Matters of Doctrine" (1859) and "Essay on the Development of Doctrine" (1845) remembering, as Crowley points out that Newman's treatment was epistemological not hermeneutical 141 St. Thomas used the symbol of teaching authority, which was the chair, and

<sup>141</sup> St. Thomas used the symbol of teaching authority, which was the chair, and referred to two kinds of magisterium: *magisterium cathedrae pastoralis* (of the bishop) and *magisterium cathedrae magistralis* (of the theologian).( IVSent. D.19, q.2, a.2, qa 2ad 4.) cited in: Francis A. Sullivan, S.J., *Magisterium, Teaching Authority in the Church*, Paulist Press, Mahwah, N.J., 1983.24

<sup>142</sup> Sullivan, *Magisterium*.....25-26. Also, see *The New Dictionary of Theology*, (eds.) Joseph A. Komonchak, Mary Collins, Dermot A. Lane, Michael Glazier, Wilmington, Delaware, 1989. 617 The entry on the Magisterium, compiled by Francis A. Sullivan, S.J., reviews the notion, source, forms and limits of the magisterium and of infallibility. Especially helpful is Sullivan's treatment of the provisional aspect of some formulations, specifically those related to concrete moral problems which may need revision in the face of new frames of reference and those teachings described as "ordinary papal magisterium." Sullivan also reviews the conditions under which someone may have legitimate, responsible dissent or lack of assent without lacking in obedience to the magisterium.

<sup>143</sup> An example of this is the debate around *Ordinatio Sacerdotalis* (May, 1994) and the CDF response (November, 1995). See: Hermann J. Pottmeyer, "The Pope and the Women,", *The Tablet*, 2 Nov., 1996, pp. 1435-1436. Also, Francis Sullivan, "Room for Doubt," *The Tablet*, 23/30 Dec., 1995, p. 1646. Both raise the question of a non-infallible exercise declaring definitively that a tradition is irreformable while it is still

meaning of magisterium.

Because of this tendency to collapse the magisterium into the papacy, Paul Crowley calls for a "critical recovery" of sensus fidelium (the sense of the faithful) 144 to better provide a theological link between universal faith and its local expression. Along with scripture and tradition, the sensus fidelium is traditionally one of the three sources to be considered in the determination of a law, a teaching or a discipline in the Church. Newman uses the term "illative sense," a kind of common sense, to describe that which is operative in the faithful. Nicholas Lash refers to it as a "sympathy" or "resonance" with the life expressed in the doctrine an experience of the teaching as familiar and liberating. 145 Haight cautions that the idea of sensus fidelium implies neither a majority nor a consensus of opinion but "...it does mean that the experience of the faithful is a source for theology and that, in the terms of Newman, the faithful should be consulted in the teaching of the Church."146 The sensus fidelium is not an opinion poll; it is not self-sufficient but complementary to the hierarchical magisterium; and, broad consultation is in order for teachings that are infallible as well as fallible.147

The concept of *reception* has theological status, both ecclesiologically

the subject of theological examinations. Also, Sullivan makes the point that the CDF response remains a statement of the Congregation, which does not have a prerogative of infallibility.

<sup>144</sup> The presence of faith within believers is variously referrred to as *communis sensus fidei*, sensus Ecclesiae, consensus fidelium and sensus fidelium.

<sup>145</sup> Nicholas Lash, "Theologies at the Service of a Common Tradition," <u>Concilium</u>, 1984, pp.171-176. Examples of this "sympathy" of the faithful are the Marian doctrines of Immaculate Conception (1854) and the Assumption (1950). These were widely received by the faithful despite a lack of scriptural base.

<sup>146</sup> Encyclopaedia of Catholicism, (ed.) Richard P. McBrien, Harper, San Francisco, 1995. Sensus fidelium, p. 1182

<sup>147</sup> Granfield, *Limits of the Papacy...*,134-146.Sullivan, *Magisterium...*, says in the case of the doctrines of the Immaculate Conception and the Assumption the universal consensus of the Catholic faithful became the only sufficient grounds for certitude in the absence of a scriptural basis. 105

and juridically, but is especially understandable in the context of a *communion ecclesiology*.148 There is an on-going tension between the arrival at theological principles and the codifying of them in Church law (which Congar reminds always *implies* a certain theology). The view of Church as a monarchical authority emphasises unanimity wrought primarily through *obedience* to the law; an understanding of Church as communion of faithful and local churches sees the necessity of *consent* or *reception* if there is to be unity. This *koinonia* is at the nature of the Church and is the result of

are assumed and experienced by different people, possibly a large number—but they experience it in different conditions, according to the temperament, talents, culture and history of each. This is a process in space and through time. In addition to individual persons it involves collective quasi-persons; provinces, religious families, nations, local or particular churches.149

Underpinning this understanding is an anthropology and philosophy which values the individual as a living, independent subject who brings intelligence along with volition to the act of adherence. By extension, it views the faithful and the local churches as "...not inert and wholly passive in regard to the structures of belief, and ethical and cultic rules that history has necessarily defined since the original apostolic transmission. They have a faculty of discernment, of co-operation with the determination of their forms of life."150 There is also, here, the reminder that the early Christian community already understood itself and its mission as being in the context of unity in diversity, not unity in

<sup>148</sup> Yves Congar, "Reception As An Ecclesiological Reality," *Concilium*, Volume 7, No.8, September, 1972. 43-68. Esp. 62-68

<sup>149</sup> Congar, "The Conciliar Structure or Regime....3-4. Congar names the realities as expressed in biblical texts which contain the word *koinonia*: God (IJohn 1-6), Christ (ICor 1:9, 10, 16; Phil. 3:10, the Holy Spirit (2 Cor. 13:13; Phil. 2:1), faith (Philemon, 6), the Gospel, (Phil. 1:5), the Eucharist (ICor. 10:16.).

uniformity.

Integral to this research is that at the very heart of reception is the entering of the teaching into the lifeworld of believers—as Newman said, "...into the framework and details of social life." (Essay, 35) Granfield adds:

Full reception, both intellectually and spiritually, exists when the Church incorporates the truth into its lived experience. In some sense reception is never finished because each age, in light of its own particular situation, must reaffirm the meaning of doctrines previously taught and apply them. Furthermore, every reception also leads to a new understanding of the faith and creates new challenges.151

How do the teachings of a Council enter Christian life? Some Councils have resulted in creedal statements; others have brought doctrinal clarity to controversial theological questions. What of the reception of a Council whose teachings are much less highly focused? If one accepts Pottmeyer's construction of Vatican II as a *transitional* Council, designed to move the Church in a new direction rather than to answer specific doctrinal questions, then how does the Church assess the reception of such a *directional shift*? More difficult still is the discernment of *non-*

<sup>150</sup> Congar, "Reception as an Ecclesiological Reality.... 62.

<sup>151</sup> Patrick Granfield, *Limits of the Papacy*... 152 In the light of Vatican II's ecumenical orientation, there is also the interesting question of the reception by other Christian churches of an infallible teaching of the Roman Catholic tradition. Is the "faith of the Church" which must be consulted in matters of dogma referring to the whole Church of Christ? Sullivan argues that Lumen Gentium's *subsist* concept allows the Roman Catholic tradition to justify making infallible definitions for itself. However, in his opinion, "...a truly ecumenical consensus would be the most satisfying basis for a judgement that all conditions for infallibility have been fulfilled." However, "ecumenicity of reception" should not be recognised as a requirement for infallibility of teaching. (Sullivan, *Magisterium*, *110*. Also, his fn# 34, p. 225 for theologians who do not agree with this, i.e., R. McBrien and G. Lindbeck.)

reception.152

Alberigo suggests that a postconciliar time, especially one after a great council, is

...a privileged phase in the life of the Church...[with a function] to authenticate the harmony between conciliar decisions and ecclesial consciousness by setting in motion latent forces and sleeping energies present in the people of God...153

It is also a moment demanding the attention of the entire ecclesial body.

.....Only the *sensus fidei* of the Church as a whole can be the adequate interpreter of a major council. Such a *sensus fidei* can reach maturity only slowly, with the concurrence of the entire people of God; it cannot be replaced by an action of the hierarchy alone.154

At the closing of Vatican II local churches began experiencing different implementations of conciliar decisions. The sense of harmony between conciliar decisions and ecclesial consciousness was very much dependent upon the way implementation happened in a given local context. Yet, into the 1980's, as local churches in some places gained more practice in implementing consultative bodies such as pastoral councils, a sense of being the people of God actually began to be realised. Latent forces and sleeping energies were indeed released in many local churches.

<sup>152</sup> The question of how much time it takes for the church to receive teachings is a factor. Congar remarks: The creed of Nicaea was "received" in *toto* only after fifty-six years of contentions punctuated by synods, excommunications, exiles, and imperial interventions and violence." (Y.Congar, "Reception As An Ecclesiological Reality....46.

<sup>153</sup> Giuseppe Alberigo, "The Christian Situation After Vatican II," pp. 1-26, in *The Reception of Vatican II*, (eds.) Giuseppe Alberigo, Jean-Pierre Jossua, and Joseph A. Komonchak, The Catholic University of America Press, Washington, DC, 1987. P.6. 154 Alberigo, "The Christian Situation After Vatican II..., 24.

Bishops Conferences, though not the only factor, were critical in how these energies and forces were able to inform local contexts. Their individual ecclesiologies determined the vision and resources which aided reception on this level. Komonchak maintains that it is easy to lose sight of the role of the local church in Vatican II. The results of the Council are most often perceived vertically—as the handing down from the "universal" Church of teachings to be received by the local churches. In 1983, commenting on the New Code of Canon Law's treatment of the category ecumenical council, Komonchak noticed this kind of descending ecclesiology. He says this makes the ecumenical council appear "...more as an instrument for the governance of the universal church than as an expression and representation of the particular churches and their bishops "155" One may question, in the Catholic Christian tradition, to what extent bishops actually are able to represent their local churches when so institutionally distanced from them in a conciliar structure which limits participation to episcopal ministers.156

There are continuing signs of a drift toward a *descending ecclesiology* in the Roman Catholic Church, as evidenced in the two major gatherings initiated by the Vatican for the *express purpose* of considering the state of

<sup>155</sup> Joseph Komonchak. "The Ecumenical Council in the New Code of Canon Law," in Concilium, Religion in the Eighties, The Ecumenical Council—Its Significance In the Constitution of the Church, (eds. Peter Huizing and Knut Walf) T.& T. Clark, Ltd., Edinburgh, 1983. Pp. 100-105. By the 1980's there was a serious concern among theologians that Vatican II was being collapsed into the papacy and that the New Code of Canon Law was the instrument that would copper fasten this initiative. See, Editorial in Concilium, Religion in the Eighties, The Ecumenical Council, vii.—viii. "The ecumenical council has disappeared—or been eliminated—from the formal classification of the new Codex. If falls under the general heading 'On the Episcopal College'... In the legal rephrasing of the new Codex, the ecumenical council has been absorbed by the papal primacy... The new Codex aims at a neutralisation of the ecumenical council; and this signifies a structural change in the Catholic Church." 156 Paolo Ricca, "Should the Ecumenical Council be an Expression of the Collegiality of Bishops, of the Communio Ecclesiarum or even a Representation of the Whole Community of the Faithful?" pp. 85-91 in Concilium, Religion in the Eighties, The Ecumenical Council.

the Church's reception of Vatican II: the 1985 Extraordinary Synod of Bishops and the 2000 International Symposium on the work of the Council. The Synod was called "... to reflect on the experience, meaning, implementation, and effects of Vatican II."157 150 Bishops met for two weeks and produced twenty-five pages of documentation. Dulles calls it "a footnote to Vatican II." 158 Dulles evaluated the Synod against ten principles which he suggests constitute the vision of the Church put forth by Vatican II.159 The Synod's Final Report offered some hermeneutical principles for interpreting Vatican II which included attending to the documents in their interrelationship, with particular attention to the four major Constitutions; avoiding pitting the pastoral character against the doctrinal import or the letter to the spirit of the Council; Vatican II must be understood in continuity with the great tradition of the Church; and allowing the Council to enlighten us as we strive to read the signs of our own times. 160 Following the "continuity" theme, in February, 2000, an International Symposium on the Second Vatican Council was held in Rome as part of the Church's Jubilee program The aim was to continue the review begun at the 1985 Synod. 250 "carefully chosen experts" participated, including cardinals, bishops, theologians and laypeople. Though the Pope said it was "...time for digging deeper into the teachings of the Council" he also stressed that there had been no break or rupture in the continuity between the Council and the Church that preceded it. 161

<sup>157</sup> Avery Dulles, S.J., *Vatican II and the Extraordinary Synod: An Overview*, The Liturgical Press, Collegeville, Minnesota. 1986. P. 5

<sup>158</sup> Avery Dulles, S.J., Vatican II and the Extraordinary Synod... 30

<sup>159</sup> Avery Dulles, S.J., *Vatican Ii and the Extraordinary Synod...* 7-21 Openness to the modern world; reformability of the Church; renewed attention to the Word of God; collegiality; regional and local variety; active role of the laity; religious freedom; ecumenism; dialogue with other faiths; and, the social mission of the Church. 160 Avery Dulles, "Catholic Ecclesiology Since Vatican II," *Concilium*, Synod 1985—An Evaluation, (eds) Giuseppe Alberigo, James Provost.3-13. 12

<sup>161 &</sup>quot;Reporters unwelcome at Vatican II meeting," *The Tablet*, 11 March, 2000. 358-

<sup>359</sup> According to this report ssome notable Vatican II experts were not invited, including Giuseppe Alberigo and historians at the Institute of Religious Studies in Bologna who are working on a history of Vatican II. When asked why these scholars

The issue of *non-reception* of a council is raised by Alberigo:

...we hear loud calls to return to the house we have abandoned; a deceitful nostalgia makes its way abroad; the task of advancing into the unknown and accepting the challenge of the gospel seems an unbearable one. According to Cardinal Ratzinger, it is possible for a council to be a failure; but the non-reception of an indispensable and lifegiving council is also a failure to be avoided.162

There is an additional factor to consider in the reception of Vatican II.

As mentioned earlier, Vatican II is the first Council to be held in a broadcasting age. In a synopsis of Vatican II, Austin Flannery, O.P., remarks

enormously to the dissemination of an understanding of the conciliar event, and even to the education of the council fathers. Radio and television networks and major newspapers all had their correspondents in Rome during the council and coverage was very extensive. Some newspapers, like the *New York Times*, published translations of all council documents as soon as they appeared.163

The presence of journalists and the possibility of world-wide broadcast not only made possible the *collective awareness* Ruggieri's hermeneutic of *event* involves, but also served to inform the council fathers themselves, whose numbers precluded their personal involvement in every press briefing or commission report 164 In Ireland the role of religious and

had been left out, the Vice President of the historical-theological commission of the jubilee committee replied that "it had been thought preferable to give a theological and non-historical slant to the symposium because 'with a purely historical method, even through a Christian lens, it is impossible to bring to life this moment of the church's reflection upon itself."(359)

<sup>162</sup> Giuseppe Alberigo, "The Reception of Vatican II...21.

<sup>163</sup> Austin Flannery, O.P., *Vatican Council II*, The Modern Catholic Encyclopedia, Glazier, Michael and Hellwig, Monika K., (eds), Gill and Macmillan, Dublin, 1994. 891

<sup>164</sup> The press committee and secrecy of the first session created difficulty for journalists After John XXIII's death, and before the start of the second session, the new Pope, Paul VI, changed the press committee and lifted the secrecy somewhat.

secular journalism was the significant factor in how Irish people heard about and understood the deliberations of the Council.

#### 1. 4 The Irish Catholic Church and Vatican II

Louis McRedmond, representing the *Irish Independent* Newspaper, and John Horgan, representing *The Irish Times* newspaper, sent daily reports on the Council back home to Ireland.165 In addition, religious periodicals such as *The Furrow* and *Doctrine and Life* not only carried extensive articles about the Council, but also sometimes provided full texts of Council documents.166 Despite this coverage of the Council, reception of the Council was multi-layered. The first impact was on the journalists themselves.

In his reminiscences of the Council, 167 McRedmond describes the "fear of the crozier" on the part of many Irish journalists 168yet he experienced Archbishop McQuaid and Cardinal Conway as being for the most part cooperative with the Irish journalists covering the Council. There were, however; no press conferences held by the Irish bishops or periti. When McRedmond returned to Ireland after this experience he lobbied for some kind of press conference approach for the Irish church and Irish journalists. His position was that the press conference approach was what was needed in the Irish Church and might have made a difference in the Mother and Child and Fethard-on-Sea situations. 169

<sup>165</sup> Louis McRedmond, *The Council Reconsidered*, Gill and Sons, Dublin.1966 166 For instance, *The Furrow* virtually devoted Volumes 15 and 16 to the Council (1964, 1965) *Doctrine and Life*, Volume 13, 1963 carried regular coverage, with its main contributor being Sean O'Riordan, C.SS.R, who was then living in Rome. (Review conducted at Marist Father's Library, periodical archives, Milltown, Dublin) 167 Louis McRedmond, *The Council Reconsidered*...184-187.

<sup>168</sup> Louis McRedmond, The Council Reconsidered...184

<sup>169</sup> Two complicated public issues involving the Church: one concerned a Mother and Child health scheme proposed by the Minister for Health Noel Browne and the other

Upon his return from Rome at the closing of Vatican II, the Archbishop of Dublin, Dr. John Charles McQuaid, reported to Irish Catholics: "You may have been worried by much talk of changes to come. Allow me to reassure you. No change will worry the tranquillity of your Christian lives..."170 Though this is the passage most quoted to indicate the Irish hierarchy's resistance to Vatican II, Dr. McQuaid did go on to add that, as time passed, the Holy Father would

...instruct us how to put into effect the enactments of the council. With complete loyalty as children of the one, true Church, we fully accept each and every decree of the Vatican Council.171

Seán MacRéamoinn, a journalist who covered Vatican II for RTE, says Dr. McQuaid was "...known to be 'cool' on renewal, and though he would loyally accept the letter of the new law, he was not likely to be an enthusiastic force for change." 172 The *joint* statement of the Irish Bishops at the close of the Council struck a more positive note on renewal than did Archbishop McQuaid. 173 Nevertheless, in September 1969, a *Doctrine* 

having to do with a Protestant store keeper who was boycotted by the majority Catholics, with the encouragement of the parish priest

170 John Cooney, *John Charles McQuaid, Ruler of Catholic Ireland*, The O'Brien Press, Dublin, 1999. Quoted on back cover. This book was highly criticised when it appeared due to its inclusion of an unsubstantiated allegation of sexual misbehaviour by Archbishop McQuaid. Most reviewers saw it as agenda driven and unhistorical. 171 Archbishop John Charles McQuaid. Statement, 8 December, 1965. Archives, Catholic Communications Office Dublin. One of the first Counciliarly prompted actions of Archbishop McQuaid was to establish an office of Social Communications and to send two priests for training. One of them was Joe Dunne, who would go on to produce the Raidharc Series for RTE.

172 Seán MacRéamoinn, "Renewal or Revision?," Freedom to Hope? The Catholic Church in Ireland Twenty Years After Vatican II, Alan Falconer, Enda McDonagh, Seán MacRéamoinn, (eds.), The Columba Press, Dublin, 1985.5-16. 9. MacRéamoinn adds that leadership did come from the Primate of All Ireland, Dr. William Conway, in the area of liturgical renewal; he was aided by his chairman of the art and architecture sub-committee chairman, Dr. Cahal B. Daly, then Bishop of Ardagh and Clonmacnoise (1967), later to be Primate himself.

173The Archbishops and Bishops of Ireland issued a statement to the press from Rome, at the closing of the Council. It came as a message of thanks to the Irish people for their prayers and support during the Council. The statement itself is very positive

and Life article entitled, "Five Years of Aggiornamento in Ireland" included this pessimistic judgement by Fr. David Regan:

Certainly there are bright passages, but they cannot lighten the central theme that, as a whole, the church in Ireland thinks that it does not need renewal 174

According to Regan the Irish Church was unprepared for the renewal of Vatican II because it tended to view liturgical change, for instance, as necessary for the problems of the continental churches; the Irish Church did not have these problems. Regan adds that in Ireland there was a lack of training to "think theologically" and a widespread perception that, at any rate, the "pastoral" Council would leave theology untouched. When the Council showed the necessity of revitalising theology, going back to biblical sources, precisely in order to update the pastoral task of preaching the gospel, the Irish Church found itself "a generation late" in theological renewal. "Our honeymoon of post penal fervour is over and we must expect to face the same erosion of simple faith that afflicts our brethren in other lands," Regan presciently concluded. 175 Donall O'Morain, writing for *The Furrow* in 1966, gives a more stinging analysis, suggesting that though "it was not difficult to find as conservative a hierarchy elsewhere, it was difficult to find the combination of a conservative hierarchy and the virtually total acceptance by the laity of even the most extreme directives

concerning the renewal yet to come. See, *The Furrow*, Vol. 17, No. 1, January 1966. Documents: The Second Vatican Council, The Irish Hierarchy, pp. 53-54.

<sup>174</sup> David Regan, C.S.SP., "Five Years of Aggiornamento in Ireland," *Doctrine and Life*, Vol. 19, No. 9, September, 1969. 492-500. 492

<sup>175</sup> David Regan, C.S.SP., "Five Years of Aggiornamento... 499. It was precisely the Penal experience which had forced Irish Catholics, out of fear of punishment, to hide their communal religious practices. Mass rocks and station, or home-based, Masses were held. So, while communal, even tribal, as people who had suffered colonisation and victimisation, Irish Catholics had a privatised, devotional faith. See, Sean Connolly, *Religion and Society in Nineteenth Century Ireland*, The Economic and Social History Society of Ireland, Dublin, 1985; and Patrick J. Corish, *The Catholic Community in the Seventeenth and Eighteenth Centuries*, Helicon Limited, Dublin, 1981.

of that hierarchy" 176 as existed in Ireland. Irish Catholics outwardly observed the "ritualistic rules" while often "completely ignoring the very essence of the Gospel."177

We are all to blame, clergy and laity alike, for the creation and maintenance of this mutual admiration society and were it not for the Council we would have gone on and on preening ourselves. No other community more urgently needed to be stopped in its tracks and be asked to examine its conscience. The Council has done just this...178

In addition to an unenthusiastic hierarchy and a lack of theological preparation, there were other factors which may have contributed to the multi-layered reception of Vatican II in Ireland. Men and women in religious orders and laypeople were the first to implement Vatican II. Margaret MacCurtain and Nivard Kinsella describe how Vatican II and other social factors affected them as members of Irish religious orders.179 They note some of the social factors which were already causing change at the time of the Council: the belated arrival of economic planning under Sean Lemass and T.K. Whitaker, which brought the *idea* of planning into religious communities; the arrival of television which ended Ireland's isolation as a nation and which spelled the downfall of censorship; and an authority crisis which was the result of the World Wars and led many religious to question their own authority structures. 180 Religious men and women were indispensable in Ireland because they literally were the State's educational and social welfare infrastructure; in great numbers they also served in Latin American and African missions. They often

<sup>176</sup> Donall O'Morain, "Ireland and the Council," *The Furrow*, Vol. 17, No. 7, July 1966, 429

<sup>177</sup> Donall O'Morain, "Ireland and the Council...430

<sup>178</sup> Donall O'Morain, "Ireland and the Council...430

<sup>179</sup> Margaret MacCurtain, Nivard Kinsella, "Sisters and Brothers," in *Freedom to Hope? The Catholic Church in Ireland Twenty Years After Vatican II* (eds.) Alan Falconer, Enda McDonagh, Sean MacRéamoinn, Columba Press, Dublin, 1985.39-55 180 Margaret MacCurtain, Nivard Kinsella, "Sisters and Brothers"...47-48.

discovered Council documents through their interest in justice and liberation issues. Several initiatives came from the religious at this time: CMRS (Conference of Major Religious Superiors, now CORI— Conference of Religious of Ireland), which had begun five years before the Council, established its Justice Desk, "perhaps one of the most farreaching decisions of the Conference."181 The Justice Desk continues today and has been instrumental in impacting the annual government budget process as an advocate for the poor. In 1974 the Focus for Action initiative was one of the first examples of religious working with the laity. The laity, on their part, formed an organisation called *Pobal* 182 in March, 1987. It was actually the result of an April, 1986 consultation to prepare for the Synod on the Laity. Since 1987 Pobal has held annual conferences on issues affecting the Church and laity, with little obvious support from the Irish hierarchy. One of the prime movers of *Pobal* was Sean MacRéamoinn, the RTE correspondent to Vatican II. 183 But, by and large, the most immediate impact of Vatican II on Irish Catholics was the liturgical renewal which had begun before Vatican II.

What of Vatican II's impact on theology in the Irish Church? *Catholocisme du type irlandais* has specific historical referent points. Irish theology, however, has a history of deriving from sources other than Ireland. This is due, in part, to the strong influence of French Seminary training during the years of colonial oppression in Ireland. 184 Since Vatican II, there has been an effort to move Irish Catholic religious and theological thought into a more self-critical and, especially, a more self-

181 Margaret MacCurtain, Nivard Kinsella, "Sisters and Brothers"...52

<sup>182</sup> from, A Phobail Dé, Irish for "People of God."

<sup>183</sup> Sean MacReamoinn (ed), *The Synod on the Laity*, The Columba Press, Dublin, 1987.

<sup>184</sup> See, Gabriel Daly, "Towards an Irish Theology: Some Questions of Method", in *Irish Challenges to Theology, Papers of the Irish Theological Association Conference, 1984.* (ed.) Enda McDonagh, Dominican Publications, Dublin. 1986. 88-101

appropriating direction. In a 1977 contribution to a small book called *Liberation Theology, An Irish Dialogue*, Enda McDonagh wrote:

Can one speak of an Irish theology at all? Inevitably, it is coloured by the cultural background, but is there anything distinctive about it? An Irish theology that grows out of the Irish situation? I doubt that we have anything of that kind of any great significance.185

In that same article McDonagh characterised Ireland as theologically dependent or theologically colonised, "...adopting models of theology developed elsewhere." 186 McDonagh pointed out that the main challenge to the Irish is to engage with their history and the new questions of the time, and to move from object thinking to subject thinking. In the light of the situation in Northern Ireland McDonagh said this demands for the churches, Catholic and Protestant, a "...liberation within their own traditions and the liberation of their theologies." 187 Schreiter suggests that in constructing local theologies one must first listen to the culture and one of the key areas for attention is social change 188. In fact, Schreiter maintains, social change is often the reason

<sup>185</sup> *Liberation Theology, An Irish Dialogue*, (ed.) Dermot A. Lane, Gill and Macmillan, Ltd., Dublin. 1977. "An Irish Theology of Liberation?", Enda McDonagh, 87-102. 87.

<sup>186</sup> Enda McDonagh, "An Irish Theology of Liberation,"...87-88. Also, Irish theologian Gabriel Daly, O.S.A., *Transcendence and Immanence*, Clarendon Press, Oxford, 1980. In describing the seminary manuals of the last quarter of the nineteenth century, Daly remarks: "The fact that the most influential manuals were always written in Latin ensured that their influence would not be restricted to the native countries of their authors. Roman theology was ultramontane not merely in its ecclesiology and church discipline but also in its cultural assumptions (a fact which is not always fully appreciated in accounting for the Italianisation of the Roman Catholic Church in the late Nineteenth and early Twentieth centuries); and as it gradually permeated the seminaries of the world, it filtered out almost all regional variations. Such variations as did occur in theological interpretation were governed by subscription to one or other of the schools of thought which were eventually permitted within the over-all neo-scholastic framework. It is an eloquent comment on the situation as it was then that today these variations have simply vanished or retain merely archaic interest." (12)

<sup>187</sup> Enda McDonagh, "An Irish Theology of Liberation... 97 188 Robert J. Schreiter, *Constructing Local Theologies*, Orbis Books, Maryknoll, N.Y., 1985. Chapter 3, 39ff.

there is a need to begin constructing local theologies. But the listening must be careful to look at the whole of the culture so as not to simply repeat paternalistic patterns. Agency, or "subject thinking" as McDonagh coins it, is a key concept for people who have experienced colonisation by outside forces, whether by another country or by strong religious, cultural or economic forces. Schreiter suggests that "...local theologies will often reach to local media for the communication of religious meaning."189

Despite the rushed aspects of *Inter Mirifica*, Vatican II was beginning to grasp the importance of mass media. Traditionally, in the Republic of Ireland, religion and religious persons have enjoyed greater than usual access to radio and television, both as producers and as spokespersons. This access certainly contributed to the groundbreaking success of the Irish television documentary series, Raidharc, which featured religious themes and religious people as well as secular themes.

# 1.5 Principles for a Public Theology

While the Republic of Ireland is a relatively young State the history of the Catholic tradition in Ireland has roots back to Celtic Christianity and has had to respond to the changing political contexts in which it found itself. 190 The need to respond in a public way has been constant, as there has been, and continues to be, a high degree of political unsettledness in Ireland. This is a local context in which various expressions of Christianity have been politically and culturally conscripted in the service of sectarian

<sup>189</sup> Robert J. Schreiter, Constructing Local Theologies... 31.

<sup>190</sup> Patrick J., Corish, *The Catholic Community in the Seventeenth and Eighteenth Centuries*, Helicon, Dublin, 1981. Patrick J. Corish, *The Irish Catholic Experience*, a historical survey, Gill and Macmillan, Dublin, 1985. Sean Connolly, *Religion and Society in Nineteenth-Century Ireland*, Dundalgan Press, 1985. J. H. Whyte, *Church and State in Modern Ireland*, 1923-1979, Gill and MacMillan, Dublin, 1980

violence.191 This sectarianism has lived somewhere in the heart of the Irish Republic since its inception and has actively and passively defined much of what has been the creative centre of what can properly be termed *Irish theology*.

Historical, Pastoral and Ecumenical—after Vatican II Catholic Christian theology must take these criteria seriously. As theological positions have hardened since the Council the need to attend to the criterion of historical consciousness has grown more acute. Contextual theologies have developed over the past thirty years but the tension between historical and speculative approaches which surfaced in the first days of the Council remains an issue in Catholic Christian theology. Fundamentalist and authoritarian approaches, what David Tracy calls theologies of repetition, sacrifice traditio for tradita as a result of their failure to work from a sense of history and finitude 192 Since Catholic Christian theology must also be ecumenical this larger tension carries serious implications for the whole ecclesial community. The traditio is shared by the Christian community; tradita often mark the places of Christian division. If a theology lives largely in tradita Christian unity, one of Vatican II's points of reference, is put under even greater strain.

But it is in reference to the *pastoral* criterion that theology faces an even greater contemporary challenge, one described succinctly by Robert Imbelli:

The intramural squabbling and partisan agendas of the past thirty-five years have often inhibited the discerning

<sup>191</sup> Jesuit theologican, Gerry O'Hanlon says "the Churches in Ireland not only reflect but shape, therefore religion is dangerous. There has developed a kind of *political Protestantism*, illustrated by Paisely, and a *cultural Catholicism*." Panel: The Northern Ireland Political Agreement, Woodstock Theological Center, Georgetown University, Washington, DC. May 19, 1998.

<sup>192</sup> D. Tracy, The Analogical Imagination, .... 100.

engagement with the culture that is imperative for a community of disciples called to be salt and light. Appeals to *Lumen gentium* or *Gaudium et spes* sometimes become only slogans for browbeating, rather than insights for appropriation. As one perceptive observer has characterised a too prevalent attitude: "We want ammunition, not ideas." As a result, no comprehensive pastoral and theological synthesis has emerged that cogently weds creativity and fidelity, diversity and unity.....

....the besetting preoccupation ...will not be the clash of postconciliar visions of authority, lay involvement, or women's rights in the church. Rather, the church will be engaged by a far more profound and disturbing crisis of belief and meaning. In light of the extent and depth of this crisis, the attention given to the Catholic culture wars will come to be seen as an unaffordable luxury.193

Vatican II was called precisely to address the "crisis of belief and meaning" facing the Church in the early 1960's. The perceived historical lag between the Catholic church's presentation of itself and the times in which it lived demanded an urgent, ecclesial response if the Church hoped to be true to its call to keep the faith vital and alive. Imbelli is pointing to a similar critical moment today. Ironically, it is a moment he perceives to be at least partly a *result* of the difficulty the Church has experienced in receiving Vatican II

The crisis of belief and meaning in contemporary culture, as suggested by Imbelli, is not exclusive to Christianity but is facing all faith communities. However, engagement with the culture is at the heart of the *Christian* church's mission to be public. The gospel has to be received and faith recontextualised in a diversity of cultures. If the possibility of this process of historical interpretation is closed off the Church's mission to

<sup>193</sup> Robert P. Imbelli, "Seminaries, Theologates, and the Future of Church Ministry," *Commonweal*, February 11. 2000. A symposium on Katarina Schuth's study of Roman Catholic seminaries and theologates, a ten year follow-up to her pioneering study *Reason for Hope* (Michael Glazier) which assessed how well Catholic institutions for formation responded to the directions charted by Vatican II.

preach the Gospel to all nations is put at risk. 194 The impulse at the heart of Vatican II was precisely to keep open this possibility. Insofar as the Council was a truly ecclesial moment with its teachings still being received it remains an important touchstone for contemporary theology.

A new understanding of human experience and history was brought to bear on the church's self-understanding during Vatican II. More critical approaches, already in use before the calling of the Council in the arenas of biblical research and liturgical renewal, enabled the Council Fathers to initiate a major theological shift, one more responsive to *the signs of the times*. This interaction with the critical approaches of other disciplines, in itself, marked a renewed engagement for Catholic Christian theology which, since Trent, had come to be characterised by an isolationist and defensively doctrinal posture. David Tracy's position that the classics of art, religion, spirituality and theology are "... phenomena whose truth-value is dependent upon their disclosive and transformative possibilities for the interpreters," 195 also carries the proviso that as *conversation partners* we must remain open to retrieval of those disclosures as well as critique of their distortions.

Every great classic, every classic tradition, including every classic spiritual tradition, needs both retrieval and critiquesuspicion. Every classic needs continuing conversation by the community constituted by its history of effects. When that community is both Catholic and catholic, universality will be acknowledged as genuine diversity-in-holistic unity. 196

One of the great lessons of Vatican II was precisely that Christian self-

<sup>194</sup>Christoph Theobald, "The 'Definitive" Discourse of the Magisterium: Why be Afraid of a Creative Reception?." *Concilium, Unanswered Questions*, 1999/1, Theobald, Christoph and Mieth, Dietmar (eds.), SCM Press, London, 1999. 195 David Tracy, "Fragments and Forms: Universality and Particularity Today," *Concilium*, 1997/3, SCM Press, London, 1977. 122-129. 124

understanding, no less than an understanding of history, is subject to the long-term distortion possible when biases are hidden. At the least this can lead to the historical gap between the Church and contemporary life recognised by John XXIII; at the worst, hidden biases may lead to a dangerous, long-term distortion. Bernard Lonergan describes how insidious this process can be:

matches hortcomings of individuals can become the accepted practice of the group; the accepted practice of the group can become the tradition accepted in good faith by succeeding generations; the evil can spread to debase and corrupt what is most vulnerable while it prostitutes to unworthy ends what otherwise is sound and sane. Then the authentic, if any have survived, are alienated from their society and their culture. The courageous look about for remedies...the average man...goes along...and the more numerous the people who concur with the decision, the less hope of recovery from inauthenticity, the greater the risk of the disintegration and decay of the civilisation.197

Theology as ideology critique—drawing upon the impulse of Vatican II, Elisabeth Schüssler Fiorenza argues for this crucial role of theology in the Church, especially in times of punitive measures directed at theologians:

Yet in such a time of intellectual silencing and censure it is more than ever necessary that the faithful are enabled critically to recognise the ideological formation of such ecclesiastical discourse. Theology must learn to understand itself as ideology critique if the spirit of Vatican II is not to be lost for ever. As ideology critique, theology is first of all orientated towards the demystification of hegemonic power relations. 198

E.- Schüssler Fiorenza understands ideology in the sense that critical

<sup>196</sup> David Tracy, "Fragments and Forms...124

<sup>197</sup> Bernard J.F. Lonergan, "the ongoing genesis of methods," *Studies in Religion*, Vol. 6, No. 4, 1976-77, pp. 341-355, 345

theory does, as "distorted communication rather than false consciousness." The power relations at the heart of social order "engender forms of distorted communication that result in self-deception on the parts of agents with respect to their interests, needs and perceptions of social and religious reality. Theologically speaking they are structural sin;" therefore, it is important "... to explore....the models whereby meaningful expressions serve to sustain a relation of domination." 199

Theology as ideology critique does not come from outside but from inside the church. As immanent critique, it points to the discrepancy between the basic Christian values of freedom, well-being (salvation) and equality proclaimed by the Vatican II church and the objective relations of domination structuring its institutions.200

For theology to fulfil its task of "immanent critique" it must itself be aware of its need for critique through interaction with other interpretative theories. Accepting Jeanrond's understanding of a *theology of praxis* as having at its heart a critical hermeneutic-- critical of Christian self-understanding and critical of human experiences in a world needing transformation—there arises again the question of where to find the critical tools necessary for such a critique. David Tracy suggests that theologians should be alert to any explanatory strategies and methods that can help them better interpret the religious event and to any form of critical theory that can alert them to errors and distortions. Theologians, he says, must be open to hermeneutics of retrieval as well as to hermeneutics of suspicion, realising that retrieval often comes through suspicion. This openness "... should also free religious persons and traditions to open themselves to other hermeneutics of critique and

<sup>198</sup> Elisabeth Schüssler Fiorenza, "Ecclesia Semper Reformanda: Theology as Ideology Critique." *Concilium*1999/1 70-76, 74.

<sup>199</sup> E. Schüssler Fiorenza, "Ecclesia Semper Reformanda"...75, citing, John B. Thompson, see fn.#15, p. 76.

suspicion, whatever their source."201

## 1.5 Principles for a Public Theology

Unity in diversity has been the characteristic of the Christian community from its beginnings. It is in this context that the early community arrived at its sense of a world mission, accessible to all. In Vatican II's ressourcement/aggiornamento dynamic, the Church reconnected with its public mission, this time in the context of a modern, pluralistic world. The Church is still in reception of this major Council

This Chapter, in search of theological principles for a public theology, argues that the *theological* grounding for public theology is best found in the guiding principles and processes of the Second Vatican Council. The collective awareness of its significance as a religious *world event* and its modelling of ecclesial *collegiality* continue to mark Vatican II as a watershed moment in the life of the church. In addition, though it was intended to be a pastoral and not a strictly doctrinal council, Vatican II's documents reflect the important *theological paradigm shifts* which have provided the context for theological reflection since 1965. Among these are the importance of an historically conscious and self-critical theology that allows the Church to be critical of its past so that it may be better able to engage with the new questions of history.

The underlying dynamic of Vatican II, the inseparable movements of *ressourcement* and *aggiornamento*, guarantees the continuity of an historically conscious Church tradition and is no less important in today's Church than it was at the time of the Council. These processes, criteria,

<sup>200</sup> E. Schüssler Fiorenza, "Ecclesia Semper Reformanda"...75-76. 201 David Tracy, *Plurality and Ambiguity*, SCM Press, London, 1987. 84-112.

and several key theological concepts of the Council's major documents – Church as People of God, The Public Mission of the Church and Religious Freedom—suggest a theological grounding for a public theology.

The quality of reception of Vatican II is of prime significance in determining the ongoing theological task. Both the particularity and universality of this task depend upon the critical hermeneutic at the heart of theological reflection, which views both Christian tradition and human experience, with the eyes of suspicion and retrieval. The *immanent* critique, which is the role of theology in the Church, is best served by an openness to strategies, methods and other critical theories which will better inform theological interpretations through these same processes of retrieval and suspicion. David Tracy argues for an openness to all hermeneutics which may aid this process. Joseph Komonchak adds that theology's critical tools cannot be found in some kind of "supernatural sociology" or realm of mystery divorced from the faithful's experience of Church.

When the Church is considered only in specifically theological terms, its relevance to the wider world of human experience is lost to view, and the privatising tendencies of post-Enlightenment religion are encouraged.202

As Vatican II brought home to the Church, a theology which is not historically conscious and is less than open to the insight of other interpretative theories runs the risk of becoming less and less able to communicate with its culture. This view of a closed theology, and religion, is evident in the critical theory of German theorist Jürgen Habermas (Chapter Two). His theory privatises all traditions, including faith traditions. His view that religion is non-rationalised, and therefore

inaccessible, leads to one of Christian theology's most serious criticisms of his work and to the challenge to demonstrate the relevance of theology and religion to the public realm of society. Habermas's theory, however, does offer valuable critical tools for theology's own unfinished project and to the Church's public mission. His work on the structural transformation of the *public sphere* and his theory of communicative action, with its rationality for mutual understanding, are especially appropriate to the development of a public theology, which needs to understand the rationalities and factors at work in modern culture. In an effort to continue the interaction between Vatican II's Christian Catholic theology and other interpretative theories, this research now turns to Habermas's basic work on the concepts of *public sphere* and *communicative action*.

#### **CHAPTER TWO**

# THE PUBLIC SPHERE AND COMMUNICATIVE ACTION:

# The Critical Theory of Jürgen Habermas

A theology of the *signs of the times* implies *understanding* the times. A self-critical theology is open to other theories of interpretation for what they can offer to this understanding and for the mutual critique afforded by this engagement. Any theory is open to critique. This project uses Jürgen Habermas's theory in a critical way but with the conviction that his commitment to a project of *redeeming* modernity by offering another kind of rationality, one based on communicative action, deserves serious consideration. For Habermas the ultimate task of critical theory is to redeem the project of modernity from its decline into instrumental reason. For him this involves both the development of theories of rationality which can manage the range and complexity of modernity as well as an analysis of the modern situation in order to reveal its imbalances, pathologies and new social forms.

The critical theory of Habermas is helpful for its theoretical framework, especially his thinking on the nature of the *public sphere* and his *theory of communicative action*. This project argues that, despite its limitations, a theory of communicative rationality as articulated by Habermas provides a helpful, mutually critical framework for a public theology. This Chapter begins with a review of the role of critical theory, especially the intent of the Frankfurt School and the specific contribution of Jürgen Habermas.

(2.1) Habermas's seminal concept is that of the *public sphere*, specifically as it grew out of the historically specific *Bourgeois Public sphere* (2.2.1). The role of the press in the formation of public opinion in the public

sphere is a role which has changed as modern society has grown more pluralistic. Habermas, in his concern for the health of the public sphere, is concerned about the distorted communication, press, publicity and manipulated public opinion can produce in society (2.2.2) In the interest of critically using Habermas's theory this Chapter reviews the critique of his theory of the public sphere from the point of view of social, cultural and media (2.3) This research then considers Habermas's *Theory of* Communicative Action, depending as it does on a non-instrumental rationality of mutual understanding, (2.4) and especially his key concepts of Lifeworld and System (2.4.1) and of Communicative Action (2.4.2). These are important for understanding Habermas's concern about the colonisation of the lifeworld and the need for a non-coerced and undistorted communication as the basis for a healthy public sphere and participative action in society. Since Habermas has been in a life-long conversation with other interpretative theories, there is a large body of philosophical criticism of his thinking. (2.5) These general strains of criticism are divided into five main areas or themes: The Public Sphere (2.5.1); Consensus and Dissent or Difference (2.5.2); Utopian or Regulatory Ideal (2.5.3); Contextualism and Universalism (2.5.4); and Tradition and Modernity (2.5.5) The Chapter ends with the results of Habermas's conversation with theologians (2.6), a dialogue which focuses on Habermas's refusal to allow a public role to religion in the public sphere. Because his analysis of modernity is so valuable to a public theology, this conversation with theology is a critical one, from the point of view of the exclusion of metaphysics from modernity (2.6.1) the contribution of foundational communities of interpretation (2.6.2) and the importance of resisting the privatisation of theology and religion in modern, pluralistic societies. (2.6.3)

# 2.1 The Role of Critical Theory and the Contribution of Jürgen Habermas

Jürgen Habermas represents the third phase and second generation of The Frankfurt School of Critical Theory which itself represented a major strain of German philosophical thinking aimed at a constructive critique and creative synthesis of Freud and Marx. The Frankfurt School's first phase<sup>203</sup> was critically Marxist and committed to an interdisciplinary approach. Its most famous representatives were Max Horkheimer and Theodor Adorno, who were among the founders of the pre-World War II Institute for Social Research in Frankfurt. The other leading members of the Institute represented a broad diversity of interests. <sup>204</sup> In his work, *The Theory of Communicative Action, II (TCA,II)*, Habermas himself recalls that until the 1940's the Institute's research priorities could be stated in six different themes which he says reflected Horkheimer's "...conception of an interdisciplinary social science." <sup>205</sup>

The second phase of critical theory is marked by the 1947 publication

<sup>&</sup>lt;sup>203</sup> John B. Thompson, David Held (eds.) Habermas: Critical Debates, London, Macmillan, 1982. 3

<sup>&</sup>lt;sup>204</sup> John B. Thompson, David Held (eds.), *Habermas: Critical Debates...* 2 Max Horkheimer (philosopher, sociologist)—Theodor Adorno (philosopher, sociologist, musicologist), Friedrich Pollock (economist), Erich Fromm (psychoanalyst, social psychologist), Franz Neumann (political scientist) Herbert Marcuse (philosopher, social theorist) and Walter Benjamin (philosopher).

<sup>&</sup>lt;sup>205</sup> Jürgen Habermas, *The Theory of Communicative Action*, Vol.2 Cambridge, Polity, 1987. 378-379. The six themes as recalled by Habermas are: 1) the forms of integration in post liberal societies; 2) family socialisation and ego development; 3) mass media and mass culture; 4) the social psychology behind the cessation of protest; 5) the theory of art; and, 6) the critique of positivism and science.

of Horkheimer and Adorno's *Dialectic of Enlightenment*, <sup>206</sup> written in the United States in 1944 after the two had fled Nazi Germany. It is a work marked by disillusionment, one which political scientist Stephen White says developed the claim that "...the systematic pursuit of enlightened reason and freedom had the ironic long-term effect of engendering new forms of irrationality and repression." Habermas remarks that the thought of Adorno and especially of Horkheimer was

...influenced...by the harrowing historical fact that the ideals of freedom, solidarity, and justice deriving from practical reason, which inspired the French Revolution and were reappropriated in Marx's critique of society, led not to socialism but to barbarism under the guise of socialism.<sup>208</sup>

After the war Adorno and Horkheimer re-established themselves at the University of Frankfurt, which is when Habermas joined them. Habermas does not share the despair of the second phase of critical theory but remains committed to the interdisciplinary approach of its first phase. He also began a new trajectory, the third phase, which is based on the experience of a democratic society. Craig Calhoun contends that Habermas has a "...lifelong effort to reground the Frankfurt School project of critical theory in order to get out of the pessimistic *cul de sac* in which Horkheimer and Adorno found themselves in the post-war era."<sup>209</sup>

<sup>206</sup> Max Horkheimer and Theodor W. Adorno, *Dialectic of Enlightenment*, John Cumming (trans.), Seabury, New York, 1972.

Stephen K. White, *The Cambridge Companion to Habermas*, Cambridge University Press, Cambridge, 1995. White remarks that the most forceful articulation of questions about "...modern understandings of reason, subjectivity, nature and progress" have come out of two streams of German philosophical thinking, one marked by the post-World War II work of Martin Heidegger and the other by the Frankfurt School, especially the work of Horkheimer and Adorno. White says: "These critiques had an immense impact both on the initial shape of the work of Habermas and on its continued evolution." 3

<sup>&</sup>lt;sup>208</sup>Jürgen Habermas, Justification and Application, Remarks on Discourse Ethics, Polity Press, Cambridge, 1993. 139

<sup>&</sup>lt;sup>209</sup> Craig Calhoun,(ed.), *Habermas and the Public Sphere*, MIT Press, MIT, 1992. 5

Stephen White remarks that Habermas was convinced that "...one could retain the power of his predecessor's critique of modern life only by clarifying a distinctive conception of rationality and affirming the notion of a just or *emancipated* society that would somehow conform to that conception."<sup>210</sup>

At the conclusion of *The Theory of Communicative Action,II*,

Habermas says that critical theory has two tasks, one philosophical and one social scientific. White refers to these as the "quasi-Kantian" and "Hegelian-Marxist" faces of critical theory and suggests that the philosophical task is to develop a theory of rationality which is both minimal and universal; the social scientific task is to analyse and critique the selective use of reason in modern society.

# 2.2 The Concept of the *Public Sphere*

According to communications researcher John Peters *die*Öffentlichkeit, "the public sphere", is the central concept in Jürgen

Habermas's "still unfolding theory of communication." It is a concept large enough to hold thirty years of Habermas's prolific thinking and writing and still offers room for expansion. This is due to the fact that although Habermas began his theory by tracing a particular, historical structure, namely the *bourgeois public sphere*, his ongoing passion concerns the central idea embodied within that structure, an idea also central to democratic theory. The idea is simply the possibility of a

<sup>&</sup>lt;sup>210</sup> Stephen K. White, *The Recent Work of Jürgen Habermas, Reason, Justice and Modernity*, Cambridge University Press, Cambridge, 1988. 5

<sup>&</sup>lt;sup>211</sup> Stephen K. White, The Recent Work... 128

<sup>&</sup>lt;sup>212</sup> John Durham Peters, ""Distrust of representation: Habermas on the public sphere", Media, culture and Society, Vol. 15 (1993) 541-571. 541

reasoning public reaching agreement through argument on issues which affect public life. <sup>213</sup>

In order to flesh out this idea Habermas had to articulate a new way of thinking about reason and action, a way which would avoid what he perceived to be the limitations and pessimisms of the second phase of the Frankfurt School and of the thinking of Max Weber. Habermas is critical of their emphasis on instrumental rationality and subjectivity and argues for an approach emphasising a rationality of understanding and intersubjectivity. Habermas calls the latter *communicative action*.

For Habermas a critical concern remains the nature of a "public sphere" or, more properly, "public spheres". There is little sense in discussing the possibility of political or moral discourse in a society if there is no authentic public "space" for non-coerced discourse. Habermas critically focuses on the "multiplicity of sites for deliberation and decision making" in civil society and the interplay between these and society's formal political institutions. <sup>214</sup>

## 2.2.1 The Bourgeois Public Sphere

For Habermas the authentic public sphere emerged in the eighteenth century as that space between home and state (or courtly

<sup>&</sup>lt;sup>213</sup> Jürgen Habermas, *The Structural Transformation of the Public Sphere*, (Trans.) T. Burger and F. Lawrence, Polity Press, Cambridge, Mass., 1989 Intro., T. McCarthy, xii. Hereafter in the text referred to as *STPS*.

<sup>&</sup>lt;sup>214</sup> Stephen K. White, *The Recent Work* ... 13. As White notes in fn.34, this has been a continuous concern of Habermas since the publication of his *Habilitationschrift*, published in German in 1962 and in English as *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*,

society) which was ruled by neither home nor state. It existed in what he describes as a larger "Private Realm" within which people participated in the political sphere through discussion and critique. In his seminal work, *The Structural Transformation of the Public Sphere (STPS)*, Habermas describes it as "...a public sphere constituted by private people"(STPS,30). It was the public dimension of the private arena of home and work and its discourse became the public opinion that communicatively linked people and state. In *STPS* Habermas treats the public sphere as an "historical category" (*STPS*, Preface xviii). The "bourgeois public sphere" (*bürgerliche Öffentlichkeit*),<sup>215</sup> is a creature of its time and cannot be precisely transported into another context. In *STPS* he further limits his investigation to the *liberal* model of the bourgeois public sphere, maintaining that what he calls a *plebeian* model did arise at the same time but remained submerged and always oriented to the bourgeois sphere (STPS, Preface xvii).

In STPS Habermas traces the normative roots of the bourgeois public sphere to the Greco/Roman world. He maintains that the words public and publicity bear a "syndrome of meanings" and that in Germany "public sphere" did not even get a word of its own (the noun Öffentlichkeit) until the end of the eighteenth century (STPS, 3). But Habermas sees the genesis of the conceptual divide between "public" and "private" beginning with the Greek polis/oikos relationship, polis being the realm of freedom

Offentlichkeit precisely. 543

<sup>215</sup> John Peters, in his helpful linguistic exposition of the German Öffentlichkeit (translated in STPS as "public sphere" but which is literally publicness, from the adjective öffentlich, meaning public), says Habermas uses the word in at least three ways, one of which means "public-ation", or the media. The other two meanings, according to Peters, are "...the political principle of openness or publicity ...and the sociological groupings which are object of such publication (the body of citizens or readers)" John Durham Peters, ""Distrust of representation ... 543. Peters also points out that former Russian leader Mikael Gorbachev's glasnost translates

and permanence and *oikos* being the realm of necessity and transitoriness (STPS, 3). A citizen was "free" to be part of the polis precisely because he was the full patriarch of an oikos whose oikonomia was based on slave labour and the non-citizenship of women. If a man lost his household, in effect, he also lost his place in the public arena. Polis relates to oikos as light relates to dark: the public was the place where things were played out in the open, with competitive rhetoric, virtue and fame providing the formative matter for individual citizens; the household was the place of shadow, where fleeting desires, death and reproduction of life were necessities carried out in a commonality that cloaked individuality, notably that of women, children and household slaves. It is the "peculiarly normative power"(STPS,4) of this Greek concept bearing a "Roman stamp" which interests Habermas. He refers, in a footnote, to Hannah Arendt's The Human Condition as evidence of another work which acknowledges the normative power of the public/private split. 216 He reasons that if this public/private split has held such strong sway in our legal and political self-interpretation since its Hellenic conception, is it not important to examine the social decomposition of the public dimension in modern times? Habermas is careful to point out that while his interdisciplinary approach utilises sociological and historical methodology, his primary interest is in the structural changes in society.

Robert Holub comments: "What attracted Habermas to the notion of a

<sup>&</sup>lt;sup>216</sup> Craig Calhoun, (ed.), *Habermas and the Public Sphere* ... Chapter 3: Seyla Benhabib, "Models of Public Space: Hannah Arendt, the Liberal Tradition and Jürgen Habermas," 73-98. Benhabib discusses three models of public space in the restricted context of normative political theory, presenting Habermas's as the one most compatible with modern society's complexities and its emancipatory movements. Hannah Arendt, *The Human Condition*, University of Chicago Press, Chicago, Ill. 1958.

public sphere then and now is its potential as a foundation for a critique of society based on democratic principles." <sup>217</sup> For Habermas, an authentic public sphere is so foundational that its disappearance is of critical importance. In *STPS* he offers a socio-historical sketch of the emergence of this privately-based public communication specifically to illustrate what he sees as its subsequent disintegration.

Later, this chapter will review some of the criticism directed at Habermas's socio-critical characterisation but even his critics, on this account, are in agreement with his emphasis on the central role of *institutions of public communication* in his theory of structural transformation. For Habermas this is all the more nuanced because of what he identifies as a simultaneous *expansion* of scope and *shrinkage* of function for the public sphere. "Still", he writes, "publicity continues to be an organisational principle of our political order. It is apparently more and other than a mere scrap of liberal ideology that a social democracy could discard without harm (STPS,4)."

#### 2.2.2 Institutions of Public Communication

Habermas traces the evolution of "publicity" from feudal society where, he says, a separate public sphere did not exist. What did exist was a "publicness of representation", a going *before* the people, which was purely a function of status. The carriers of this "representative publicness" were the church and the nobility. The Reformation succeeded in challenging the status of the princes of the church while an economic separation marginalised the princes of nobility. Religion became private

<sup>217</sup> Robert C. Holub, *Jürgen Habermas*, *Critic in the Public Sphere*, London, Routledge, 1991. 3

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and no longer in control of the worldview; a public funding mechanism privatised the holdings of nobility and they were no longer in control of the public budget. The public/private split had begun (*STPS*,8-14.). But, as Habermas notes, European society would be caught, for a time, in a transition period. He suggests that the traditional form of authority, with its claim to "truth", still held interpretative power and would continue to reintegrate the new by explaining it in terms of the old system. Habermas says this curtailed independent interpretation and encouraged the passivity people had become accustomed to within the feudal representational system(STPS,f.n.#35,254).

In Habermas's socio-historical scheme the turning point for society came with traffic -- in commodities and in what we now refer to as "news" (STPS, 15-22). At the end of the sixteenth century traders began to travel to out of town-based markets and as they exchanged goods they also exchanged information. Habermas says these early capitalist commercial relations gave rise, eventually, to a state bureaucratic sphere for the handling of taxes and armies and to a body of "merchant literature", including internal newsletters and a kind of stock-market press. None of this was, as yet, threatening to the status quo. "News" became "news" and "letter dispatch" became "mail" only when they gained a certain level of public accessibility and Habermas maintains that this did not happen until the end of the seventeenth century (STPS, 16). The critical dynamic of this phase, he concludes, is the way a "civil society" began to emerge as a "corollary" to the increasingly depersonalised state. The household went public or, as Hannah Arendt would say, became "social". 218 Habermas sees the rise of this new sphere as critical. For him

<sup>&</sup>lt;sup>218</sup> By the "rise of the social" Arendt means the institutional differentiation of modern societies into the narrowly political realm on the one hand and the economic market

this is the "bourgeois public sphere" composed of the larger merchants, bankers and business people. They who formerly had to settle for being subsumed into the lower rung of nobility now rose to the top of a new sphere which was built on the shoulders of the small shopkeepers and craftspeople who themselves had just slipped a notch in the social pecking order.

More critical than the social "order" for Habermas is the fact that this public was a "reading" public, well able to make use of its reason. Habermas sees this critical reasoning entering the press in the last part of the seventeenth and the first part of the eighteenth centuries in the form of the critical journal (STPS, 24). Even so, the embryonic criticalness of this time continued to be umbilically attached to the regulations of the prevailing authorities. Because of this public opinions were often voiced at the behest of those in charge. In fact, Habermas makes the case that the prevailing attitude of the time was that the "public" was not sufficiently informed and therefore lacked proper judgement. <sup>219</sup> Yet, this public sphere was getting ready for a "...casting itself loose as a forum...The *publicum* developed into the public, the *subjectum* into the [reasoning] subject, the receiver of regulations from above into the ruling authorities' adversary". <sup>220</sup>

and the family on the other." Seyla Benhabib, "Models of Public Space..." in Calhoun, *Habermas and the Public Sphere...* 74

<sup>&</sup>lt;sup>219</sup> In *STPS*, 25, Habermas quotes a 1784 rescript of Frederick II as indicative of this attitude:

<sup>&</sup>quot;A private person has no right to pass public and perhaps even disapproving judgement on the actions, procedures, laws, regulations, and ordinances of sovereigns and courts, their officials, assemblies, and courts of law, or to promulgate or publish in print pertinent reports that he manages to obtain. For a private person is not at all capable of making such judgement, because he lacks complete knowledge of circumstances and motives."

<sup>&</sup>lt;sup>220</sup> STPS, 25-26. At this point Habermas adds a "history of words" which documents this "shift." In Great Britain the shift was from "world" or "mankind" to "public";

Once the public had "cast itself loose", the political confrontation that followed, as Habermas describes it, involved the public's laying claim to a sphere in which they confronted the ruling authority for the purposes of debate about the relational rules of this "new sphere," a "... privatised but publicly relevant sphere of commodity exchange and social labour" (STPS, 27). The medium would be"...rational-critical public debate (öffentliches Räsonnement)..."; the principle of control would be publicity, aimed not at dividing ruling powers but at changing domination as such (STPS, 28). The emerging institutions provide Habermas with the opportunity of giving a socio-historical account of the development of an array of interesting literary and political centres of criticism in France, Great Britain and Germany. Coffee houses (by the early 1800's London had 3000) tended to be shaped by men; salons (earlier in Great Britain and France) by women. In seventeenth century Germany the Tischgesellschaften (table societies) drew from middle-class academics. Salons, coffee houses, table and literary societies had in common "institutional criteria": a)they preserved a social intercourse which disregarded status; b) discussion presupposed a questioning and interpretation of cultural products as commodities separate from state and church authority; and, c) the public was inclusive, no one was excluded (STPS, 36).

In this same time period, the family was going through a process of privatisation which was reflected in the architecture of homes; an entire sphere of "purely human" relations emerged. Habermas sees the letter as

Publikum, Publizitat, publicite, offentliche, Meinung, opinion publique, public opinion—all came into being from the middle of the Seventeenth century through the Eighteenth century.

the literary form of this. "These (letters) were experiments with the subjectivity discovered in the close relationships of the conjugal family" (*STPS*, 49). The interesting twist to this was that letter writing became an art form, written with an audience in mind, as many were intended for publication. Habermas says this was the origin of the typical genre of the eighteenth century, the domestic novel, "subjectivity fit to print". Out of this grew the first public library and book clubs and huge sales of monthly and weekly journals. At this stage the public, which had grown out of the early salons and coffee houses, was now "...held together through the medium of the press and its professional criticism...the public sphere of a rational-critical debate in the world of letters within which the subjectivity originating in the interiority of the conjugal family, by communicating with itself, attained clarity about itself." (*STPS*, 51)

Habermas maintains that what he calls the "basic blueprint" of this historically unprecedented public sphere ultimately gets blurred. The blurring occurs in that space between public and private. The original model involved a clarity about the fact that this public *space* involved a gathering of *private* people. Their gathering for the purposes of rational-critical public debate was "...considered part of the private realm" (*STPS*, 176), the intimate sphere. Later, as Habermas has it, the model becomes inapplicable because the "...public and private become intermeshed realms (*STPS*, 176)." The move by the press and mass media from being *critics of culture* to *consumers of culture*, in a society in which mass media is itself one of the several institutions taking over the task of mediating between state and society, results in "...the disorganisation of the public sphere that was once the go-between linking state and society (*STPS*, 176)." In

<sup>&</sup>lt;sup>221</sup> STPS, 51. Today, one might look upon television soap operas as "electronic" domestic novels with the "subjectivity fit to broadcast" representing ever-expanding

this situation publicity, once a tool for rational-critical engagement, becomes a manipulative tool of mediating institutions. Public opinion becomes a seeking of "..good will for certain positions (STPS, 177)."

It is this development which causes Habermas to fear a re-feudalisation of society (STPS, 195). He explicates his fear in Chapter VI of STPS where he looks at the transformation of the public sphere into a platform for advertising through its pre-eminent institutions, the press and mass media, and considers the change in the concept of "publicity" attendant upon that transformation. Before moving to that treatment it is important to understand how Habermas sees the change in the concept of public opinion.

In Chapter 7 of STPS, Habermas making several distinctions and clarifications about *public opinion*. If public opinion is seen as having a critical function then it is assumed that the exercise of political and social power is subject to publicity, to the critique implied by being public. However, if public opinion is seen as having a manipulative function then publicity is a staged display in the service of some entity which seeks to mould opinion in its favour. The choice is between public communication and opinion management. Is there a corresponding public for either function? Habermas says since constitutional government must maintain an institutionalised fiction, namely, that it is based on and responsive to real public opinion, then it is not willing to allow for the fact of a disintegrated public. Habermas sees two attempts to respond to the dilemma: 1) the *liberal definition* would salvage public opinion by repositioning it within an "inner circle" of the most intelligent and wellinformed, thus saving rationality but jettisoning accessibility and universality; 2) the *institutional criteria definition* posits government or

boundaries.

parliament as mouthpieces of public opinion, thus presenting the problem of whose words are being "mouthed" and the possibility of the public losing its subjectivity to agencies or prevailing political parties (STPS, 236-240). In addition to these shifts, Habermas identifies what he calls a social psychological liquidation of the concept of public opinion. When public opinion became an object of research in the form of group analysis, both public and opinion become abstracted in this process, coming to be translated as group and attitude. In this schema an opinion becomes public only if an attitude of a group dominates.

Habermas wonders if there can be a synthesis between the classical concept of public opinion and the social-psychological one. The suppression of the classical, constitutive public opinion to agencies of domination resulted in the loss of informal communication processes; the group process emphasis of the social-psychological approach loses the critical subjectivity of the classical concept. Habermas says this has resulted in a society in which public administration becomes the framework in which the relationship is left to be articulated. Unfortunately he sees this leading to a situation where public opinion becomes feedback to the existing political structure and remains an object of domination even if its feedback results in some changes to that structure (italics mine) (STPS, 239-244). In an attempt to clarify this, Habermas rejects the feedback model because of its failure to close the gap between the classical and social-psychological concepts of public opinion. He suggests that the concept can only truly be grounded in the structural transformation of the public sphere itself. Because of this the conflict between the two forms of publicity, critical and manipulative, must be taken seriously; criteria to gauge "publicness" must be developed so that the critical function of publicity is possible. This critical publicity is the

mediator of both informal communication (that which is personal, non-public opinion, both sub-literary and post-literary) and formal communication (institutionally authorised opinions) (*STPS*, 244-250).

In STPS, Chapter VI, Habermas's concern is the shift in publicity:

The shift in the function of the principle of publicity is based on a shift in the function of the public sphere as a special realm. This shift can be clearly documented with regard to the transformation of the public sphere's pre-eminent institution, the press (*STPS*, 181).

The irony of this particular transformation, as Habermas traces it, is that the very conditions which once protected the critical function of the press are now threatening that function. This is occurring even as mass media seem to be expanding the public sphere. Habermas illustrates this irony in a socio-historical tracing of the newspaper. As a business in private hands, early newspapers were protected from interference from the public authority. With the advent of editors, news merchants became as concerned with public opinion as they had once been concerned with the gathering and passing along of news. They became dealers in public opinion. (STPS, 182). As the press (and other mass media) commercialised and became enmeshed in the complex of societal power they also became susceptible to the pressure of private interests. Their commodity exchange value increased with the advent of business advertising; at the same time, advertising put internal pressure on news editors not to threaten the *status quo*, lest the newspaper lose important revenue. Even the so-called *public* or *semi-state* media found themselves subject to these market pressures in addition to the state-control with which they contended. The growing international interlocking (technological and economic) of all the news media simply concentrates this transformation.

Habermas argues that the critical function of the press was lost as it moved from transmitting the critical-rational debate to actually shaping it. (STPS, 188) The "..economic advertisement achieved an awareness of its political character only in the 'practice of public relations'." (STPS, 193) There then arose a distinction between advertising and public relations, with advertising directed to the public as *consumer* and public relations directed to *public opinion* and thus to the private citizens who make up the public. Habermas says opinion management is where advertising "...lays claim to the public sphere as one that plays a role in the political realm (STPS, 193). The problem, for Habermas, is the false publicity. A consensus created by opinion moulding flies in the face of his criteria for rationality. In this situation, intelligent criticism becomes conformity and consent becomes good will evoked by publicity (STPS, 195). Habermas sees the public sphere, in a return to the pomp of publicity of representation, taking on feudal structures; enter what Habermas calls staged or manipulated publicity. Staging agencies, such as special interest groups, political parties, or administrations, seem to represent the public but are, in effect, attempting to manage public opinion. Habermas points to the "...staged or manipulatively manufactured public sphere of the election campaign (STPS, 212). He sees this as a temporarily manufactured political public sphere which contributes to the dissolution of coherence as a public. Political marketing has emerged as its own rather huge business, one which shares with mass media the tension between profits and public good.

Habermas has been criticised for overestimating the power of forces such as mass media, while underestimating the ability of the private/public to be agential. This and other criticisms are reviewed later in this chapter.

For the moment it is important to recognise that Habermas demarcates the public sphere and defines the concepts of publicity and public opinion which are constitutive of the classical idea of its functioning. His sociohistorical treatment allows him to explore a way in which the concepts have been structurally transformed in society and presents him with the challenge of surfacing key principles and criteria for the survival of those concepts. This complex creates a receptive "space" for the introduction of his theory of communicative action.

# 2.3 A Critique of Habermas's Public Sphere

Mass media and culture was one of The Frankfurt School's original concerns and one of its stated interdisciplinary themes. Habermas devotes two pages to the topic in his TCA,II, (389-391). It is worth reviewing his few comments before moving on to the critique.

Habermas says that Horkheimer and Adorno saw mass media taking the place of public discussion and the electronic media actually dominating everyday communication...a case of technology controlling nature much the way the superego controls the id in Freudian psychology. Habermas faults their view as being a-historical and over-simplistic, failing to take into account the complexity and diversity of broadcasting, audiences and cultures. (Of course, Habermas has since had the advantage of living through even more years of the development of communication technologies than Adorno and Horkheimer did, and of being able to watch the complexity and diversity develop. His thinking and writing have coincided with the "television to Internet" generations.)

Habermas's distinction between *lifeworld* and *system*<sup>222</sup> suggests a corresponding distinction between two types of communication media.

I have distinguished the steering media that replace language as a mechanism for co-ordinating action from the forms of generalised communication that merely simplify an overly complex nexus of communicative action, and that in doing so remain dependent on language and on a lifeworld, however rationalised. (TCA II, 277)

Habermas positions the mass media in the second grouping, the generalised forms of communication which stay connected with the lifeworld. They free communication from contextual constrictions such as space and time and "...permit public spheres to emerge." (TCA,II,390) These "media publics" are simultaneously able to hierarchise/liberate and concentrate/contextualize "processes of reaching understanding." There is always the possibility of control and there is always the possibility of opposition to that control. This, in turn, suggests an "ambivalent potential" of mass communications and permits a scepticism toward the thesis that "...the essence of the public sphere has been liquidated in post liberal societies" (TCA,II,389). Habermas ends this section with a list of the issues being looked at in communications research in the light of this basic ambivalence. He identifies the contradictions he sees mass media research addressing, contradictions resulting from competing interests (economic, journalistic, political), the existence of sub-cultures, and the effect of decentralising tendencies on networks. His footnotes for this section document critical theory research in mass media (through the early

<sup>&</sup>lt;sup>222</sup> Lifeworld is the world of everyday communication, the place of cultural reproduction and socialisation. The lifeworld depends upon a communicative rationality based on mutual understanding. Systems are the functions of the market and bureaucracy (money and power) which depend upon purposive or instrumental rationality. (*TCA*, *II*)

1980's) which lend credence to the "...independent weight of everyday communication" in relation to mass media (TCA, II. Section VIII.3,fn.35-42).

Media researchers are interested in Habermas's theory because of the question of "...the nature of the public's ability to form itself". <sup>223</sup> This moves the emphasis from a simplistic focus on any one factor or institution toward an appreciation of the *complex* or *nexus* which facilitates or hinders the health of the public spheres and social reproduction. What is the benefit of an *information highway* if it does not contribute to the repair or reconstruction of what media researcher Ed McCluskie calls the "public's eroding infra-structure?" By the same token, the rapid complexification of technological information systems must be seen in its still larger cultural context, one which allows for the possibility of human self-determination even in the midst of systems which have the potential to be strongly controlling.

1990's media research, especially in media ethics, reflects a new seriousness about theory and is dominated by the influence of Habermas's discourse ethics. Media research offers its own critique of the limitations of Habermas's theory, a critique identified by some as revolving around "...three axes: gender, ethnicity and Enlightenment rationalism." <sup>225</sup> The dialogue within media research of the past twenty-five years has usually

<sup>&</sup>lt;sup>223</sup> Ed McLuskie, "The Mediacentric Agenda of Agenda-Setting Research: Eclipse of the Public Sphere," *Communication Yearbook/15*, (ed.), Stanley A. Deetz, Sage Publications, Newbury Park, CA. 1992. 410-424. 422

<sup>&</sup>lt;sup>224</sup> Ed McLuskie, "The Mediacentric Agenda...." 421.

<sup>&</sup>lt;sup>225</sup> European Journal of Communication, Special Issue on Media Ethics, Vol. 10, No.4 December, 1995. See, especially, Clifford G. Christians, "Review Essay: Current Trends in Media Ethics," (545-558). Pp. 551-553 review the research prompted by

included some grappling with his theories and concepts, especially that of "...a public sphere governed by rationality, open communication and mutual interest"<sup>226</sup> with the media having an empowering role. But, in the best Habermasian tradition, media research is inclined to be of both a retrieving and suspicious nature when it comes to a critique of Habermas.

Nicholas Garnham's <sup>227</sup>concern is that decisions about mass media are political decisions because the structures of public communication are a central part of political structures. In the face of the "Information Society" in which there is a struggle between the market and public service, Garnham maintains that the market is winning and public information is now a commodity. He sees public sphere theories, especially Habermas's, as helpful for looking at this problem. Garnham finds definite strengths in Habermas's thought: a) a focus on the link between mass public communications and politics; b) a focus on the necessary material resource base; and, c) a distinguishing of the public sphere from both state and market, which avoids the simple free market vs. state control dichotomy which dominates media policy discussion. However, Garnham also surfaces what he sees as weaknesses in Habermas' concept of public sphere. Some of these are in the category of the more general criticisms, such as the neglect of the *plebeian* public sphere, the idealisation of the bourgeois public sphere, and the exclusionary and non-pluralistic characteristics. But he also says Habermas is too dependent on Adorno's model of cultural industries as elite, manipulative and with no allowance

Habermas's theory of discourse ethics.

<sup>&</sup>lt;sup>227</sup> Nicholas Garnham, "The Media and the Public Sphere," in Craig Calhoun (ed.), *Habermas and the Public Sphere*, MIT Press, MIT, 1992. 359-376. Also, "The Media and the Public Sphere," Nicholas Garnham, Chapter 2, in *Communicating Politics: Mass Communications and the Political Process*, (eds.) Peter Golding, Graham Murdock and Philip Schlesinger, Leicester University Press, 1986. 37-53.

for public service models. Garnham also faults the model of communicative action for a certain narrowness as a norm; especially, that it neglects forms of communicative action *not directed toward consensus* as well as *rhetorical* and *playful aspects* of communication. In this respect Garnham views Habermas's theory as drawing too sharp a distinction between information and entertainment and between citizenship and theatricality.

Peters picks up on this criticism and posits the influence of a Puritan "pairing of political immediacy and aesthetic austerity" at the deep root of Habermas's thought. Peters maintains that Habermas is an iconoclast, but, unlike Adorno, his "iconoclasm lacks sensuousness." This results in "plain speech" communication, rather than "rhetoric, narrative or other alternatives", being the centre of Habermas's idea of democratic life. Peters sees Habermas's concept of communication as sober, Apollonian, untempting and with a distinctly Protestant orientation. The basis of this criticism seems to be the research which is beginning to show how the public uses not only "information" but also what we have called "entertainment" programs to help form their concept of social identity and reality.

In a more class-specific critique, Curran sees the history of the "radical press" posing a challenge Habermas's theory in *STPS* on three counts:

1) his conception of reason—"the newspapers celebrated by Habermas were engines of propaganda for the bourgeoisie rather than the embodiment of disinterested rationality." Radical newspapers challenged

<sup>&</sup>lt;sup>228</sup> John Durham Peters, "Distrust of representation: Habermas on the public sphere," Media, Culture and Society, Vol. 15 (1993). 541-571.

<sup>&</sup>lt;sup>229</sup> A classic example of this is the "soap opera" genre; a modern version of "subjectivity fit to print."

their version of reason and became subscription leaders in the first half of the nineteenth century; 2) the radical press drew attention to the missing dimension of class struggle [ in Habermas's historical portrayal of the press] by publishing a public opinion different from the bourgeois press, one that revealed the connections between poverty and capitalistic profit; and, 3) the history of the radical press challenges Habermas's use of the criterion of differential individual rather than class access to analyse changes in the material base of the nineteenth-century press. Curran says Habermas had an "...inadequate understanding of the way ...the market system filtered social access...". (In 1837 a national newspaper was established for less than one-thousand pounds...by 1918 it took over two million pounds to establish another, requiring resources ordinarily beyond those of an individual). <sup>230</sup> Curran concludes that Habermas's arguments regarding the press need, if not complete historical revisionism, at least a reformulation in the light of new historical findings. Curran is even more critical about Habermas's treatment of modern media, as distinct from the press. Habermas acknowledges the presence, growth and complexity of what he calls the "newer media" (STPS, 170) but does not provide a socio-historical treatment as extensive as his treatment of the print press. Habermas sees the new media masquerading as a public sphere but in reality constraining interaction and creating consumerism.

They [the new media] draw the eyes and ears of the public under their spell but at the same time, by taking away its distance, place it under "tutelage,"...they deprive it of the opportunity to say something and to disagree. The world fashioned by the mass media is a public sphere in appearance only. By the same token the integrity of the private sphere which they promise to their consumers is also an illusion. <sup>231</sup>

Jürgen Habermas, STPS...171.

<sup>&</sup>lt;sup>230</sup> James Curran, "Rethinking the media as a public sphere," in Peter Dahlgren, Colin Sparks, (eds.) *Communication and Citizenship: Journalism and the Public Sphere in the New Media Age*, Routledge, London, 1991. 40-41.

Curran suggests that Habermas's characterisation of modern media is "...positively misleading". <sup>232</sup> Far from paralysing the public, Curran says media research is showing that viewers are "...neither as malleable nor as passive as Habermas feared" <sup>233</sup> For instance, audiences *bring* discourses to their media viewing. They also have selective attention, in terms of content and concentration. <sup>234</sup>

In the absence of a more developed treatment of the "new media" by Habermas, it may be less than fair to suggest that the above is his final position. If one considers Habermas's continuing willingness to "...clear up misunderstandings, correct mistakes and eliminate shortcomings" as well as his willingness to engage with other areas of research, then it is certain that he sees a more complex picture of electronic communication—well beyond the arena of television news broadcasting, which is looking more "limited" with the passing of time. Consequently, one might assume he would welcome the thinking of someone such as Annabelle Sreberny-Mohammadi who uses her research in Iran and other developing countries

<sup>&</sup>lt;sup>232</sup> James Curran, "Rethinking the media.... 42

<sup>&</sup>lt;sup>233</sup> James Curran, "Rethinking the media..... 42

Communication Theories and Society, 2nd edition, New York, Wiley, 1985, for a summary of U.S. research, and James Curran, "The New Revisionism in Mass Communication Research: A Reappraisal," European Journal of Communications, Vol.5, Nos. 2-3 (1990). In addition, for an interesting treatment of audience interaction, see Henry Jenkins, Textual Poachers, Routledge, London, 1992. Jenkins studied "fans" and "fandom" and says this phenomenon suggests that viewers, far from being passive spectators, are in an active relationship which allows for different forms of interaction. "Fandom does not prove that all audiences are active; it does, however, prove that not all audiences are passive." (287) Also, Ien Ang, Desperately Seeking the Audience, Routledge, London. 1991. For a contemporary research approach to the complexity of how audiences assimilate information see, Greg Philo, Seeing & Believing, Routledge, London. 1990.

<sup>&</sup>lt;sup>235</sup> Honneth and Joas, A Reply... 215

as the springboard for exploring the topic of the global and local aspects of international communications. <sup>236</sup>

Sreberny-Mohammadi identifies the three intellectual paradigms which have dominated the field of international communications since the 1960's:1) communications and development; 2) cultural imperialism; and, 3) a revisionist cultural pluralism which is still searching for a coherent theoretical shape. She is proposing a fourth paradigm, the global/local/national model. Srberny-Mohammadi predicts that identity politics not ideology politics will be "fought out" in the next century. She positions the media/culture spectrum at the centre of this search with the potential of "revitalising local identities" and of being tools for political mobilisation. Though she only once references Habermas in this article, his thoughts on the ambivalence of mass media would be consonant with her contention that in developing countries mass media can be both socially controlling and socially liberating. Her concerns would also resonate with his realisation in TCA, II, The Tasks of a Critical Theory that "...the new conflicts are not ignited by distribution problems but by questions having to do with the grammar of forms of life".(TCA,II,392)

But perhaps her most interesting insight has to do with the stages of media development in the West and the kind of cultural formation this implies. There is evidence in the Third World that societies are moving directly from "...a predominantly oral culture ...into the 'secondary orality' of electronic media."<sup>237</sup>

<sup>&</sup>lt;sup>236</sup> Annabelle Sreberny-Mohammadi, "The Global and the Local in International Communications," James Curran and Michael Gurevitch, (eds.), *Mass Media and Society*, Routledge, London. 1991. 118-138.

<sup>&</sup>lt;sup>237</sup> Annabelle Sreberny-Mohammadi, "The Global and the Local..." 134.

...if print is connected to the development of rational logical thinking(Ong),to the development of modern ideologies not linked to church or aristocracy (Gouldner), and the growth of a public sphere, open debate and active citizenry (Habermas), then the limited if non-existent development of this mode of communication in developing countries has profound political and social consequences which have barely been acknowledged.<sup>238</sup>

Some would perhaps see this as the "Third World" version of the critique which is brought against Habermas by feminists or those who argue the exclusion of the *plebeian* dimension in *STPS*. But this research is throwing out questions which strike more deeply into the heart of Habermas's theory. Is a "print-based rationality" hidden in the rationality of communicative action as Habermas describes it? Or is this only a problem because he has made *the bourgeois public sphere* in some sense normative? Is the research on media in the developing countries just reflecting a complexity in present society which Habermas's seminal work, no matter how revised, cannot accommodate? <sup>239</sup>

## 2.4 The Theory of Communicative Action

In 1981 Habermas published a two-volume work , *The Theory of Communicative Action (TCA,I,II)*. In his own words this theory was meant

...to provide an alternative to the philosophy of history on which earlier critical theory still relied but which is no longer tenable. It is intended as a framework within which inter-disciplinary research on the selective pattern of capitalist modernisation can be taken up once again. (TCA,II, 397).

<sup>&</sup>lt;sup>238</sup> Annabelle Sreberny-Mohammadi, "The Global and the Local..." 134.

<sup>&</sup>lt;sup>239</sup> Chapter Three will detail the development in Habermas's thinking as reflected in a later work, *Between Facts and Norms*.

once again. (TCA,II, 397).

In TCA Habermas allows the reader to be companion to him in his painstaking journey toward a social theory which both acknowledges the theoretical work of the past (the "classics") and pushes out of "conceptual bottlenecks" (TCA,I, 273) by offering categories broad enough to allow for an understanding and critique of *modern* society. In this regard Habermas points to an "exhaustion of the philosophy of consciousness" which he sees as the reason for early critical theory's decline into pessimism. In TCA,I, he argues for a broader concept of rationalisation, consonant with his description of sociology's retention of a theory of the whole of society. To do this he must confront the considerable influence on sociology of Max Weber, whose purposiveactive concept of rationality Habermas found to be too narrow.<sup>240</sup> He also uses what Holub refers to as two theoretical aids: 1) Carl Popper's threeworld theory; and, 2) various speech-act theories, notably Wittgenstein's, Searle's and Austin's, with a view to how philosophy and linguistics contribute to them and to the discussion of institutionally bound and un-

<sup>&</sup>lt;sup>240</sup> Stephen K. White, *The Recent Work* ... 92-103. White says Habermas saw Weber's theoretical framework as too restricted for the range of phenomena he was addressing. By "rethinking" Weber's theory through using the broader resources of a communicative model Habermas concludes that the purposive rationalisation Weber saw all societal rationalisation collapsing into was actually only one way of developing the broader potential of modernity. For Habermas the shift has to be from thinking on the level of different types of action to the more complex level of different principles of sociation, i.e., linguistic/de-linguistified. 101 Habermas on Weber: The Theory of Communicative Action, Vol. I, Reason and Rationalisation of Society, trans. T. McCarthy, Polity Press, Cambridge, 1984. (Hereafter referred to as TCA,I) Habermas cites two limitations in Weber's analysis of the rationalisation of world views: 1) he focuses on ethical rationalisation and neglects the cognitive and expressive (science and art): and, 2) he traces religious rationalisation in only one historical context, that of the rise of the capitalist economic ethic. Habermas concludes that Weber did not, therefore, exhaust the "systematic scope of his theoretical approach". TCA,II. 197,198.

bound speech-acts. 241 It is not necessary for the purposes of this project to review in detail Habermas's critique of these theories in TCA, I. What is important is to realise that in analysing and pointing out the limitations of their concept of praxis Habermas is making a case for another kind of action, one which has understanding as its end and depends upon context and intersubjectivity, namely, communicative action.

Early in TCA, I Habermas articulates the difference for one's theoretical foundation between beginning with a non-communicative rationality and a communicative rationality. The first implies a decision for an instrumental rationality; the second implies the decision for a wider rationality carrying with it

... connotations based ultimately on the central experience of the unconstrained, unifying, consensus-bringing force of argumentative speech, in which different participants overcome their merely subjective views and, owing to the mutuality of rationally motivated conviction, assure themselves of both the unity of the objective world and the intersubjectivity of their lifeworld.(TCA,I 10)

This communicative reason is integrally different from instrumental reason, especially in its constitutional abilities:

> Unlike instrumental reason, communicative reason cannot be subsumed without resistance under a blind selfpreservation. It refers....to a symbolically structured lifeworld that is constituted in the interpretative accomplishments of its members and only reproduced through communication. Thus communicative reason does not simply encounter ready-made subjects and systems; rather, it takes part in structuring what is to be preserved. The utopian perspective of reconciliation and freedom is ingrained in the conditions for the communicative sociation of individuals; it is built into the linguistic mechanism of the reproduction of the species. (TCA,I, 398)

<sup>&</sup>lt;sup>241</sup> Robert C. Holub, Jürgen Habermas, Critic ... 13.

In TCA, II<sup>242</sup> Habermas argues for what he feels Weber is missing, "...more systematic and structural analysis". As he did in *The Structural* Transformation of the Public Sphere (STPS), Habermas uses a methodology of historical development to illustrate what he sees as the paradigm shift in social sciences—a shift from purposive activity to communicative action. He traces the development of the communication foundations of sociology from the early twentieth century subject-object model of the natural sciences through the split which grew out of Charles Sanders Peirce's theory of pragmatics. According to Habermas this split took two main directions: 1) toward an analytic philosophy of language which resulted, eventually, in logical positivism; and, 2) toward a psychological theory of behaviour, which resulted in behaviourism (TCA, II. V) For Habermas, the thinking of George Herbert Mead and of Emile Durkheim prefigure the paradigm shift toward a communicative rationality—Mead with his concept of symbolic interaction and Durkheim with his concept of *collective consciousness*. At this point it is important to recall that in using this methodology Habermas's primary interest is not in rendering historical or social narratives but in uncovering and understanding structural transformations in society. Habermas admits that he exploits the pertinent theories in an effort to show their gaps and to make use of their valuable insights. In this case, Habermas is making the philosophical move away from theories of the consciousness of subjects and toward the *linguistic* turn and is interested in addressing the relationship between communicative action and the integration of society.

<sup>&</sup>lt;sup>242</sup> Jürgen Habermas, *The Theory of communicative Action, Vol. II, Lifeworld and System: A critique of Functionalist Reason*, (trans.) Thomas McCarthy, Polity Press, Cambridge, 1989.(Hereafter referred to as *TCA*, *II*)

### 2.4.1 Lifeworld and System

It is in *TCA,II* that Habermas introduces his two concepts, *life-world* and *system*. He defends this differentiation of the concept of society on the basis of the need to distinguish "...between a *social integration* of society, which takes effect in action orientations, and a *systemic integration* which reaches through and beyond action orientations (TCA,II, 117). The lifeworld is the world of "everyday communication" and its "vital traditions" (TCA,II,355). The lifeworld functions, for instance, as the place of socialisation and cultural reproduction. Its rationality is one of mutual understanding. Systems are the steering media of society, the economic and bureaucratic functions which depend upon instrumental rationality. In response to criticism that "...things are not so cut and dried," Habermas chose to make a later clarification about this uncoupling of "lifeworld" and "system":

asymmetrically. However, the talk of the uncoupling of system and lifeworld unfortunately also conjures up images of the lifeworld being stripped of mechanisms of system integration. In this regard I am guilty of a reifying use of language; the lifeworld is uncoupled solely from media-steered subsystems, and of course not from the mechanisms of system integration as a whole. Both (1) epistemic and (2) action-theoretic reasons speak in favour of there being an historical trend toward the uncoupling of 'system' and 'lifeworld' in this asymmetrical sense. 244

Acting subjects conceive society as the *lifeworld of a social group*; an outside observer would see society as a *system of actions*, with each

<sup>&</sup>lt;sup>243</sup> William Outhwaite, *Habermas, a Critical Introduction*, Polity Press, Cambridge, 1994. 109

<sup>&</sup>lt;sup>244</sup> Axel Honneth and Hans Joas, Communicative Action, Essays on Jürgen Habermas's The Theory of Communicative Action, (eds.) Polity Press, Cambridge, 1991. 257

action having significance according to its contribution to "...the maintenance of the system".(*TCA,II*,117) Habermas's concern is not about this uncoupling *per se*, nor with social differentiation or secularisation as such, since they do contain liberating aspects. He is concerned about the pathologies of modern society arising from "...an elitist splitting-off of expert cultures from contexts of communicative action in daily life" and the "penetration" of media-steered subsystems (the market and bureaucracy), with their economic and administrative rationalities, into areas of action which depend on "...mutual understanding as a mechanism for co-ordinating action" (such as child rearing, cultural transmission and social integration, TCA,II, 330). He adds:

If we assume, further, that the phenomena of a loss of meaning and freedom do not turn up by chance but are structurally generated, we must try to explain why media-steered subsystems develop *irresistible inner dynamics* that *bring about* both the colonisation of the lifeworld and its segmentation from science, morality and art. (TCA,II. 330-331)<sup>245</sup>

Putting this in another way, when the expansion of modern capitalism, with its economic and bureaucratic rationalities, is at the expense of areas of social life in which "...traditions and knowledge are transferred, in which normative bonds are intersubjectively established, and in which

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<sup>&</sup>lt;sup>245</sup> Habermas argues that with modernity reason lost its unifying worldview and differentiated into three validity claims: *objective truth, moral rightness* and *subjective truthfulness* or *authenticity*. In *Moral Consciousness and Communicative Action (MCCA)* he uses this three-fold differentiation to discuss the structure of communicative action, or "action oriented to reaching understanding." Habermas says agreement rests on intersubjectivity in three domains: shared propositional knowledge, normative accord, and mutual trust. Using these three areas, speakers have three options for mode of language use: cognitive-constative-truth; interactive-regulative-justice and expressive-representative—taste. Again, these relate to the science, morality, art triad. (*MCCA*,136)

responsible persons are formed" (the reproduction processes of the lifeworld: cultural reproduction, social integration and socialisation) then the "pathologies specific to contemporary capitalism arise.<sup>246</sup> When science, morality and art become dominantly elite areas separated from the tradition within everyday consciousness the conditions are ripe for "colonisation of the lifeworld".

When stripped of their ideological veils, the imperatives of autonomous subsystems make their way into the lifeworld from the outside - like colonial masters coming into a tribal society - and force a process of assimilation upon it.(TCA,II,355).

Habermas remains firmly convinced that some social functions demand communicative action and that "meaning can neither be bought nor coerced" <sup>24</sup> When there is more attention put upon instrumental or purposive reasoning than on the communicative reason which is at the heart of all social action, then Habermas sees a real problem for modernity. He identifies the need to replace the Marxist ideology critique with a critique of modern culture in order to explain the "...cultural impoverishment and fragmentation of everyday consciousness" (*TCA,II*,355). In his opinion, late capitalist, welfare-state societies have found some functional equivalent for ideological formation, albeit in a negative way, in their avoidance of holistic interpretations. Since the lifeworld depends on shared global knowledge "...everyday knowledge

<sup>247</sup> Axel Honneth and Hans Joas, Communicative Action... 259.

<sup>&</sup>lt;sup>246</sup> Stephen K. White. *The Recent Work* ... 112, 116-120. White reproduces Habermas's "Crisis Phenomena" chart from "Reply to My Critics," in J. Thompson, D. Held (eds.) *Habermas: Critical Debates...* 280 Among the pathologies or "disturbances" Habermas surfaces are: (cultural) loss of meaning: insecurity of collective identity; breakdown of tradition: (society) withdrawal of legitimation; anomie; withdrawal of motivation: (person) crisis in orientation and education; alienation; psychopathologies. (White, 120)

appearing in totalled form remains diffuse..."(TCA,II 355), the result is what Habermas calls *fragmented consciousness*.

In place of "false consciousness" we today have a "fragmented consciousness" that blocks enlightenment by the mechanism of reification. It is only with this that the conditions for a *colonisation* of the lifeworld are met. (TCA,II,355)

It is precisely because of this fragmentation and cultural impoverishment due to colonisation that Habermas sees the need to replace what he judges to be an inadequate theory of consciousness with an analysis of cultural modernity." Instead of a critique of ideology and a "hunting after the scattered traces of revolutionary consciousness," Habermas's analysis looks for conditions which will enable the differentiated and specialist culture to be put back in touch with "everyday communication" and its "vital traditions" (TCA,II,355).

To return to Habermas's own intention that *TCA* be a "framework" for interdisciplinary research on modern capitalism it does seem that he offers a social theory which asks pertinent questions about the problems of modern political structures. In addition, few other theorists have sparked the kind of cross-disciplinary conversation which Habermas elicits.

Habermas's thinking goes along with those who increasingly see modern politics in terms of communication and culture -not the communication of trivial packaged 'messages' from politicians but broader shifts of opinion such as those brought about by feminist and ecological movements. <sup>248</sup>

#### 2.4.2 Communicative Action

At this point it is appropriate to say a few words about

<sup>&</sup>lt;sup>248</sup> William Outhwaite, *Habermas, a Critical Introduction*...120.

Habermas's theory of communicative competence and his concept of the ideal speech situation. Habermas coined the term *communicative competency* in 1971. The term refers to the presuppositions or assumptions which participants bring to argumentation. David Held points out that Habermas, in his efforts to show the relation between knowledge and human activity, found that he had to examine "...the distinction between processes of constitution and justification" <sup>249</sup> and so devised his theory of *communicative competence*. In this theory he argues that speech is oriented to consensus and in the *background consensus* are certain agreed upon assumptions, such as the *comprehensibility*, *truth*, *rightness* and *sincerity* of a participant's utterances. A kind of normativity is found in this "background" consensus within the very structure of language. As Held states it:

...the very structure of speech is held to involve the anticipation of a form of life in which truth, freedom, and justice are possible...[his] critical theory of society makes this its starting point. <sup>250</sup>

Therefore, according to Habermas, the ground of critical theory is not arbitrary but is to be found in the very structure of language and social action. This is why he has come to prefer the more comprehensive term communicative action over communicative competence.

The *ideal speech situation*, according to Habermas, is non-coerced and inclusively accessible; when coercion or other constraints are present there is a *systematically distorted communication*. Held suggests that this is, for Habermas, the *ideology of modernity*. Getting beyond such distorted systems—unmasking them—is the *emancipatory* task.

<sup>&</sup>lt;sup>249</sup> David Held, *Introduction to Critical Theory*, Hutchinson and Co., London. 1980. 256

<sup>&</sup>lt;sup>250</sup> David Held, Introduction to Critical Theory... 256-257

This is a matter not just of the intrusion of causal obstacles to understanding, expressed in psychoanalysis as privatised languageuse or de-symbolisation, but of 'the lack of interactive competences.' <sup>1251</sup>

Habermas uses *development theories*, especially those of Piaget and Kohlberg to show the potential for developing communicative action in both individual and social dimensions. He would see on both levels a "growing capacity to master theoretical and practical discourse, respectively discourse about statements that make problematic truth claims and discourse about the rightness or correctness of norms." <sup>252</sup> This leads to questions relating to the role of dialogue in the development of moral reasoning, the very possibility of "learning" societies, and the advisability of using, as a springboard, a theory such as Kohlberg's, which has been highly criticised for its exclusivity. <sup>253</sup>

<sup>&</sup>lt;sup>251</sup> William Outhwaite, *Habermas, a Critical Introduction*... 43.

<sup>&</sup>lt;sup>252</sup> William Outhwaite, *Habermas, a Critical Introduction...* 43.

<sup>&</sup>lt;sup>253</sup> Carol Gilligan, *In a Different Voice: Psychological Theory and Women's Development*, Harvard Univ. Press, Cambridge, MA., 1982. Gilligan's work on the moral thinking of women challenged Kohlberg's theory and its Kantian "ethic of justice." Her focus, on an ethic of responsibility and care, offered another voice and another experience, that of women, which she claimed Kohlberg completely neglected. Though Habermas at one time "sided" with Kohlberg against Gilligan, White maintains that Habermas has actually accepted Gilligan's critique but feels his communicative model is compatible with Gilligan's insights. (Stephen K. White, *The Recent Work...* 83-85) For a slightly different view on Habermas's hospitality toward this "other voice" see "The Debate over Women and Moral Theory Revisited", Seyla Benhabib, in *Feminists Read Habermas, Gendering the Subject of Discourse*, (ed.) Johanna Meehan, Routledge, London, 1995. 181-204.

### 2.5 Philosophical Criticism

Because Jürgen Habermas chooses to be faithful to an inter-disciplinary approach, he is an easy target for criticism from specialists in any one of the single disciplines with which he engages. Consequently, historians could accuse him of being over-idealised or overly general and therefore not historically nuanced. Likewise, cultural researchers and sociologists might view him as over-simplifying the complexity of concepts such as "society." Feminists and minority groups may complain that they don't find themselves, or much other diversity, acknowledged in his analyses. Mass media researchers might point to his coming late to a concept of a plurality of public(s). Philosophers could well question his foundations, his epistemology, his eclectic theorising. For the purposes of this project it is enough to review the several general strains of criticism and then to review his conversation with theologians.

Five areas or themes suggest themselves for a critique of Habermas's thought: 1) the *Public Sphere*; 2) *Consensus and dissent or 'difference'*; 3) *Utopian or Regulatory Idea*?; 4) *Contextualism and Universalism*; and, 5) *Tradition and Modernity*.

### 2.5.1 The Public Sphere

Robert Holub, in *Jürgen Habermas, Critic in the Public Sphere*, offers one of the most basic criticisms regarding the concept of *the bourgeois public sphere*. <sup>254</sup> It involves the confusion that arises when one is using history to theorise. Holub says that Habermas "...seems to want to

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<sup>&</sup>lt;sup>254</sup>Robert C. Holub, Jürgen Habermas, Critic... 7

Following on this criticism Craig Calhoun says Habermas's description of the *plebeian* public sphere as derivative and suppressed is "...part of a failure to describe adequately the full field of force impinging on the bourgeois public sphere." <sup>255</sup> Calhoun names other weaknesses found especially in *STPS*: non-symmetrical treatment of "public sphere" in its different historical manifestations; an overestimation of the degeneration of the public sphere; a thinness of attention to culture and identity manifested in an inattention to specificity and variation; a too-neat public/private dichotomy; the neglect of religion; a neglect of social movements and their attendant structuring of attention in the public discourse; an inattention to "agency"; and, the need for a more pluralistic and perhaps "cluster" concept of public spheres. <sup>256</sup>

#### 2.5.2 Consensus and Dissent or Difference

The critique from a feminist perspective was among the first to discuss Habermas's thought from the point of view of *difference*. A comprehensive compilation of the Feminist critique of Habermas is contained in *Feminists Read Habermas*. <sup>257</sup> While the eleven women contributors agree that Habermas's theory is useful and often compatible with feminist interests, their critique is organised around four major categories: 1) *the public and the private*; 2) *theory and practice*; 3) *discourse theory and ethics*; and 4) *identity and difference*.

<sup>&</sup>lt;sup>255</sup> Craig Calhoun, (ed.), *Habermas and the Public Sphere*... 39.

<sup>&</sup>lt;sup>256</sup> Craig Calhoun, (ed.), *Habermas and the Public Sphere*... 32-38 Some of these more general critiques are addressed by Habermas in *Between Facts and Norms*, which will be considered in Chapter Three.

<sup>&</sup>lt;sup>257</sup> Johanna Meehan, (ed), Feminists Read Habermas, Gendering the Subject of Discourse, Routledge, London, 1995.

with feminist interests, their critique is organised around four major categories: 1) the public and the private; 2) theory and practice; 3) discourse theory and ethics; and 4) identity and difference.

In general they share a concern about what they see as gender blindness in Habermas's concepts of the public and private spheres. Because he misses the gendered division of roles, both male and female, their criticism is that his model masks this subtext when he analyses the encroachment of economic rationalities on the lifeworld. They would therefore call for a revision of his model of modernity. Their critique also faults Habermas for his characterisation of contemporary social movements and his inclination to see the feminist movement as particularistic politics and therefore unemancipatory. They see as limited his view that women were excluded from the bourgeois public sphere because of a failure of that sphere to realise its own ideals. Their critique would see this exclusion as constitutive of that institutionally separate public sphere. This particular feminist critique makes the case for a more substantive rationality, one that would include values such as solidarity and community. There is also the suggestion of a concept of communicative thinking, reflecting Habermas's communicative rationality but rejecting what is seen as a single-voiced, regimented semantics. So, in terms of identity and differences, the feminists writers in this work call for a plurality of perspectives arising from differences rather than Habermas's concepts of consensus and the better argument, which, if grasped at too soon, can often mask differences.

Seyla Benhabib summarises the major point of the engagement of the women's movement with Habermasian thought:

Any theory of the public, public sphere, and publicity presupposes a distinction between the public and the private... What the women's movement and feminist theorists in the last two decades have shown, however, is that traditional modes of drawing this distinction have been part of a discourse of domination that legitimises women's oppression and exploitation in the private realm. <sup>258</sup>

The importance of this insight is not the distinction per se, for there will always be distinctions, but the way this *particular* distinction has been part of a discourse of domination which has blocked emancipation for those who had no voice in the dominant discourse. Benhabib, in common with the authors referred to above, sees hope in Habermas's work and, in his discourse model's basic egalitarian norms, an acknowledgement of the possibility of the democratisation of family and gender norms. <sup>259</sup>

Habermas himself responded to this call for an "analysis of the exclusionary aspects of established public spheres." He points out that in the cases of the excluded public spheres such as gender, ethnicity, class and popular culture "...the rules that constitute the participants' self-understanding, at the same time, provide the resources for a critique of its own selectivity, of the blind spots and the incompleteness of its own transitional embodiments."<sup>260</sup>

<sup>&</sup>lt;sup>258</sup> Seyla Benhabib, "Models of Public Space: Hannah Arendt, the Liberal Tradition and Jürgen Habermas," Craig Calhoun (ed.), *Habermas and the Public Sphere*, MIT Press, MIT, 1992. 73-98. 93

<sup>&</sup>lt;sup>259</sup> See also: Nancy Fraser, "Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy," in Craig Calhoun (ed.), *Habermas and the Public Sphere*... 109-142. Fraser sees Habermas's work as an "indispensable resource" which needs reconstruction. She constructs an argument for a new form of "public sphere" which eliminates social inequality and includes a multiplicity of publics, strong and weak, as well as interests which the former concept would have labelled as "private".

<sup>&</sup>lt;sup>260</sup> Craig Calhoun (ed.), Habermas and the Public Sphere... 467

As Calhoun maintains, Habermas has consistently emphasised his concern about the quality and inclusiveness of the *form* of public discussion rather than the *content*. Though it is ironic that his thinking has prompted many others to examine content issues, Habermas has remained more interested both in looking at the way people communicatively come to agreement and in identifying the distortions which may exist.<sup>261</sup> But people in public audiences and writers such as David Held still ask Habermas questions such as "*Who* are the catalysts and agents of social change?" and "*Where* is the historical base for this social transformation if it is *not* revolution?"

### 2.5.3 Utopian or Regulatory Ideal

Holub suggests that while his idea of *bourgeois public sphere* may not be developed enough to be normative, Habermas avoids the pitfall by constructing the concept in an "ideological anticipatory form" which transcends history in a utopian manner. The question of whether one considers Habermas's thought to be in the realm of utopia or of a regulatory idea may apply both to his concept of *public sphere*, as laid out in *STPS*, and to his theory of communicative action and the normativity he posits in language.

Regarding his concept of *public sphere*, especially in *STPS*, Habermas does *limit* the concept by demarcating it historically as *the bourgeois* 

<sup>&</sup>lt;sup>261</sup> Habermas does, however, contribute to the discourse on what is happening in Eastern Europe. See, for example, Jürgen Habermas, "What Does Socialism mean Today? The Rectifying Revolution and the Need for New Thinking on the Left," *The New Left Review*, No. 183, Sept/Oct., 1990,. 3-22. In this article he reviews six types of explanation for the Eastern European revolutions of 1989 and offers suggestions for the key task for socialists today.

public sphere, a creature of a certain time in history which cannot be transported to other historical moments. At the same time he argues for the socially emancipatory importance of a public sphere apart from historical context and argues against its colonisation by the systemic forces of modernity. He seems to find in history, notably Greek, Roman and modern European, enough reason to protect the idea of this public domain for private citizens. As mentioned earlier, his concern is not historical narrative but the study of how society transforms itself structurally. To this extent the concept does hold promise of some normativity. However, when one turns to his theory of communicative action, the outcome of which is mutual understanding and emancipation, one sees that it is here, in the *linguistic* turn, that Habermas finds normativity. In one sense, the emancipatory dimension of communicative action is always anticipated within the very conditions for communicative action and is held within the rules of language itself. In another sense, this is exactly where the utopian and regulatory meet.

Ricoeur, in *Lectures on Ideology and Utopia*<sup>262</sup> refers to "the utopian status of social critique's claim "to cure the diseases of communication." <sup>263</sup> He also asks this question of Habermas: *is it not on the basis of utopia that we can do critique?* Ricoeur, whose basic position would find a place for hermeneutics and critique to cross paths, argues that there is, in fact, a *critical* stage in hermeneutics, as evidenced by modern structuralism and other objective approaches; he also sees the critical sciences themselves as *hermeneutical* in the sense that the systematic distortions they uncover are distortions belonging to the sphere

<sup>&</sup>lt;sup>262</sup> Paul Ricoeur, *Lectures on Ideology and Utopia*, (ed.) George H. Taylor, Columbia University Press, New York, 1986.

<sup>&</sup>lt;sup>263</sup> Paul Ricoeur, Lectures on Ideology and Utopia ...237

of communicative action.

Ricoeur objects to Habermas's three-fold division of the sciences in (empirical-analytic, historical-hermeneutic and critical social scientific interests) and to his further division of the social sciences into systematic (economics, sociology, political science) and critical (psychoanalysis and the critique of ideology). Ricoeur maintains that Habermas sees both empirical-analytical and systematic sciences as seeking "nomological knowledge"—seeking understanding by coming up with a general, covering rule or law for individual cases; however, critical social sciences go beyond that, to surface the difference between theoretical statements which grasp reality and those which are actually describing "ideologically frozen relations of dependence" which can be transformed. 264 It is Habermas's position that critical social science sets off a process of reflection which explains "not only... what has been repressed but... the system of repression...not only...distorted content but...the system of distortion."265 Habermas maintains that hermeneutics, relying as it does on biography and philology, does not "dismantle" this distortion. Ricoeur finds it more helpful to say that "...it is a division within the practical [which introduces] the distinction between hermeneutics and critical social sciences,"266 and that "... the element of critique is itself the key to the process of re-establishing communication; excommunication and the reestablishment of communication therefore belong to the practical.

<sup>&</sup>lt;sup>264</sup> Paul Ricoeur, Lectures on Ideology and Utopia ...235

<sup>&</sup>lt;sup>265</sup> Paul Ricoeur, Lectures on Ideology and Utopia ...235

<sup>&</sup>lt;sup>266</sup> Paul Ricoeur, Lectures on Ideology and Utopia... 236

#### 2.5.4 Contextualism and Universalism

There is also criticism of Habermas from another front which some refer to as *communitarianism* but which Ricoeur refers to as *contextualism*. Ricoeur discusses this as the "...antagonism between argumentation and convention...a subtle dialectic between argumentation and conviction."<sup>267</sup>

In the dialogue about "thick" and "thin", or maximalist and minimalist moral theories, Habermas's theory of discourse based ethics is usually considered a minimal ethic due to its procedural character. Habermas himself maintains that "Practical discourse is a procedure for testing the validity of hypothetical norms, not for producing justified norms." <sup>268</sup>

Social scientist Michael Walzer identifies what he sees as several serious difficulties with these "thin" moralities and specifically remarks on Habermas's theory Walzer's first point is that social meanings must actually be shared in a society, and "...the sharing cannot be the result of radical coercion" Walzer adds that since all socialisation is coercive this is a minimalist principle, and one that does not require that "...social meanings be worked out or agreed to in anything like Habermas's ideal speech situation" For Walzer it is enough that "extorted agreement", such as that of slaves to slavery, "...should not count in establishing the

<sup>&</sup>lt;sup>267</sup> Paul Ricoeur. *Oneself as Another*, (trans.) Kathleen Blamey, The University of Chicago Press, Chicago and London, 1992. 286-289.

<sup>&</sup>lt;sup>268</sup> Jürgen Habermas, Moral Consciousness and Communicative Action, Polity Press, Cambridge, 1990. 120

<sup>&</sup>lt;sup>269</sup> Michael Walzer, *Thick and Thin, Moral Argument at Home and Abroad*, University of Notre Dame Press, Notre Dame, Indiana. 1994.

<sup>&</sup>lt;sup>270</sup> Michael Walzer, *Thick and Thin, Moral Argument at Home and Abroad* ...27.

common understandings of society." <sup>271</sup> This criticism is perhaps based on reading too much into Habermas's concept. In fact, the feminist critique that even the ideal speech situation can continue to "mask" coercion or at least limit options seems the pertinent point. How do we identify "extorted agreement" if our thick culture has masked it as acceptable? Paul Ricoeur finds within Habermas's theory itself the answer to this question.:

To the objection, finally, that due to its ideal character the theory of argumentation can serve as an alibi for systematic distortions, one responds that the ideal of a possible understanding contains in itself the conditions for a critique of empirical agreements....<sup>272</sup>

Walzer's other two points are: 1) moralities which claim to be thin are often already very thick; and, 2) minimal moralities are abstracted from democratic culture and without this culture the very idea of minimal morality would not be plausible. In this sense maximalism precedes minimalism. He maintains that in Habermas's critical theory the concept of shared ideas requires a "democratic procedure" and a "...radical democracy of articulate agents, men and women who argue endlessly about, say, substantive questions of justice. Minimal reality consists in the rules of engagement that bind all the speakers; maximalism is the never-finished outcome of their arguments."<sup>273</sup>

In Oneself as Another<sup>274</sup> Ricoeur argues that the more a conception

Michael Walzer, Thick and Thin, Moral Argument at Home and Abroad ... 27.

Paul Ricoeur, *Le Juste* (Paris: Ed. Esprit, 1995), 163-184 (Interprètation et/ou argumentation,, 173-174 A l'objection, enfin, qu'en vertu meme de son caractère idéal, la théorie de l'argumentation peut servir d'alibi à des distorsions systématiques, on répond que l'idéal de l'accord potentiel recèle en lui-meme les conditions d'une critique en règle des accord empiriques.

<sup>&</sup>lt;sup>273</sup> Michael Walzer, *Thick and Thin*... 11-13.

<sup>&</sup>lt;sup>274</sup> Paul Ricoeur, Oneself As Another...286-289

of justice wants to be procedural the more it defers to an argumentative ethics to resolve its conflicts. Ricoeur finds disastrous the contextualist objections which end with "...an apology of difference for the sake of difference, which, finally, makes all differences indifferent, to the extent that it makes all discussion useless."<sup>275</sup> But he finds equally unhelpful the tendency in the ethics of argumentation which makes contextual mediation impossible precisely because it interprets modernity

thought to be frozen in traditions subservient to the principle of authority and so, by principle, out of the reach of public discussion...In this manner, the ethics of argumentation contributes to the impasse of a sterile opposition between a universalism at least as procedural as that of Rawls and Dworkin and a 'cultural' relativism that places itself outside the field of discussion."<sup>276</sup>

Ricoeur says that Habermas especially offends in this regard by a "...continually pejorative use of the idea of tradition, following his long-standing confrontation with Gadamer."<sup>277</sup> Ricoeur argues that argumentation's requirement of universalization becomes operative "...only if it assumes the mediation of other language games that participate in the formation of options that are the stakes of the debate."<sup>278</sup> Conviction plays a role here because what we discuss is the stuff of life, "...the conceptions humans have, alone or together, of what a complete life would be." Convictions express "...the positions from which result the meanings, interpretations and evaluations" humans bring to the debate and to the effort to move toward a complete and just life for oneself and others. Ricoeur concludes that we must accept the paradox of *universals* 

<sup>&</sup>lt;sup>275</sup> Paul Ricoeur, *Oneself As Another*...286

<sup>&</sup>lt;sup>276</sup> Paul Ricoeur, Oneself As Another... 287

<sup>&</sup>lt;sup>277</sup> Paul Ricoeur, Oneself As Another...287

<sup>&</sup>lt;sup>278</sup> Paul Ricoeur, Oneself As Another...288

*in context* or, as Rawls puts it, a *reflective equilibrium* between universality and historicity—a situation where the universal and historical intersect and result in a few values with universal claim while at the same time these universal claims are subject to a discussion in the context of concrete life which may hold other potential universals.<sup>279</sup>

# 2.5. 5 Tradition and Modernity

David Rasmussen finds a basic "uneasy tension" between the project of modernity and the philosophy of language. Rasmussen questions whether Habermas has successfully grounded his thesis in a scientific statement about the nature of language, and therefore of discursive interaction. The major problem he sees in Habermas's theory of communicative action is the distinction between lifeworld and system.

The attempt to secure the primacy of communication in the philosophy of language is undercut by the distinction....because that distinction restricts major areas of human social experience from formation through processes based on communication.<sup>280</sup>

He concludes that the attempt to find the emancipatory in language is "undercut" by the restriction of the emancipatory to society and that Habermas's theory is, after all, utopian.

Paul Ricoeur finds that what seems to be a wide gulf between hermeneutics and the critical social sciences, to which Habermas has linked his interest in emancipation, actually becomes narrower when one

<sup>&</sup>lt;sup>279</sup> Paul Ricoeur, Oneself As Another... 289

<sup>&</sup>lt;sup>280</sup> David Rasmussen, *Reading Habermas*, Basil Blackwell, Cambridge, 1990. 36, 37-54.

considers that all distortions are "distortions of the communicative capacity of men". <sup>281</sup> Therefore, Ricoeur concludes that Habermas's interest in emancipation is *not empty* but *full* of the content of the communicative experience and operates on precisely the same plane as the historical-hermeneutical sciences when it comes to the distortions of communication. Ricoeur suggests that the hermeneutics of tradition must remind the critique of ideology that "...man can project his emancipation and anticipate an unlimited and unconstrained communication only on the basis of the creative reinterpretation of cultural heritage."

In 'Hermèneutique et critique des idèologies' he considers Habermas's critique of ideology as an alternative to Gadamer's hermeneutics of tradition in order to confirm Gadamer's position that the "...two 'universalities', that of hermeneutics and that of the critique of ideology, are interpenetrating"; in other words, though distinct, they do "cross on a common ground", namely the hermeneutics of finitude or of preunderstanding, and this crossing provides the correlation between what Gadamer calls prejudice and what Habermas calls ideology. This is also the link, according to Ricoeur, between "...the awakening of political responsibility and the reanimation of traditional sources of communicative action". <sup>283</sup> Ricoeur concludes there is "...nothing more deceptive than the alleged antinomy between an ontology of prior understanding and an eschatology of freedom ....as if it were necessary to choose between reminiscence and hope." <sup>284</sup> Ricoeur suggests that critique is also a

Paul Ricoeur, Hermeneutics and the Human Sciences, Cambridge University Press, Cambridge, 1981, 96 Herméneutique et critique des idéologies' in Démythisation et idéologie, ed. Encrico Castelli (Paris: Aubier Montaigne, 1973)

<sup>&</sup>lt;sup>282</sup> Paul Ricoeur, Hermeneutics and the Human Sciences... 97

<sup>&</sup>lt;sup>283</sup> Paul Ricoeur, Hermeneutics and the Human Sciences... 99

<sup>&</sup>lt;sup>284</sup> Paul Ricoeur, Hermeneutics and the Human Sciences...100

maintain the distinct foci of both inquiries without allowing the two interests to become "radically separate" lest hermeneutics and critique be reduced to ideologies.

Ricoeur's point is vital in respect to this research. It is a major problem for a theology bound to tradition to entertain the possibility of a critique of ideology without seeming to abandon its roots. Ricoeur, by suggesting a common ground for reminiscence and hope—hermeneutics and critique—provides a space for mutual correlation and mutual critique. As Ricoeur so aptly frames it in *Lectures on Ideology and Utopia*, "Hermeneutics without a project of liberation is blind, but a project of emancipation without historical experience is empty."<sup>286</sup>

### 2.6 Theological Criticism

In the first phase of the Frankfurt School of critical theory *religion* was not a stated interdisciplinary theme but held a special interest for Max Horkheimer. Habermas objects to the metaphysical premises of Horkheimer's thinking in regard to religion. Habermas has admitted to religion's historical, social influence but remains consistent in his refusal to admit a public role to religion. Theologian David Tracy, among others, has pointed out that the communicative understanding of rationality which Habermas offers is significant for the public nature of theology. But obviously, Habermas's refusal to allow religion a public role creates problems for theologians who find value in Habermas's theory but who see theology entering public spheres of dialogue and diversity. How

<sup>&</sup>lt;sup>286</sup>Paul Ricoeur, Lectures on Ideology and Utopia... 237.

<sup>&</sup>lt;sup>287</sup> Jürgen Habermas, "To Seek to Salvage an Unconditional Meaning Without God is a Futile Undertaking: Reflections on a Remark of Max Horkheimer," Chapter 4, (133-146) in, *Justification and Application, Remarks on Discourse Ethics*, (Trans.) Ciaran Cronin, Polity Press, Cambridge, 1993.

Habermas offers is significant for the public nature of theology. But obviously, Habermas's refusal to allow religion a public role creates problems for theologians who find value in Habermas's theory but who see theology entering public spheres of dialogue and diversity. How problematic is this incompatibility?

Despite what some interpret as a slight shift in his view of religion Habermas continues to deny religion a public role in modernity. As a result he also relegates theology, in its role of explaining and interpreting religious experience, to the private, particularised domain of specific religious traditions. In *TCA,II* Habermas, depending upon Durkheim and Mead, traces what he refers to as the "linguistification of the sacred." His hypothesis is this:

...the socially integrative and expressive functions that were at first fulfilled by ritual practice pass over to communicative action; the authority of the holy is gradually replaced by the authority of an achieved consensus. This means a freeing of communicative action from sacrally protected normative contexts. The disenchantment and disempowering of the domain of the sacred takes place by way of a linguistification of the ritually secured, basic normative agreement; going along with this is a release of the rationality potential in communicative action. The aura of rapture and terror that emanate from the sacred, the *spellbinding* power of the holy, is sublimated into the *binding/bonding* force of criticizable validity claims and at the same time turned into an everyday occurrence. (*TCA,II*, 77)

In Habermas's view, the arrival of modernity necessitates the end of religion's social role. Habermas argues that religion's cognitive claims cannot be rationally justified and therefore cannot be publicly validated. In his theory of communicative action, truth and validity claims are found within language itself, "...in the very nature of discursive action." It is

<sup>&</sup>lt;sup>288</sup> David Rasmussen, *Reading Habermas*... 37.

through the force of the most persuasive argument, not the force of tradition, that people arrive at consensus. The consensus cannot be decided beforehand, since it surfaces through an intersubjective process of arriving at mutual understanding. As Habermas sees it, religious traditions and their theologies look for ultimate validation somewhere outside of this dynamic.

Since Habermas recognises only three validity claims in modernity -truth, rightness and truthfulness or authenticity-- he holds that "Theology
for its assertions...aspires to a truth claim that is differentiated from the
spectrum of the other validity claims." <sup>289</sup> And since this claim is not within
reach of a communicative rationality it cannot be tested by it. He asserts
that with the "collapse of metaphysics" and under the conditions of post
metaphysical thinking "...whoever puts forth a truth claim today must,
nevertheless, translate experiences that have their home in religious
discourse into the language of a scientific expert culture--and from this
language retranslate them back into praxis." <sup>290</sup> But what he refers to as
that "syndrome of revelation faith, held together in a ritualised praxis" <sup>291</sup>
continues to present a "specific barrier" in this re-translation process. In
fact, Habermas concludes, "...religious discourses would lose their identity
if they were to open themselves up to a type of interpretation which no
longer allows the religious experiences to be valid as religious."<sup>292</sup>

<sup>&</sup>lt;sup>289</sup> Jürgen Habermas, "Transcendence from Within, Transcendence in this World," Chapter 9, in, Don S. Browning and Francis Schüssler Fiorenza, (eds.), *Habermas*, *Modernity and Public Theology*. Crossroad, New York. 1992. 234.

<sup>&</sup>lt;sup>290</sup> Jürgen Habermas, "Transcendence from Within...234

<sup>&</sup>lt;sup>291</sup> Jürgen Habermas, "Transcendence from Within...234

<sup>&</sup>lt;sup>292</sup> Jürgen Habermas, "Transcendence from Within...234

Habermas maintains that religious traditions are too particular to be universalisable. This creates a problem, especially for theologies which characterise themselves as public or political, and therefore are not willing to be privatised or removed entirely from the temporal domain. If theologies which begin from engagement with modern society have something to offer the public arena, how do they do so? Is this the very point at which theology must abandon Habermas?

Until 1989 Habermas had not had a public dialogue with theologians. In 1989 the Divinity School of the University of Chicago sponsored a conference on critical theory and theology. <sup>293</sup> Jürgen Habermas was a participant and responder in the conference. His response, subsequently published as "Transcendence from Within, Transcendence in this World", <sup>294</sup> marks the breaking of his silence in terms of a public dialogue with theologians. At the time of the conference Habermas maintained that he would "..prefer to continue to remain silent;" however, he reasoned that such a silence would be a false if not reactionary response. While he says he was not completely convinced by any of the theological contributions in the conference he was willing to admit, as a social scientist, that the "process of a critical appropriation of the essential"

<sup>&</sup>lt;sup>293</sup> The conference was called "Critical Theory: Its Promise and Limitations for a Theology of the Public Realm," (October 7-9, 1989, University of Chicago Divinity School.) This resulted in the seminal work, Don S. Browning and Francis Schüssler Fiorenza (ed.s), *Habermas, Modernity and Public Theology*, Crossroad, New York, 1992. Contributors to the conference included: David Tracy; Helmut Peukert; Francis Schüssler Fiorenza; Matthew Lamb; Fred Dallmayr; Charles Davis; Gary M. Simpson; Robert Wuthnow.

<sup>&</sup>lt;sup>294</sup> Browning and Fiorenza, *Habermas, Modernity and Public Theology*... 226-250.

contents of religious tradition" was ongoing. He also admitted that he had "too hastily" agreed with the Weberian thesis that once religious world-views had collapsed all that was to be salvaged from religion was some kind of universalised ethical system. Finally, he reiterated his view:

Viewed from without, religion, which has largely been deprived of its world-view functions, is still indispensable in ordinary life for normalising intercourse with the extraordinary. For this reason...philosophy, even in its post-metaphysical form, will neither be able to replace nor to repress religion as long as religious language eludes ...translation into a discourse that gives reasons for its positions.<sup>295</sup>

## 2.6.1 The Exclusion of Metaphysics from Modernity

Theologian William J. Meyer<sup>296</sup> explores the difference between Habermas's earlier and more recent views on the issue of religion. The earlier view was that with the evolution of differentiation in modernity, metaphysics collapsed and so did religion's role as social glue, the carrier of the world-view. His more recent view, according to Meyer, is to allow for an existential role for religion in consoling and inspiring people in their everyday existence. Meyer determines that Habermas does distinguish between *religious*, *theological and philosophical* discourse: *religious* discourse is that conducted within communities of the faithful, tied to ritual praxis, and therefore community or culturally specific; *theological* discourse separates itself from ritual praxis in its effort to

<sup>&</sup>lt;sup>295</sup> Browning and Fiorenza, *Habermas, Modernity and Public Theology...*237. Originally from *Nachmetaphysisches Denken*, Frankfurt am Main, Suhrkamp, 1988.

<sup>&</sup>lt;sup>296</sup> William J. Meyer, "Private Faith or Public Religion? An Assessment of Habermas's Changing View of Religion," *The Journal of Religion*, Vol. 75, No.3, July 1995. 371-391.

explain it; *philosophical* discourse, with its "methodical atheism", can talk about religious experience only by using language not tied to any specific religious tradition.

Philosophy cannot appropriate what is talked about in religious discourse as religious experiences. These experiences could only be added to the fund of philosophy's resources, recognised as philosophy's own basis of experience, if philosophy identifies these experiences using a description that is no longer borrowed from the language of a specific religious tradition, but from the universe of argumentative discourse that is uncoupled from the event of revelation. The metaphorical use of words such as "redemption," "messianic light," "restoration of nature" etc., makes religious experience a mere citation. In these moments of its powerlessness, argumentative speech passes over beyond religion and science into literature, into a mode of presentation that is no longer directly measured by truth claims. In an analogical way, theology also loses its identity if it only cites religious experiences, and under the descriptions of religious discourse no longer acknowledges them as its own basis. Therefore, I hold that a conversation cannot succeed between a theology and a philosophy which use the language of religious authorship and which meet on the bridge of religious experiences that have become literary expressions.<sup>297</sup>

As Meyer makes clear, Habermas holds that religious and metaphysical world views were accepted as long as the three cognitive areas of science, morality and art with their accompanying validity claims of truth, rightness and truthfulness or authenticity were undifferentiated. With differentiation and the rise of expert cultures such as science, morality, law and "autonomous art" there was no possibility for an encompassing world view such as religion had to offer. Also, according to Habermas, religion and metaphysics in the pre-modern era were ideological and dualistic and often supported unjust political arrangements.

<sup>297</sup> Jürgen Habermas, "Transcendence from Within..." 233.

Habermas's more recent view, according to Meyer, is slightly different. He now admits that world religions "...do not function *exclusively* as a legitimation of governmental authority" but are often protest movements offering alternatives to the *status quo*. He refers to the engagement of theologians and the Confessing Church in Germany as

...a model of a religious engagement which broke away from the conventionality and interiority of a merely private confession. With an undogmatic understanding of transcendence and faith, this engagement took seriously this-worldly goals of human dignity and social emancipation. <sup>298</sup>

According to Meyer, Habermas is also allowing an existential value to religion.

Habermas now thinks that religion is existentially helpful, insofar as it offers a consoling and inspiring message that enables humans to cope with the crises and tribulations that challenge the order of everyday existence...by suggesting that religion is existentially helpful but not rationally justifiable, Habermas simply reinforces the view that religion is merely a matter of private utility and not one of public truth or validity. 299

It is Meyer's thesis, based on Clifford Geertz and Schubert Ogden, that religion "..makes claims about the nature of ultimate reality and...attempts to speak validly about the whole of existence."<sup>300</sup>

Therefore, religion raises a fourth validity claim, one that is metaphysical; this fourth claim *underlies* the other three Habermasian claims. Meyer further suggests that by admitting to an existential role for religion, Habermas is implying an importance to metaphysical questions rising from

<sup>&</sup>lt;sup>298</sup> Jürgen Habermas, "Transcendence from Within... 228

<sup>&</sup>lt;sup>299</sup> William J. Meyer, "Private Faith or Public Religion?...379.

human limit experiences. Meyer contends that it is this interest which is at the ground of all the other interests Habermas gives to human subjects. The problem is that Habermas does not allow for a knowable structure for totality claims. But, as Meyer points out, an assertion that totality is unknowable requires a validation which Habermas denies is possible. He concludes that "Habermas's denial of metaphysics is self-contradictory because it requires a metaphysical form of validation...his denial presupposes what it explicitly denies." <sup>301</sup>

Meyer's final point is to call for a renewed metaphysical enterprise, not a return to classical metaphysics, but a turn toward process metaphysics. He suggests that Habermas is too narrowly conceiving of metaphysics as "exhausted by the classical formulation", and as therefore irretrievable. Habermas implied as much in this remark from his "...Reflections on a Remark of Max Horkheimer":

The idea that it is vain to strive for unconditional meaning without God betrays not just a metaphysical need; the remark is itself an instance of the metaphysics that not only philosophers but even theologians themselves must today get along without. 302

Meyer challenges Habermas and theologians to confront the question of metaphysics; the alternative, as Meyer sees it, is for religion to remain relegated to the private realm.

<sup>&</sup>lt;sup>300</sup> William J. Meyer, "Private Faith or Public Religion?...381.

William J. Meyer, "Private Faith or Public Religion?.... 389.

Jürgen Habermas, Justification and Application, Remarks on Discourse Ethics, (Trans) Ciaran Cronin, Polity Press, Cambridge, 1993. Chapter 4: "To Seek to Salvage an Unconditional Meaning Without God is a Futile Undertaking: Reflections on a Remark of Max Horkheimer," 134.

#### 2.6.2 Public vs. Private

David Tracy, who is in "full accord with [Habermas's] basic claim" and considers his critical theory "...so promising for any theology concerned with the public realm" 303 finds Habermas relatively silent on religion and theology and relatively confused in his discourse on the aesthetic realm. Tracy finds no reason why Habermas should not entertain a conversation about the validity claims of the religions in modernity: there is no *argument* in Habermas that disallows these questions and these validity claims. There is, therefore, no good reason, either

...philosophically or sociologically, for a modern critical social theorist to so confine his analysis to three and three only cognitive spheres as to stop short of even asking the questions of validity claims of the religions as they have been analysed by both philosophers of religion and theologians. 304

Tracy argues for the "public character of all symbols...[rendering] the classic works of art and religion available to the public realm for dialogue and argument and not merely for the private states of the religious or aesthetic subject." He finds Habermas's discussion of the aesthetic realm to be a confused discourse; on the one hand claiming "expressive sincerity" as the central validity claim for art, and on the other suggesting "disclosure possibilities". Tracy clearly feels that Habermas should not retreat into the private dimension but should explore the

<sup>&</sup>lt;sup>303</sup> Browning and Fiorenza, Habermas, Modernity and Public Theology...22.

<sup>&</sup>lt;sup>304</sup> Browning and Fiorenza, Habermas, Modernity and Public Theology... 37.

 <sup>&</sup>lt;sup>305</sup> Browning, and Fiorenza, *Habermas, Modernity and Public Theology* ...38
 <sup>306</sup> For an argument on the relationship between Habermas's concepts of *normative discourse* and *aesthetic criticism* and the possibility of a more complex relationship between them, see: Georgia Warnke, "Communicative rationality and cultural values", 120-142, in ed.) Stephen K. White (ed.), The *Cambridge Companion to Habermas*, Cambridge University Press, Cambridge, 1995.

disclosure/concealment possibilities of symbols, including those described as religious. Tracy is convinced that the "marginalization of art" and the "privatisation of religion" only contribute to the kind of colonisation of the lifeworld Habermas warns against and to the impoverishment of "...resources for public dialogue on the good life". 307

In a response to Tracy, Habermas prefers not "...to name religious and aesthetic symbols in the same breath" despite the fact that he had sought to correct the reductions of an expressivistic aesthetics suggested by *TCA*. He then suggested that if one were to opt for an aesthetic understanding of the religious (which he is sure Tracy is *not* suggesting), then religion would be differentiated into a specialised "social subsystem" with the cost being the "...complete neutralisation of its experiential content." Habermas then adds an interesting point about political theology. As he views it, in its struggle to gain a public role for religion in modernity, political theology "...should not conform to the aesthetic, that is, to the forms of expression of an expert culture, but must maintain its *holistic* position in the lifeworld " 'This seems to suggest a social role beyond the regulative

<sup>&</sup>lt;sup>307</sup> Browning and Fiorenza, *Habermas, Modernity and Public Theology...* 38. William Placher, in Unapologetic Theology (John Knox Press, Westminster, 1989) shares this concern. Placher suggests that Habermas is so fearful of any kind of neo-conservative thinking that he tends to view all traditional thought as regressive. Placher says this makes Enlightenment values intolerant and dominating and for Habermas "...countervailing appeals to tradition are always part of the neo-conservative menace."(81) Placher also refers to Stephen White's analogous criticism of Habermas's "privileging of serious, straightforward unambiguous usage" taking our attention away from language which alerts us to oppression. "Humour, irony, metaphor and aesthetic expression in general are what give us breathing space and weapons in this ongoing struggle to prevent closure in the way we see ourselves, others and the world." (Stephen K White, The Recent Work of Jürgen Habermas, Cambridge University Press, Cambridge, 1988, 31) White goes on to suggest that for Habermas the action-related role of aesthetic expression depends upon the separated out values claims of science, morality and art and the autonomy implied in this differentiation (33) Otherwise, Habermas does not view these more creative expressions as functioning to co-ordinate action in society.

and inspirational function for a particularised tradition, but Habermas does not elucidate.

Lewis Mudge refers to Habermas's vision as "...so near to being a secular analogue of the kingdom of God" that it is no wonder it entices theologians.<sup>309</sup> Mudge mentions Helmut Peukert, Francis Schüssler Fiorenza, and Paul Lakeland as among those who look to Habermas's critical theory for help in building new visions of the church in history. 310 Mudge, who positions himself among this group, admits that "...it may not be possible to adapt Habermas's perspective for theological purposes without modifying it in several respects" 311 Mudge offers several modifications. For instance, while Habermas argues that religion has lost its socially liberative power he seems not to acknowledge liberation theologies. Likewise, with particularity ruled out of the public arena, Mudge suggests that Habermas's ideal speech situation seems strangely exclusive and therefore as oppressively dominant over feminists and liberation theologies as Habermas considers religious traditions to be. Also, Mudge would see Habermas's ideal speech situation as unable to offer space to the very language which addresses human limit conditions, the language most often offered by religious traditions. This ultimately leads to an inability to contain the evil and manipulation of historical figures who, as Hannah Arendt describes them, act out of thoughtlessness, out of the lack of a depth tradition.

<sup>&</sup>lt;sup>309</sup> Lewis S. Mudge, *The Sense of a People, Toward a Church for a Human Future*, Trinity Press International, Philadelphia, 1992. 199.

<sup>&</sup>lt;sup>310</sup> Helmut Peukert, Science, Action and Fundamental Theology, Toward a Theology of Communicative Action (Trans.) James Bohman, MIT Press, London, 1984; Francis Schüssler Fiorenza, Foundational Theology, Crossroad, New York, 1984; Paul Lakeland, Theology and Critical Theory: The Discourse of the Church, Abingdon Press, Nashville, 1990.

<sup>&</sup>lt;sup>311</sup> Lewis S. Mudge, *The Sense of a People* ...200.

Mudge also finds problematic what he interprets as Habermas's dependence upon the concept of *argument* as the model of discourse in communicative action, and value-free argument at that. Mudge contends that there is no such thing as value-free argument. Akin to Michael Walzer's criticism of procedural theories, what is presented as *thin* is already *thick* with traditions and contexts and metaphorical content which cannot be jettisoned. On this count Mudge finds Gadamer more realistic and envisions a horizon of discourses, where the operative reason would be found not in the dynamic of the discourse itself but brought to the discourse by the participants, with their various traditions and rationalities. There remains the problem of validity claims and Habermas's concern about distorted communication and a hermeneutic of suspicion. Mudge suggests that for the churches validity claims are *meant* to be tested in the public arena.

If this makes sense, we can say that the truth of Christian presuppositions, doctrinally expressed, lies not only in their ability to regulate the life of truth-bearing communities, but also in their ability to fund common human agreements, regions of *public* consensus, about social goals which move humanity toward fulfilment. It makes sense for Christian affirmations to have their truth tested in the public arena, for the Christian tradition affirms that God is at work in the *world*. Doctrine participates in truth not only through its regulative function within the churches, but also by ordering the churches' instigative, shaping, interpreting work in the arena of human life.<sup>313</sup>

In *Legitimation Crisis* Habermas does clarify his use of the word *argument* as a model of discourse in this way:

If one understands the communication community in the first

<sup>&</sup>lt;sup>312</sup>Lewis S. Mudge, *The Sense of a People*... 203-204.

<sup>313</sup> Lewis S. Mudge, The Sense of a People....209-210

place as a community of interaction and not of argumentation, as action and not as discourse, then the relation—as important from the perspective of emancipation—of the "real" to the "ideal" communication community... can also be examined from the point of view of idealisations of pure communicative action. 314

#### 2.6.3 Foundations

The communication community understood as acting and interacting communicatively—Helmut Peukert sees this clarification as grounding the community in the basis of communicative action:

character of ordinary language "and rests upon the necessity of presupposing the ideal speech situation. Inasmuch as I act communicatively I suppose this situation as "always already" (*immur schon*) realised in the supposition of the partners. 315

Helmut Peukert's project in *Science, Action, and Fundamental*Theology is to suggest that there is a paradigmatically new situation in which the question of the possibility of a fundamental theology must be asked. To illustrate this changed situation Peukert reviews what he refers to as the "process of unrelenting self-critique" through which the world of scientific theory has moved toward a reformulation of knowledge. The contemporary result of this process has been, in Peukert's analysis, a "... turn to 'pragmatics,' to a more comprehensive concept of rationality resting on a more comprehensive concept of binding intersubjective communicative action...." The scientific community has realised that it is impossible to produce an "all comprehensive formal system as the essence of all formal operations" and that, in the end, whatever formulations there

<sup>&</sup>lt;sup>314</sup> Jürgen Habermas, *Legitimation Crisis*, (Trans) Thomas McCarthy, Beacon Press, Boston, 1975. Part III, Chapter 2, 159, fn. # 16.

are "...remain bound to the foundation of the process of practically attained consensus as formulated in everyday language." <sup>316</sup> Peukert contends that the human sciences and the empirical sciences faced all of the same questions during this century of radical change and arrived at the basic insight that "...linguistically mediated communicative practice is the basis of scientific rationality too." <sup>317</sup> Using Habermas's insights, Peukert arrives at an understanding of communicative action as "... being accomplished in the horizon of an unrestricted communication community." <sup>318</sup>

In freedom, it is demanded of everyone and is at the same time binding for everyone. Consequently, it is determined by universal solidarity. The community disclosed in this universal solidarity that elaborates its possible self-understanding throughout history is the utmost horizon of action and the condition of possibility that action can contain in this horizon moment of the unconditioned...Freedom in universal solidarity, to be realised in history, seems to designate the utmost limit of the thinkable<sup>319</sup>

This is where Peukert finds the entry point for the question about the role of theology.

Even so, the question still must be asked whether in the very heart of this conception there exists an elementary aporia. This aporia becomes visible if one unfolds the conception of the unlimited communication community and its elementary determinations of

<sup>315</sup> Helmut Peukert, *Science, Action and Fundamental Theology, Toward a Theology of Communication*, (Trans.) James Bohman. MIT Press, London, 1984. (Originally published in German in 1976,. 188.

<sup>&</sup>lt;sup>316</sup> Helmut Peukert, "Fundamental Theology and Communicative Praxis as the Ethics of Universal Solidarity," in, A. James Reimer, (ed.), *The Influence of the Frankfurt School on Contemporary Theology, Critical Theory and the Future of Religion.* The Edwin Mellen Press, Lewiston, NY, 1992. 221-246.

Helmut Peukert, "Fundamental Theology and Communicative...225

<sup>&</sup>lt;sup>318</sup> Helmut Peukert, Science, Action and Fundamental Theology... 202

Helmut Peukert, Science, Action and Fundamental Theology....202

reciprocity and universal solidarity in their historical dimensions. 320

Peukert's argument has two stages: 1) the first stage concerns the aporia, or dead-end, he finds in a theory of interactivity which avoids one of the most pressing questions of interacting with the "other"—the death of the other and one's own death. If one is committed to the liberating solidarity of communicative action then there must be some response, other than the dead-end of despair, to this limit experience; 2) his second argument rests on the first; namely, that if one does face up to the death of the other and one's own death, as well as the death of innocent victims, and if one is committed to a universal solidarity which is liberating, then the liberating action of this for past, present and future innocent victims, annihilated in the cause of liberating solidarity, is the transcendence the Judeo-Christian tradition identifies and names as *God*.

Habermas argues that practical philosophy and empirical theories of action replace religious interpretation of human history, leaving no role for religion and theology. Peukert argues that an aporia, or dead-end, surfaces in this argument when one looks at universal solidarity historically. The problem is with innocent victims who, in trying to live out this solidarity, are annihilated. The remembrance of this can lead to despair—the paradox of the striving toward universal solidarity. (This is a reformulation, with a view to the history of "losers," of Kant's antinomy of practical reason between virtue and happiness, which leads to the postulate of the existence of God). Peukert sees the Judeo-Christian

story, that of the reality of God "disclosed and experienced in action", as

<sup>&</sup>lt;sup>320</sup> Helmut Peukert, Science, Action and Fundamental Theology....202

an answer to this question. In the case of Christ, his proclamation of the kingdom of God *is* his action, and the belief in resurrection is the answer to the question of his annihilation as an innocent victim. This becomes, then, the theological answer for Peukert to the problem of the aporia of Habermas's theory of communicative action.

Habermas responds to Peukert's concerns about the temporal dimensions of communicative action, but insists upon locating the possibility of the relationship among past, present and future, (especially in terms of *victims of the past* and the emancipatory hopes of the future) squarely within language itself. He looks to Peirce's semiotics for a key to that possibility, precisely in the ability of the sign process to produce a continuity in the three-fold reference of past, present and future. Habermas entertains the possibility of a transcending power within validity claims which assures a relation to the future for every speech act, wherein lies a continuity that could form a temporal connection. 321

If Habermas finds a universal, normative dimension within language, is it possible for him to find there, also, a kind of transcendence which while fuelling temporal transformation might also suggest a transcendence "from beyond"? He thinks not. For him the question of the redemption of past victims suggests an awareness of human finitude and thus the limits of what he describes as the "transcendence from within"; he stops short of the leap to any kind of "countermovement", a "transcendence from beyond." Within the limits of language, which is where Habermas has

<sup>&</sup>lt;sup>321</sup> Habermas, replying to Theological Objections in "Transcendence from Within, Transcendence in this World," p. 241, in, *Habermas, Modernity and Public Theology*, (eds.) Don S. Browning and Francis Schüssler Fiorenza, Crossroad, New York, 1992.

decided to work, he would find at most a "...dynamic of temporalization that is unfolded in the continuities of tradition." <sup>322</sup> He uses the phrases "the weak messianic power of the present" and "the anamnestic redemption of an injustice" to refer to the kind of remembering which reconciles but does not undo the past. <sup>323</sup> However he seems to understand these mostly as a way to tie the present to the past and to balance what he sees as a total, and harmful, orientation of the present to the future. This understanding would be very different from, for instance, J.B. Metz's "dangerous memory of the freedom of Jesus Christ." This is the "dangerous" or transforming memory, a memory which can be "blocked", individually and collectively. <sup>324</sup>

By answering Peukert's question in this way Habermas, in effect, is shifting the answer to another place and thus avoiding the real intent of Peukert's concern. His response is simply not up to the level of the question. Peukert is asserting that the reality of God becomes "...identifiable and nameable" precisely through communicative action; the disclosure of God and a starting point for discourse about God are given at the same time.

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<sup>&</sup>lt;sup>322</sup> Browning and Fiorenza, Habermas, Modernity and Public Theology... 242

<sup>&</sup>lt;sup>323</sup> Jürgen Habermas, *The Philosophical Discourse of Modernity, Twelve Lectures*, MIT Press, Cambridge, MA., 1987, 14-15. Cited in: Browning ...*Habermas, Modernity and Public Theology*, by Matthew Lamb, p.118.

<sup>&</sup>lt;sup>324</sup> Jürgen Habermas, *The Philosophical Discourse* ... 13. Also, Metz's concept of "dangerous memory" in Johann Baptist Metz, *Faith in History and Society*, Seabury Press, New York. 1980, especially 88-94. Also, Johann Baptist Metz, "Political Theology: A New Paradigm for Theology," *Civil Religion and Political Theology*, (ed.) Leroy S. Rouner, University of Notre Dame Press, Notre Dame, Indiana, 1986. 141-153.

Our decisive argument for the necessity of ultimately developing a theory of communicative action as a theological theory was derived from the insight that intersubjective action shuns reality if it does not face the experiences of the death of the other, of one's own death, and of the annihilation of the innocent. The experience of the death of the other is the original experience of history. The mode of the affirmation of the other in interaction must then at the same time be seen as a mode of presence in history. <sup>325</sup>

Peukert further argues that a theology thus conceived is "... fundamental in both a substantive and methodological sense". 326 In the context of Peukert's careful exposition of the new paradigm in the understanding of a theory of science, this concept of theology may also be defined as "theory". For this new understanding of theory involves characteristics of historicity and unclosed or unfinished systems of interpretation. A theology of communicative action, based on action in solidarity, is concerned with data revealed in narrative and is constantly engaged in the process of innovation, breaking through experiences and horizons to the new. Peukert concludes, "It can therefore not be excluded that even communicative action that faces the experience of one's own death and the death of others can be grasped 'theoretically'."327 The fundamental theology this implies, however, must be worked out in three theoretical dimensions simultaneously—a theory of subject, a theory of society and a theory of history. And, it must be unfolded, as Peukert suggests, only in interdisciplinary dialogue. "Such a theory is in this way on the cutting edge of linguistics, general communications theory, social

<sup>&</sup>lt;sup>325</sup> Helmut Peukert, Science, Action and Fundamental Theology... 243

Helmut Peukert, Science, Action and Fundamental Theology... 240

Helmut Peukert, Science, Action and Fundamental Theology....241

psychology and a sociological theory of action."328

Peukert does see Habermas's concept of "undistorted communication" as a starting point for a theological hermeneutic. A hermeneutic of suspicion would challenge theology to see where it shares in structures of delusion; a hermeneutic of retrieval would look at the historic power of the redemption event in relation to anticipation of the novelty of the future, and "the possibility of the transformation of the present in the direction of the future."

A critique from theology finds much about which to be enthusiastic in Habermas's thinking, especially in his theory of communicative action with its potential for a redemptive, liberative solidarity. Ricoeur reminds us that this is a theme not unfamiliar in the history of Judaism and Christianity. But, for theology, the most basic shortcoming of Habermas's thought is his failure to recognise the rationalisation of tradition and religion. As Ricoeur clearly points out, Habermas continually uses a pejorative sense of tradition, adding to the problem already prevalent in ethics of argumentation, namely a narrow interpretation of modernity as breaking with a past frozen in traditions and subservient to authority and therefore out of reach of public discussion. Ricoeur adds that this only contributes to the impasse of the "sterile opposition" between procedural universalism and cultural relativity. Francis Schüssler Fiorenza confronts Habermas's failure to acknowledge the emergence, in the modern, post-Enlightenment period, of forms of religious faith and theology

<sup>&</sup>lt;sup>328</sup> Helmut Peukert, Science, Action and Fundamental Theology ...242

Helmut Peukert, Science, Action and Fundamental Theology...12.

...that incorporate the critical principles of the Enlightenment...His analysis of the process of rationalisation with regard to the development of modern religion should have highlighted significant changes in theology as the reflective activity of religion."<sup>330</sup>

F. Schüssler Fiorenza identifies the several elements which comprise this transformation of religion and theology as: 1) (beginning with Schleiermacher), the uncoupling of theology from mythological and cosmological worldviews; 2) the movement of theology away from its dependence on definite, specific authorities and toward the human subject, with an emphasis on formal structures and the double awareness of both the universality of religion and the particularity of one's own tradition; and, 3) an explication of the ethical ground of religious symbol systems, the criteria of which are not found *a priori* but exist within specific historical and cultural contexts.<sup>331</sup> Habermas's failure to analyse these transformations leads to his relegation of religion to the private, not public, sphere of modern society. By privatising religious and moral perspectives his theory, in effect, blocks their liberating potential for the public sphere.

This Chapter has explored the contributions and the limitations of Habermas's theories of *public sphere* and *communicative action* as they relate to the conversation with theology and to this research's task of the role of public theology and religion in modernity. Habermas's theory of communicative action offers a rationality based on an intersubjectively arrived at mutual understanding which leads to transforming action for

<sup>&</sup>lt;sup>330</sup> Francis Schüssler Fiorenza, "The Church as a Community of Interpretation: Political Theology between Discourse Ethics and Hermeneutical Reconstruction," in Browning, Don S. and Schüssler Fiorenza, Francis, *Habermas, Modernity and Public Theology*, Crossroad, New York, 1992. Pp. 66-87. 75

society. The turn to intersubjectivity in philosophy affected both critical theory and theology. One finds resonance with Habermas in Vatican II's Christian anthropology, with its emphasis on the sacredness of human persons and the freedoms and responsibilities for social justice in their common life. As Mudge and Peukert have illustrated, the transforming action arising from communicative action also resonates with Christianity's essential mission to be publicly engaged so that the transforming power of the gospel may be available *ad gentes*. Vatican II re-aligned Christian Catholic theology with the historical consciousness necessary to be able to address the new questions and needs for transformation in human society.

For Habermas the possibility of this transforming communicative action is constitutive of what he describes as a *healthy public sphere*—the possibility for private citizens to publicly arrive at decisions affecting their lives. Socialisation for mutual understanding happens in the *lifeworld* and one of Habermas's greatest concerns is the encroachment upon, or colonisation of, this lifeworld by the steering media of the systems of power and economics. When these systems so invade the lifeworld the public can be fooled into thinking it does have an opinion or a mind, when in fact, public opinion has become so manipulated as to be a fiction and a healthy public sphere is put at risk. Distorted communication results in a false public and in public relations passed off as public opinion.

Habermas's awareness of the possibility of this distortion through society's powerful institutions and vested interests provides a special challenge to both the Irish Catholic Church and Republic of Ireland's State

<sup>&</sup>lt;sup>331</sup> Francis Schüssler Fiorenza, "The Church as a Community of Interpretation:...pp.74-77.

Broadcasting System, *Radio Telefis Eireann* (RTE). For the Church the challenge is best framed by Peukert who says Habermas's concept of distorted communication provides a "hermeneutic of suspicion" which challenges theology to look at where it shares in structures of delusion, as well as a "hermeneutic of retrieval" in terms of the historic, transforming potential of the redemption event for the present and the future. The historic power of the Irish Catholic Church, both for cohesion and control, makes this hermeneutical challenge most applicable. In the last half of the Twentieth Century, the Irish Catholic Church has been dominant in the public arena of the Irish Republic even as it masked a quite privatised individual faith. It enjoyed a relationship with the State and its broadcasting system which allowed it to influence every public debate. Chapter Four will explore this relationship in more detail in its description of the public sphere in the Republic of Ireland.

Regarding the challenge of Habermas's theory to RTE it is important to realise, with Habermas, that mass media constructs and is constructed by society. Technology has resulted in an unparalleled permeation and, thus, a *mediation* of society. While Habermas sees mass media as having a link in the lifeworld of ordinary people, the systems of power and economy (commercialisation and competition in broadcasting) can encroach to the point that mass media, meant to contribute to a healthy public sphere, itself faces the potential of being an obstruction to it. The tension between the two potentials (liberation or obstruction) is especially apparent within a state broadcasting system, such as the Republic of Ireland's RTE, which lives with a certain amount of state supervision, professes a public service ethos, and bases its economic survival on a unique combination of public and commercial funding. It makes a difference in a society whether audiences are viewed as *consumers* or as

publics, especially when a society is engaged in public debate on issues affecting the lifeworld of its citizens. However, as pointed out by the media research critique of his theory, Habermas's tendency in *STPS* to collapse the public sphere into a powerful mass media underestimated the autonomy of the audience(s) and public(s). This is a weakness he tries to correct in a subsequent work which will be explored in Chapter Three. The more direct influence of Habermas's thinking on broadcasting in the Republic of Ireland will be explored in Chapter Four.

For theology, the fundamental problem with Habermas's theory remains its unwillingness to allow a public role for religion. This is a challenge theology must address if the Church is to fulfil its public mission. This is a challenge the Irish Catholic Church must address as it responds to societal pressure to privatise completely and as it struggles with a new and problematic relationship with RTE and other mass media in the Republic. There are serious internal and external challenges for the Catholic church regarding its presence in public debate in the Republic. In response to Habermas, the fundamental question for theology to answer is, "What *is* the role of religion in the public sphere?"

## CHAPTER THREE

# RELIGION AND THE PUBLIC SPHERE

There remains the challenge of responding specifically to the privatisation of religion in Habermas's theory. This response was begun in Chapter Two in the theological critique offered in the work of Mudge, Tracy, Peukert and F. Schüssler-Fiorenza. The task of this section is to build on that critique by shaping a constructive as well as protective response to the privatisation issue. In other words, while theology may help religion answer the question of why it should *not be private* in society, it must also help answer *how it is to be public*.

Vatican II provided a necessary theological shift with its teaching on religious freedom in *Dignitatis Humanae* and on engagement with the culture in *Gaudium et Spes* It was the first time the Church, as a body, acknowledged "... as fully appropriate a liberal form of government under which it has no privileged position" Being *non-privileged* in State terms is only the first step toward what it means for a religion to be *public* in societal terms. The task of Catholic Christian theology, since the Council, has been the development of *how to be public* in a pluralistic society.

Catholic Christian theology's struggle with these questions is well represented in the work on public theology that has come out of the United States beginning with, but moving beyond, the seminal work of Jesuit John Courtney Murray. Years before Vatican II, Murray struggled with the role of the Church in the new, more complex and pluralistic society of the United

<sup>&</sup>lt;sup>332</sup> Kent Greenawalt, Private Consciences and Public Reasons, Oxford University Press, New York, 1995.171

States. 333 As mentioned in Chapter One, Murray contributed to the schemata resulting in Dignitatis Humanae and, after the Council, continued in his attempts to refine the arguments of both Dignitatis Humanae and Gaudium et Spes. Murray, who came strongly out of his own Church tradition of responsibility for the public sphere, had recognised early on that the Church responses of the past were not adequate for the present situation. "What had changed? Murray answered that the moral role that the people at large played in determining social policy and general social commitments had changed."334 Murray argued, not from theology, but from a natural law, public philosophy stance. Leon Hooper, who has edited a substantial amount of Murray's work, explains that for most of his life Murray viewed theological truths as immutable and "locked up" inside the Roman Catholic Church. The civil discussion and the theological discussion existed in a Gelasian dualism. Vatican II's ecumenical theology moved the Church beyond mere religious tolerance toward a stance that demanded the same kind of equality and respect Murray felt were necessary in civil discourse. As Hooper observes, Murray had discovered the historicity of a developing natural law as it applied to religious freedom, but was too late, for his own work, in discovering the historicity of developing doctrine. Thus, his arguments are missing a richness of theological development.335

Even after Murray, and despite, or perhaps because of, the very public involvement of the religious right in politics of the 80's in the United States,

involvement of the religious right in politics of the 80's in the United States

<sup>335</sup> John Courtney Murray..., Editor's Note # 10, 225-226.

<sup>&</sup>lt;sup>333</sup> John Courtney Murray, *We Hold These Truths*, Sheed & Ward, New York. 1960. Also, *The Problem of Religious Freedom*, The Newman Press, Westminster, MD., 1964. His prolific number of articles can be found in Murray Archive material, Special Collections, Lauinger Library, Georgetown University, Washington, DC. (partial listing in *John Courtney Murray, Religious Liberty, Catholic Struggles with Pluralism*, J. Leon Hooper, S.J., Westminster/John Knox Press, Louisville, KY. 1993. Pp.245-261)

<sup>&</sup>lt;sup>334</sup> J. Leon Hooper, S.J.(ed.), *John Courtney Murray*, *Religious Liberty*, *Catholic Struggles with Pluralism*, Westminster/John Knox Press, Louisville, KY., 1993. 14

theology and religion's struggle against the pressure to be privatised has been on-going. Acknowledging that the pluralism of the United States is somewhat unique, nevertheless, the public theology coming out of that context is applicable to other pluralist societies, including the growing pluralism of the Republic of Ireland. Currently, in the Irish Republic, for reasons embedded both in its past history and its present situation, there is intense pressure for the Roman Catholic Church to go quiet. With its mission to be public at stake there is an urgency for the Irish Catholic Church to move from a reactionary defence against privatisation to a more proactive development of a viable public theology.

This Chapter begins by clarifying some of the concepts necessary for exploring the questions theology and religion must answer regarding a public role. Some of these are: the distinction between privatisation and secularisation; the meaning of the word public as it helps determine the context of public theology; and, the difference between public theology and civil religion. (3.1) Having established these central distinctions this research turns to a more specific exploration. Two major resources on public realm issues are U.S. Constitutional and legal expert Michael Perry and Jürgen Habermas. Habermas, whose work after STPS and TCA, I, II explores the relationship between communicative action and law in the public arena, goes more deeply into the different agents or communities which constitute the public sphere and influence the dynamics of public deliberation. Perry, who fills in the lacuna in Habermas's thinking, makes the case for the religious argument in public debate and choice. He also establishes religion's role in generally contributing to the well-being of the cultural common ground. Using the work of both Habermas and Perry this Chapter explores the possibility of public theology and religion contributing to three different public dimensions of society (3.2): agenda setting—the movement of issues and the role of the

media in that process—Habermas (3.2.1); a healthy public sphere—Habermas (3.2.2); and, the shared or common ground of the larger culture—Perry (3.2.3). This Chapter concludes by suggesting that the privatisation of religion, far from safeguarding pluralism, will actually contribute to the individualism which is the dark legacy of the Enlightenment. Nor does a public theology necessarily imply a return to a communitarianism of the past. A public theology and religion, sensitive to the standards for public conversation in a pluralistic society, can help form the common life and connecting networks needed to hold society's diversity without sacrificing either individual autonomy or true participatory politics. (3.3)

## 3.1 The Modern Pressure for Privatising Religion

There is a broadening body of work on public theology. This chapter focuses on some of the insights coming out of the experience in the United States, both because of its unique "congenital" pluralism and because of its strong connections with and influences on the growing pluralism of the Republic of Ireland Although the new pluralism in the Republic is geographically and economically tied to a European context, there are also strong economic and cultural influences exerted from the United States. In addition, the Catholic Church in America, until recently, was in many senses an *Irish* American Catholic Church, due to the influence of the Irish missionaries who helped build the Church in the United States.

Among the points that have been clarified in the course of the development of a public theology in the United States, these seem central to this research:

1) the distinction between *privatisation* and *secularisation*; 2) an understanding of *public* as it helps determine the societal context for a public theology; and,
3) the difference between *civil religion*, *public religion* and *public theology*.

# 1) The distinction between *privatisation* and *secularisation*.

The struggle for theology with a public mission is against privatisation, which Himes defines as "... the tendency to restrict religious faith to the category of the individual while ruling out any engagement of religion with society." For the individual, this means that religion no longer acts as an integrating force in worldview and identity but becomes just one more "fragment" alongside many other unconnected areas of life. This, in turn, deprives society of the impact of the integrating force of religion. "Religious concerns may be real, and religious convictions may be held, but such convictions have no necessary effect upon work, political events, civic associations or economic activities." Religious convictions may be held, but they do not impact other dimensions of a person's existence. 338

Himes and Himes argue that though privatisation is a "by-product" of *secularisation* (the removal of many aspects of life from the hegemony of religious control), secularisation has been a good thing and should not be resisted by religious believers. (As opposed to *secularism* which denies the reality of transcendence). Secularisation has forced Christianity especially to develop new ways of being engaged with society, without seeking to control it.<sup>339</sup> On the other hand, there is an ambivalence about secularisation; it also needs to overcome privatisation.

The present challenge facing the Irish Catholic Church in the Republic, though with important differences from the U.S. experience, is precisely the

<sup>&</sup>lt;sup>336</sup> Michael J. Himes, Kenneth R. Himes, OFM, *Fullness of Faith, The Public Significance of Theology*, Paulist Press, New York, 1993. 2

<sup>&</sup>lt;sup>337</sup> Himes and Himes, Fullness of Faith, p.2

<sup>338</sup> Himes and Himes, Fullness of Faith, p.2

<sup>339</sup> Himes and Himes, Fullness of Faith, p.3

pressure to privatise. As will be explored in Chapter Four, the particular historical trajectory of the Republic has resulted both in a *politically determined privatisation* of the Catholic Church and in a *public/private conflation* of the Catholic Church and Irish society. Regardless, the point is to establish just what it means for the Church to be public.

2) An understanding of *public* as it helps determine the societal context for a public theology.

In the United States arguments for privatisation of religion are often collapsed into a misinterpretation of the separation clause of the First Amendment to the Constitution. This, in turn, narrowly confines the discussion of a public theology to the context of Church-State relations. Public theology, however, defines its publicness in much the same sense as Habermas describes *public sphere*, understood as private citizens deliberating together in a public arena on issues that affect their common life. From this perspective, according to theologians, religion is very much part of the *public*. "Properly understood, therefore, public theology is an issue of religion and society, not church and state."

In an even deeper sense, while the urge to establish a "neutral" public space is understandable given past experience of religion as oppressive in society, Cady argues that theology must resist "appropriating the current mapping of public and private" and should work for the reconfiguration of the public realm—in other words, dismantle the "prevailing topography of public and private life"—the very paradigm that has so effectively marginalised it. In this paradigm the "public" is the sum of atomistic individuals whose differences are discounted and whose actions and participation are undermined. The

<sup>&</sup>lt;sup>340</sup> Himes and Himes, Fullness of Faith, p.19.

rationality exercised in this so-called "public" is perceived to be "objective"—without the hindrances of private values.

The dichotomy between fact and value that informs this epistemology makes it virtually impossible to interpret public life as a forum within which persons in their concrete specificity engage each other on questions of goals and values... The result is a collective inability or refusal to openly and deliberatively explore issues of public concern in terms of moral and religious categories, categories which often remain implicitly operative. <sup>342</sup>

This has led to what Robert Bellah, Richard Bernstein and others have identified as an impoverished public, a public in crisis. Bernstein calls for public spaces "where there is a tangible experience of overcoming the privatisation, subjectivisation, and the narcissistic tendencies so pervasive in our daily lives." Both Bellah and Bernstein specifically call for the contribution religion—"communities of memory,"—can make, despite their internal problems, to the health of American public life. 344

3) the differences between civil religion, public religion and public theology.

In the academic arena the term *civil religion* has fallen out of favour, partly due to its ambiguity about whether it *is*, properly, a religion or more a religious *dimension*, partly because of its abuses, and, finally, because it seems to have outgrown the complexity of the world. <sup>345</sup> However, the term *civil religion* 

<sup>342</sup> Linell E. Cady, Religion, Theology and American Public Life...150.

<sup>&</sup>lt;sup>341</sup> Linell E. Cady, *Religion, Theology and American Public Life*, State University of New York Press, Albany, NY, 1993. 147

<sup>343</sup> Richard Bernstein, "The Meaning of Public Life," in *Religion and American Public Life* (ed.) Robin Lovin, Paulist Press, N.Y., 1986. In, Himes and Himes, *Fullness of Faith...*8 344 Robert Bellah, Richard Madsen, William M. Sullivan, Ann Swidler, and Steven M. Tipton, *Habits of the Heart: Individualism and Commitment in American Life*, University of California Press, Berkeley, CA., 1985; Richard Bernstein, "The Meaning of Public Life," in *Religion and American Public Life*, (ed.) Robin Lovin, Paulist Press, New York, 1986. 29-52.

<sup>&</sup>lt;sup>345</sup> Richard John Neuhaus, "From Civil Religion to Public Philosophy," *Civil Religion and Political Theology*, (ed.) Leroy S. Rouner, University of Notre Dame Press, Notre Dame,

generally means "...a common frame of reference for a nation. It is an effort to look at the nation's public life for signs of transcendent meaning." In the United States it has been "... that core of religious symbols and assumptions that have informed the dominant self-understanding of the American people throughout its history." The dangers of civil religion are that it can become "national idolatry" (Manifest Destiny), it can "... vest the status quo with a sacredness that hinders social criticism and change, "348 Because it must be large enough to encompass pluralities, civil religion can become a "bland deism" or "generic religion" in which the particular religious traditions within a nation are avoided for the sake of tolerance. "49 Public religion, on the other hand, does not require a common religious vision but "... attends to the way in which particular religious traditions cultivate and nurture a common life within the society at large." Martin Marty offers a helpful distinction between the terms civil and public religion:

This term [public religion] from Benjamin Franklin fits the American pluralist pattern better than does Rousseau's civil religion because it took account of the particularities of the faiths that would not disappear or lightly merge to please other founders of the nation. These churches could, however, contribute out of their separate resources to public virtue and the common weal.<sup>351</sup>

Indiana. 1986. 98-110 Neuhaus argues for a public philosophy which is, among other things, religiously attuned. For him the church is the *transcendent community of hope*.

<sup>347</sup> Linell E. Cady, *Religion, Theology and American Public Life*, State University of New York Press, Albany, NY, 1993. 21

349 Himes and Himes, Fullness of Faith... 21

<sup>&</sup>lt;sup>346</sup> Himes and Himes, *Fullness of Faith*....21. In the U.S. Robert Bellah is largely credited with beginning the discussion on civil religion with his article, "Civil Religion in America," *Daedalus 96 (1967) 1-21, as cited in Himes, fn.76, p.192* 

<sup>&</sup>lt;sup>348</sup> Himes and Himes, *Fullness of Faith....21* Also, Leroy S. Rouner, "To Be At Home: Civil Religion as a Common Bond," *Civil Religion and Political Theology*, (ed.) Leroy S. Rouner, University of Notre Dame Press, Notre Dame, Indiana. 1986. 125-137

<sup>&</sup>lt;sup>350</sup> Linell E. Cady, Religion, Theology and American Public Life... 23

<sup>&</sup>lt;sup>351</sup> Martin Marty, *The Public Church*, Crossroads, New York, 1981. 16 In, Linell E. Cady, *Religion, Theology and American Public Life*...23, .fn. 52

The sense of a common substrata, is strong in discussions of civil or public religion. John F. Wilson, in tracing the development of religion in the American experiment, suggests that even when the final remnants of the idea of a formal religious establishment faded in the colonies, there was always the assumption that there should be a "religion common to the society," some "more general expression of Christianity " common to the social order. As Wilson's thesis makes clear, for many years this common religion was Protestant Christianity; it then developed a Judaeo-Christian base in order to accommodate Protestants, Catholics and Jews. In the last half of the twentieth century, though American society has remained vigorously, diversely and even competitively religious, what was once recognised as civil religion has become an amorphous, "American way of life." Wilson's argument is that, absent a *common religion* arising out of the strong *particular* religious traditions in a society, there can be neither civil religion nor public theology. 354

The terms *public religion* and *public theology* are often used synonymously. Cady argues that both notions, *civil religion* and *public religion*, obscure "...the role and importance of theological reflection upon religion. The distinctive character and problems of developing a public theology are overlooked when it is absorbed into the concept of public or civil religion." Her thesis is that a public theology is *not* public religion, or even political theology, despite the connections and similarities. "A public theology not only must address itself to the wider social and political issues, but it must

<sup>352</sup> John F. Wilson, "Common Religion in American Society," *Civil Religion and Political Theology*, (Ed.) Leroy S. Rouner, University of Notre Dame Press, Notre Dame, Indiana, 1986, 112

<sup>&</sup>lt;sup>353</sup> Presidents, and presidential candidates, still routinely end political and campaign speeches with phrases such as "God Bless America; God Bless you!"

<sup>&</sup>lt;sup>354</sup> John F. Wilson, "Common Religion in American....122

<sup>355</sup> Linell E. Cady, Religion, Theology and American Public Life... 24

appropriate a form of argumentation that is genuinely public."356

Civil religion, public religion and public theology have in common a resistance to the privatisation of religion, to secularism and to sectarianism.<sup>357</sup> But, while civil religion is rooted in a national experience, public religion and public theology have their roots in particular faith traditions, the integrity of which they uphold. In the American experience there is a tradition of theological discussion on civil and public religion coming out of the Protestant tradition.<sup>358</sup> Beginning with John Courtney Murray there is also a Catholic strand; there is agreement, however, that Murray's emphasis on public philosophy and cautious bifurcation of state and society deprived the discussion of the richness of a "more explicit use of the great symbols and doctrines" of faith and underestimated the interpenetration of society and state.

The question, of course, is *how* to more explicitly use the great religious symbols and doctrines. James Cone suggests that Martin Luther King did it successfully in the Civil Rights Movements of the 1960's in America.

[he] took the democratic tradition of freedom and combined it with the biblical tradition of justice and liberation as found in the exodus and the prophets. Then he integrated both traditions with the New Testament idea of love and suffering as disclosed

<sup>&</sup>lt;sup>356</sup> Linell E. Cady, *Religion, Theology and American Public Life... 26* Cady blames theology's failure to make a more public impact on its "...perceived parochialism, privatisation, and professionalisation. That is, many consider it to display a parochial confessionalism, a preoccupation with issues of private spirituality, and a highly professional, (if not unintelligible) style." 26

<sup>357</sup> Himes and Himes, Fullness of Faith....21

<sup>&</sup>lt;sup>358</sup> Linell E. Cady, *Religion, Theology and American Public Life*...168. Cady traces the tradition of American religious reflection to the turn of the century (19<sup>th</sup> to 20<sup>th</sup>) American thinker Josiah Royce, but includes early 20<sup>th</sup> century names such as Walter Rauschenbusch and the Niebuhr brothers. More currently, Gordon Kaufman and James Gustafson. In the Catholic Tracy as well as recent American Catholic bishops' letters. The affinity all of these have, according to Cady, is a method, substance and style of writing that can be best captured by the label 'public.' See also, Linell E. Cady, "A Model For a Public Theology," *Harvard Theological Review* 80 (1987).

in Jesus' cross, and from all three, King developed a theology that was effective in challenging all Americans to create the beloved community in which all persons are equal. While it was the Gandhian method of non-violence that provided the strategy for achieving justice, it was, as King said, "through the influence of the Negro church" that "the way of nonviolence became an integral part of our struggle."

On the other hand, the "Moral Majority model" of direct political involvement by prominent evangelical leaders in the U.S., while it galvanised a significant block of active voters who came to be known as "The Religious Right," led to serious questions about inclusivity, dependence upon non-critical and sometimes oppressive biblical interpretation, and the polarising effects on society of the resulting rigid argumentation. Their method of grass roots coalition building, however, proved politically very effective. <sup>360</sup>

Another approach is cited by Robert Bellah, whose *Habits of the Heart*<sup>361</sup> project was what he calls "social science as public theology," when he refers to the 1980's Catholic Bishops' Pastoral Letter on the U.S. economy as an example of a public philosophy and public theology that uses social science to help understand contemporary situations. Its strengths, in Bellah's estimation, are that "it brings to the discussion of matters of great public concern the resources of the Bible, the tradition of Catholic social teachings, a sensitivity to the Protestant dimension of American culture, and the arguments and data available to secular reason alone." Regarding particular policy matters, the document is tentative and remains open for discussion. Bellah says the biblical

<sup>360</sup> See, for example, Stephen L. Carter, *The Wrongs and Rights of Religion in Politics*, Basic Books, New York, 2000.

<sup>&</sup>lt;sup>359</sup> James H. Cone, "Black Theology as Public Theology in America," *Civil Religion and Political Theology*, Notre Dame University Press, Notre Dame, Indiana. 1986 187-206. 194 Cone is quoting from King's "Letter from Birmingham Jail," in Martin Luther King, Jr., *Why We Can't Wait*, Harper and Row, New York, 1963, pp. 90-91.

and theological resources in the first part of the document are not "platitudes in which we all believe," as indicated by the lack of media coverage it received, but rather, "....a clear critique of radical American individualism." <sup>362</sup>

In western societies the critique of the historical trajectory of classical liberalism is that it has fostered individual autonomy at the price of a meaningful and truly participative common life. The above discussion moves public theology away from what Cady calls its "caretaker role" in regard to religion and church, into its reflective and constructive role in society. Through public theology's ability to critique both religion and society it contributes to the rebuilding or transformation of a meaningful and truly participative common life.

A truly participative public life has been the continual interest of Jürgen Habermas, who identifies "an apathetic citizenry" as one of the problems of modernity. The answer to this, in Habermas's view, is a radical democracy, which he sees possible only with communicative action. The possibility of a participative and deliberative process of *law-making* is the concern of his most recent work, *Between Facts and Norms* (*BFN*). In *BFN* Habermas positions his discourse theory of communicative action as a bridge between two *legal traditions—classical liberalism*, with its individual rights base, and *civil republicanism*, with its base of deliberative participation. He sees his theory, with its emphasis on an intersubjectively based mutual understanding, as the

<sup>&</sup>lt;sup>361</sup> Robert Bellah, Richard Madsen, William M. Sullivan, Ann Swidler and Steven M. Tipton, *Habits of the Heart: Individualism and Commitment in American Life*, University of California Press, Berkeley, CA., 1985.

<sup>&</sup>lt;sup>362</sup> Robert N. Bellah, "Public Philosophy and Public Theology in America Today," *Civil Religion and Political Theology*, University of Notre Dame Press, Notre Dame, Indiana. 1986. 79-97.

<sup>&</sup>lt;sup>363</sup> Jürgen Habermas, Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy, (trans.) William Rehg, Polity Press, Cambridge, UK, 1996.

communicative link between the two—a link which both protects individual rights and makes a truly participative and deliberative democracy possible. In describing this process he seems to open a window to the role of religion in the public arena. Ironically, in this work, Habermas himself offers some initial direction in answering the questions raised for theology by his theories of the *public sphere* and *communicative action*.

The question of the public role of religious argument is at the core of the work of U.S. Constitutional theorist and Professor of Law, Michael Perry. It is important to acknowledge that Perry's context is the United States of America, with its "congenital" pluralism. However, his basic propositions and arguments are applicable in some way to all pluralistic societies. It is also important to acknowledge, as Perry himself does, that the voice in which he writes is that of a "... Catholic Christian thoroughly imbued with the spirit of the Second Vatican Council." Among the different categories of pluralisms co-existing in society, he is concerned with *religious-moral* pluralism and the relationship between religiously held moral beliefs and political deliberation (*deliberation* referring to the entire process of public debate, choices about

Michael J. Perry, *Religion in Politics, Constitutional and Moral Perspectives*, Oxford University Press, N.Y., 1997. P.7 See also fn #'s 9 and 10, p. 106.

<sup>&</sup>lt;sup>364</sup> Michael J. Perry holds the University Distinguished Chair in Law at Wake Forest University. From 1982-1997 he taught at Northwestern University Law School. His body of work includes: Morality Politics & Law, Oxford University Press, N.Y., 1988; Love and Power, The Role of Religion and Morality in American Politics, Oxford University Press, N.Y., 1991; The Constitution in the Courts, Law or Politics? Oxford University Press, N.Y., 1994; Religion in Politics, Constitutional and Moral Perspectives, Oxford University Press, N.Y., 1997; The Idea of Human Rights, Four Inquiries, Oxford University Press, 1998. 365 Michael Perry, Love and Power, The Role of Religion and Morality in American Politics, Oxford University Press, N.Y., 1991. Page 8. Perry quotes John Courtney Murray: "Pluralism was the native condition of American society. It was not, as in Europe and England, the result of a disruption or decay of a previously existent religious unity." (We Hold These Truths). Though the case will be made in a later chapter that the Irish Constitution was a remarkably progressive document for its day, the history of the Republic is one of growing, rather than congenital, pluralism. For this research it is important to make this distinction as many of Perry's arguments find flesh in the particular context of the U.S. political experiment.

issues in commonly held life and public justification for those choices). For Perry this relationship presents several distinctly different questions, which must be clarified in order to avoid confusing the main issue. His basic position, however, is that the proper role of public religious discourse is much more in public *culture* than in public argument on specific political issues.<sup>367</sup>

# 3.2 The Contribution of Public Theology and Religion in a Pluralistic Context—Jürgen Habermas: Agents in Participative Politics Michael Perry: Ecumenical Political Dialogue

It is within the spectrum of this societal deliberation *process*, *with its* different public spheres, that the publicness of theology and religion may be refined and clarified. For this purpose, and bringing Habermas and Perry to bear on the process, three public spheres seem important: 1) *the agenda setting process*; 2) the *healthy public sphere*; and, 3) the *shared or common ground of the larger culture*.

#### 3.2.1 Influences on Agenda setting: Habermas

In *Between Facts and Norms* (BFN), Habermas asks, who can place issues on the public agenda? He identifies three models: <sup>368</sup> 1) the *inside access model*, where the initiative comes from officeholders or political leaders without much participation or influence from the broader public; 2) the *mobilization model* in which the initiative starts inside but the proponents of

<sup>&</sup>lt;sup>367</sup> Michael J. Perry, "Religious Morality and Political Choice: Further Thoughts—And Second Thoughts—On *Love and Power*," *San Diego Law Review*, Vol. 30, 703, 1993. 703-727. 726-727

<sup>&</sup>lt;sup>368</sup> As he often does, Habermas relies on the work of others for models that show how new issues surface and move toward decision-making bodies *Between Facts and Norms*, 379. See, fn#72: R. Cobb, J.K. Ross, and M.H. Ross, "Agenda Building as a Comparative Political Process," *American Political Science Review* 70 (1976): 126-38.

the issue must look for support from the public; and, 3) the *outside initiative model*, where the initiative comes from the periphery, outside the purview of the political system. Habermas is most interested in this third model as it allows a grievance of some to move into the larger public arena and gather the support of other groups, which then creates enough public pressure to force it onto the formal agenda of decision makers.

For the consideration of how religion is to be public, Habermas's most important question in *BFN* is:

... whether civil society, through resonant and autonomous public spheres, develops impulses with enough vitality to bring conflicts from the periphery into the centre of the political system."<sup>369</sup>

Habermas makes use of Bernard Peter's "sluice model" to draw a picture of how political power circulates. He sees Peter's model as a sociological translation of a discourse theory of democracy. Changes can start at the centre or the periphery. The centre is a

... system of sluices through which many processes in the sphere of the political-legal system must pass, but the centre controls the direction and the dynamics of these processes only to a limited degree... the idea of democracy is ultimately based on the fact that political processes of will-formation, which... have a peripheral or intermediate status, are supposed to be decisive for political development. <sup>371</sup>

The binding decisions are legitimated by communication flows that start at the periphery and pass through "sluices" of democratic and constitutional procedures. The practices and processes are generally routine and serve to

<sup>369</sup> Between Facts and Norms, 330.

<sup>&</sup>lt;sup>370</sup> Bernard Peters, *Die Integration moderner Gesellschaften* (Frankfurt am Main, 1993) Chap. 9, Section 2. Referenced in *Between Facts and Norms*, fn. # 45, p.556

handle complexity. But, whose power do these procedures reflect and how open are they to "renovative impulses from the periphery?" 372

When conflict arises the law-making complexes usually go into problem solving mode but are not often able to recognise latent problems or successfully stage new ones. Habermas says the "periphery" must have the capacity to identify and thematise latent problems of social integration and introduce them in a way that gets attention and disrupts the usual routines of the parliamentary or judiciary sluices.

The expectations are directed at the capacity to perceive, interpret, and present society-wide problems in a way that is both attention—catching and innovative. The periphery can satisfy these strong expectations only insofar as the networks of non-institutionalised public communication make possible more or less spontaneous processes of opinion formation. Resonant and autonomous public spheres of this sort must in turn be anchored in the voluntary associations of civil society and embedded in liberal patters of political culture and socialisation; in a word, they depend on a rationalised lifeworld that meets them halfway. <sup>373</sup>

Habermas maintains that the great issues of the recent past, such as the nuclear arms race, ecological threats, feminism, immigration, were not initiated from the centre, but were "...broached by intellectuals, concerned citizens, radical professionals, self-proclaimed "advocates." Basically, he is arguing that the *political public sphere* can successfully deal with social problems to the degree

<sup>371</sup> Between Facts and Norms... 356. B. Peters, Die Integration moderner Gesellschaften (Frankfurt am Main, 1993) pp. 340f.

<sup>373</sup> Between Facts and Norms... 358-359

Between Facts and Norms...357. In the Roman Catholic tradition, there is experience of this *movement* of issues from the periphery to the centre which Habermas describes. Cardinal Bernardin observed: "...the significance of Vatican II is not that it said brand new things, but that it took...ideas from the edge of the (Catholic) church's life and located them at the centre." As pointed out in Chapter One, the Fathers of Vatican II were, above all, attempting to remain pastorally responsive to the needs of their own faithful and of the needs of humankind in the modern world.

that it arises out of the *ordinary communication* of those affected by the problems. The communication structures of the public and private spheres are linked in such a way that the "...civil social periphery, in contrast to the political centre, has the advantage of greater sensitivity in detecting and identifying new problem situations."<sup>375</sup>

Besides religion, art, and literature, only the spheres of "private" life have an existential language at their disposal, in which such socially generated problems can be assessed in terms of one's own life history. Problems voiced in the public sphere first become visible when they are mirrored in personal life experiences. To the extent that these experiences find their concise expression in the languages of religion, art, and literature, the "literary" public sphere in the broader sense, which is specialised for the articulation of values and world disclosure, is intertwined with the political public sphere. 376

If, in this schema, the "resonant and autonomous" public spheres that allow agenda issues to move from the periphery to the centre must be "anchored" in the voluntary associations of civil society, why would Habermas exclude the "voluntary associations" which a liberal democratic society calls churches, synagogues and mosques? They are part of the civil-social periphery as distinct from the political centre. Their "sensitivity in detecting and identifying new problem situations" arises from their firm foothold in the private lives of the rationalised lifeworld. In addition, they have the necessary language—

Habermas says these private experiences find their concise expression in the existential languages of religion, art and literature—the public sphere "…specialised for the articulation of values and world disclosure" and "intertwined with the political public sphere."

The Catholic parish and diocesan structure is designed to meet the social as

<sup>&</sup>lt;sup>374</sup> Between Facts and Norms...381

<sup>&</sup>lt;sup>375</sup> Between Facts and Norms...381

<sup>&</sup>lt;sup>376</sup> Between Facts and Norms... 365

well as spiritual needs of its membership. Very often, this structure is the first line of support for the fall-out from the social disintegration and change in society, such as, the cultural and physical needs of immigrants and refugees, fragmented families, unemployment, spousal violence, neglected children, isolated elderly, difficulties in health care, decisions surrounding terminal illnesses, pregnancy and birth, and any number of new ethical questions which people often first bring to their pastoral leaders. 377 Reflection upon these private experiences, expressed in the existential language which articulates values and world disclosure, offers an understanding of the larger needs of society. For example: in Dublin, members of An Turas, an intentional Christian Catholic community within the Marist Fathers' Donore Avenue parish, have joined existing community-based groups in their efforts to mobilise governmental and private resources to respond to issues such as high levels of school drop-out in Council housing areas. The parish, in this case, provides a loose structure within which the needs of people are identified and then thematised in order to get government attention and resources. The members of An Turas, through their reflection with others, have offered the articulation of the values underlying the activity and programs of the coalitions. 378

Habermas may not consider religious voluntary associations to be part of the "rationalised lifeworld," since, as F. Schüssler Fiorenza pointed out, he seems not to acknowledge the critical transformation of theology in modernity. But even from a strictly sociological point of view, the pastoral response of faith communities is not prompted by vested interest, but arises out of an

<sup>&</sup>lt;sup>377</sup> The frequency and openness with which members of faith communities bring these issues to pastoral leadership depends of course on the cultural mores. This may happen with much more frequency, for instance, in Catholic parishes in the mobile society of the United States than it happens in the Republic of Ireland. Nevertheless, the structure is there and depending upon the alertness and sensitivity of the pastoral workers, there is the possibility of being on the frontline of society's new issues.

<sup>&</sup>lt;sup>378</sup> Conversation with Fr. David Corrigan, S.M., member of An Turas.

awareness that transcends the maintenance of the institution. A Christian anthropology, for instance, values the human subject over systems. This was the basis for Vatican II's Dignitatis Humanae; for the U.S. Bishops' Pastoral on the Economy in American society; and, in general, for the developing body of Catholic social doctrine. As "communities of transcendent hope," faith communities are ideally poised to identify and thematise issues beyond individual vested interest. Believers who have internalised the values of the gospel and their church's social moral teaching, and have been given a language with which to articulate those values, gather with others to form coalitions which bring issues justice and respect for the individual into the public arena. For example, the role of Catholic Charities in the United States, with its local and national structure, has been recognised by society at large as a non-proselytising, pivotal social service agency, able to respond, on site, not only to Catholics, but to all who seek assistance. The agency of this organisation has been instrumental in surfacing issues on a national level, i.e., refugee resettlement. Another example: the Justice Desk of the Conference of Religious of Ireland (CORI) which annually brings the issues of the poor from the edge to the centre of the national budget deliberations in the Republic; CORI's well-researched, informed approach and articulate spokespersons successfully gains the attention of the political centre.

## Public Processes of Communication

This ability to identify and thematise issues of the common life is connected to Habermas's constant concern with communication in the public sphere, and especially with the possibility of *distorted communication*. It is Habermas's contention that as long as the mass media ignores its proper democratic tasks, "...issues will tend to start in, and be managed from, the centre, rather than

follow a spontaneous course originating in the periphery."379

In *BFN*, Habermas develops his earlier discussion of public processes of communication. He distinguishes opinion polls and survey results from what he considers to be *public opinion*, the result of information and arguments which focus public thinking. While he admits that broadcasting media allow for a more inclusive participation, he maintains that *the rules of a shared practice of communication* are of greater importance in the formation of public opinion. However, just as he argued in *STPS*, the "structures of a power-ridden, oppressed public sphere exclude fruitful and clarifying discussions." So, while broadcasting media may not be the most important aspect of opinion formation, they can present a significant obstacle to the quality of opinion formation in a given society. Mass media can contribute to the phenomenon already identified by Habermas in *STPS*—a public sphere that seems to be growing in scope as media goes "global", but which is actually shrinking in terms of the ability of people to freely participate in it.

In *BFN*, Habermas builds on his work in *STPS* and gives a more detailed exposition on this group of actors in the public sphere—journalists, publicity agents, members of the press—the world of publicity in its broadest sense. (*Publizisten*). The public sphere is mass-media dominated, with the power of the media growing as competitive pressures force more and more gate-keeping of information and control by advertising interests. In the electronic media especially, "professionally produced" pieces of information replace more spontaneous coverage of political views and issues.

Reporting facts as human interest stories, mixing information with

<sup>&</sup>lt;sup>379</sup> Between Facts and Norms, 380.

<sup>380</sup> Between Facts and Norms, 362.

entertainment, arranging material episodically, and breaking down complex relationships into smaller fragments—all of this comes together to form a syndrome that works to depoliticize public communication.<sup>381</sup>

It is obvious that Habermas continued to research the role and effects of mass media after his limited treatment in STPS. He alludes to the work of Paul Lazarsfeld on the effects of mass media and admits to the plurality and active, interpretative strategies of media audiences, a nuance he did not make in critiquing the role of electronic media in STPS. In terms of mass media's influence on the political public sphere, Habermas turns to Michael Gurevitch's and Jay Blumler's work on the tasks media ought to fulfil in democratic political systems—tasks such as: surveillance of the socio-political environment as it affects citizen welfare; agenda-setting; providing platforms for a range of spokespersons; dialogue across a diversity of views and publics; mechanisms for holding public officials accountable; incentives for citizens to be more active in the political process; principled resistance to efforts to subvert the media's independence and ability to serve; and, a sense of respect for the audience member as a potential contributor to the political environment. 382 For Habermas, these principles not only provide a kind of self-regulatory check-list for journalists, they also support the concept of deliberative politics by neutralising media's power to be an obstacle to the influence of civil society on the political system. This is a special challenge for state-run, public broadcasting operations, such as Ireland's RTE, which are partially subsidised by state mandated fees and who, therefore, must contend with oversight by government authority structures: yet, they carry a mandate to serve the public.

Habermas discusses influence as a factor in the public sphere. There are

<sup>&</sup>lt;sup>381</sup> Between Facts and Norms, 377.

persons and institutions whose reputation "...allows their utterances to have an influence on others' beliefs without having to demonstrate authority..." There is the political influence of officeholders, parties and well-established interest and lobbying groups, as well as persons and experts "... who have acquired their influence in special public spheres," for example, religious leaders, artists, scientists and celebrities. 384

The influence of the civil sphere is self-limited and is transformed into communicative power only after it moves through the filters of democratic procedures and debates into lawmaking. <sup>385</sup> And, in the final analysis, it is the public of citizens which must resonate and be convinced.

Public opinion can be manipulated but neither publicly bought nor publicly blackmailed. This is due to the fact that a public sphere cannot be "manufactured" as one pleases. Before it can be captured by actors with strategic intent, the public sphere together with its public must have developed as a structure that stands on its own and reproduces itself *out of itself*. This lawlike regularity governing the formation of a public sphere remains latent in the constituted public sphere—and takes effect again only in moments when the public sphere is mobilised. <sup>386</sup>

As Habermas admits, a naive reading of the sociology of mass communications might lead one to a pessimistic view of a public sphere collapsed into a powerful mass media. He allows that this view is possible when

Between Facts and Norms, 378. M. Gurevitch and J.G. Blumler, "Political Communication Systems and Democratic Values," in J. Lichtenberg, ed. *Democracy and the Mass Media* (Cambridge, Ma., 1990), p.270. (f.n.#69, p. 557)
 Between Facts and Norms, 363.

<sup>&</sup>lt;sup>384</sup> In the Republic of Ireland the past role of *influence* in the public sphere is well illustrated by the frequency with which religious leaders became spokespersons in the context of news stories which sometimes related to religious issues but just as often did not. In addition, there is the particular case of the influence of RTE personality Gay Byrne, whose unparalleled dominance in the public arena for over thirty years was the result of his position as host of *The Late Late Show* bolstered by the daily cross promotion of the *Gay Byrne Show* on RTE, Radio One.

<sup>385</sup> Between Facts and Norms, 371.

the *public sphere is at rest*. The power balance between civil society and the political system shifts, in his estimation, when there is a crisis.

At the "critical moments of an accelerated history," –in a crisis—actors in civil society have a chance to reverse the normal circuits.

The communication structures of the public sphere are linked with the private life spheres in a way that gives the civil-social periphery, in contrast to the political centre, the advantage of greater sensitivity in detecting and identifying new problem situations.<sup>387</sup>

Distorted communication is counteracted only by an energetic and alert civil society which, for Habermas, means that actors in the civil society must be aware on two levels: 1) their efforts to influence the political system; and, 2) their concern, by doing so, with contributing to a healthy civil society and public sphere. The former is an *offensive* movement which brings up and explicates the issues relevant to all of society; the latter is a *defensive* movement which preserves and develops a communicative lifeworld, the basis for a healthy public sphere.<sup>388</sup>

## 3.2.2 Conditions for a Healthy Public Sphere: Habermas

Religion's role in public life, according to Bernstein, is not to be yet another interest group pressing a particular agenda on a pluralist society. Rather, it is to open a communal space between the individual's private life and the "impersonal abstractions of society and state." <sup>389</sup>

<sup>386</sup> Between Facts and Norms, 364

<sup>&</sup>lt;sup>387</sup> Between Facts and Norms, 381.

<sup>&</sup>lt;sup>388</sup> Between Facts and Norms...369-370. Habermas draws on the work of Jean Cohen and Andrew Arato, *civil Society and Political Theory*, Cambridge, MA. 1992 (fn# 57, p. 557) Habermas adds that it is an actor's awareness of this second, defensive movement which is concerned with the solidarity and inclusiveness of the public sphere which distinguishes between actors who are *indigenous to* ( emerging from)or are *users(appearing before)* of the public sphere. (p 375-376)

Himes and Himes, *Fullness of Faith*....p.8 citing: Richard Bernstein, "The Meaning of Public Life," in *Religion and* Himes....p.8 (Richard Bernstein, "The Meaning of Public

The second public dimension to which public theology and public religion contribute is the social "space" created by communication which seeks, not agreement, but mutual understanding (Habermas's rationality of communicative action). Habermas calls this the *public sphere*, a concept he has further developed in *BFN*. This section will begin by reviewing the new contours of his thinking which lend themselves to the argument for a public role for theology and religion. Most properly, a consideration of the specific contribution public theology might make to this sphere speaks directly to Habermas's interest that participants in deliberative democracy be concerned not only for their agenda issues but for the larger issue of a healthy public sphere.

In Between Facts and Norms Habermas describes the public sphere as...

...a network for communicating information and points of view (i.e., opinions expressing affirmative or negative attitudes), the streams of the communication are, in the process, filtered and synthesised in such a way that they coalesce into bundles of topically specified *public* opinions. Like the lifeworld as a whole, so, too, the public sphere is reproduced through communicative action, for which mastery of a natural language suffices, it is tailored to the *general comprehensibility* of everyday communicative practice. <sup>390</sup>

It is important to note that Habermas moves beyond his previous, more narrow definition of *public sphere* in *STPS* as it related to a certain historical constellation, the *bourgeois public sphere*, with its Marxist and Hegelian underpinnings. The public sphere remains an "...intermediary structure between the political system on the one hand and the private sectors of the lifeworld

Life," in *Religion and And American Public Life*, (ed.) Robin Lovin (New York, Paulist Press, 1986) 47

American Public Life, (ed.) Robin Lovin (New York, Paulist Press, 1986) 47 Between Facts and Norms, 360.

...on the other," <sup>391</sup> but Habermas now recognizes the pluralism of public(s) in complex societies (a failure his critics found in *STPS*). As long as these public(s) are constituted by ordinary language they remain porous to one another.

The one text of "the" public sphere, a text continually extrapolated and extending radially in all directions, is divided by internal boundaries into arbitrarily small texts for which everything else is context; yet one can always build hermeneutical bridges from one text to the next. 392

This *new* "historical constellation" results in a civil society which has at its core a highly complex "network of associations," non-governmental and non-economic, which act as an organisational sub-stratum of the general public of citizens. This network emerges from the private sphere and is comprised of citizens who "…seek acceptable interpretations for their social interests and experiences and who want to have an influence on institutionalised opinion-and will-formation."<sup>393</sup>

From a sociological perspective, a communicatively integrated group is stabilised by a shared lifeworld background. In conflict situations groups which have this shared lifeworld background are able to reach agreement more easily because a large body of assumptions don't have to be challenged. This is not the case in modern pluralistic societies where the number of sub-groups, each with their own set of shared lifeworld background, creates a situation in

<sup>&</sup>lt;sup>391</sup> Between Facts and Norms...373.

<sup>&</sup>lt;sup>392</sup> Between Facts and Norms...374. The bourgeois public sphere was able to erect boundaries and structures that excluded some publics, who were then labelled "other." Habermas is saying that the inclusion and equality built into liberal public spheres keep the boundaries permeable, at least in principle. The "critique from within" is what brings the exclusive structures down.

<sup>&</sup>lt;sup>393</sup> Between Facts and Norms, 367.

<sup>&</sup>lt;sup>394</sup> In TCA2 Habermas describes the resources of lifeworld as *culture*, *society* and *personality*—the taken-for-granted certitudes, ideas, norms, institution, competencies and

which common religious authorities and worldviews are fragmented.<sup>395</sup> The complexity and power of these spheres continue to grow in the modern social milieu.<sup>396</sup> The social fragmentation caused by this phenomenon is evident in the social problems connected with the welfare society—over-bureaucratisation, monopolistically powerful corporations with their own interests, and, most disheartening of all for Habermas, a citizenry which seems so overwhelmed as to be apathetic.<sup>397</sup>

The public sphere is still a realm where private citizens interact with the public arena regarding issues which affect their lifeworld as Habermas described it in *STPS*. In the more contemporary historical constellation civil society becomes a public arena which is autonomous from the state, the

skills which provide cohesion and solidarity. This is then reproduced through cultural transmission of ideas, social integration and individual socialisation.

<sup>397</sup> In his *Habits of the Heart* project, which he describes as social science as public theology, Robert Bellah also notes "...the destructive consequences of the way our economic life is organised on all those commitments in private and public life that hold us together as a free people." Robert N. Bellah, "Public Philosophy and Public Theology in America Today," *Civil Religion and Political Theology*, (ed.) Leroy S. Rouner, University of Notre Dame Press, Notre Dame, IN., 1986—79-97—93.

<sup>&</sup>lt;sup>395</sup> Between Facts and Norms. Max Weber and Peter Berger supply the language to describe this situation, i.e., "the disenchantment of the world" and the loss of a "sacred canopy", p. xvii, Translator's Introduction.

<sup>&</sup>lt;sup>396</sup> Habermas finds John Rawls' appeal to shared cultural ideals inadequate to this modern context due to its failure to address the issue of multiple sub-groups and their interests. In Niklas Luhmann's work (Niklas Luhmann, Ecological Communication, 1989) Habermas finds an approach which "radicalises" contemporary systems theory (which, though dropping norms of any kind, was at least able to handle social complexity) by developing the concept of autopoieses, which conceptualises a closed system, recognising and reproducing its own "language." The problem, as Habermas views it, is that these self-referential systems cannot communicate with one another. The political system, which is meant to hold all these subgroups and their interests together, cannot function. As translator Rehg puts it, "The lesson of Habermas's readings of Rawls and Luhmann is this: if an account of modern law is to be neither sociologically empty nor normatively blind, then it must incorporate a dual perspective." Between Facts and Norms, Translator's Introduction, xxiii. This dual perspective combines an internal as well as external analysis, a system of knowledge and a system of action. In the internal relation between the formal equality paradigm (the classical, liberal view where the rule of law is based on individual freedom and the democratic process is meant to protect personal rights) and the civic republicanism paradigm (an emphasis on self-government through political participation with law legitimated in popular sovereignty) Habermas finds the deliberative democracy base.

economy and other systems but remains coupled with the core private spheres of the lifeworld. *Lifeworld* is a "reservoir for simple interactions" with specialised *systems* of action and knowledge remaining tied to these simple interactions. These *systems* comprise two categories: 1) general reproductive functions of communicative action (i.e., cultural reproduction, social integration and socialization) associated with systems such as religion, education and family; and, 2) validity aspects of everyday communicative action (truth, rightness, veracity) associated with science, morality and art. The *public sphere* is not specialised in either of these. Its relationship is to neither the functions nor the content of everyday communication but "... to the *social space* generated in communicative action."

In this description of the *systems of action and knowledge* which remain tied to the lifeworld, Habermas names *religion* as a category of the social and cultural reproduction functions of communicative action. Morality (by which of course Habermas would not mean *religious-moral*, but rather, the universalisable norms of justice mutually agreed upon in the discourse ethics of communicative action) is connected to the category of validity aspects along with science and art. 400

To sum up, in his recent work Habermas is emphasising that in a complex,

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<sup>&</sup>lt;sup>398</sup> Between Facts and Norms... 360

<sup>&</sup>lt;sup>399</sup> Between Facts and Norms... 360

<sup>&</sup>lt;sup>400</sup> This, of course, is where Tracy suggests the classics of religion should be placed, for their symbolic potential for transformation and meaning. Habermas countered that this sounded as if religion were being collapsed into the aesthetic and he did not think even Tracy wanted that. Re: Habermas's understanding of religion and morality: "Even religious or classic philosophical ethics that explicate the moral life relation neither understand nor justify what is moral from itself, but from the horizon of a salvation-historical or cosmological viewpoint of totality." (*Moralbewuβtsein and kommunikatives Handeln*. 178) The question is still whether the theory of Communicative Action allows for symbolic communication—including ritual and art—and if there is not room for these, is this not an impoverishment reason and communication?

pluralistic society, the *public sphere* is a "network," emerging from the private sphere and comprised of citizens who are looking for meaningful interpretations of their lives and who want to influence the public opinion and decision-making institutions of their own society. The dual-movement – surfacing and thematising relevant issues (offensive) and seeking inclusion, solidarity and mutual understanding (defensive)—by alert and active citizens protects the public sphere from distorted communication and maintains it as a healthy social space between the lifeworld and the political system. This "network" is "non-governmental and non-economic, and acts as an "organisational sub-stratum" of the general public.

The question arises: where do private citizens find help in their search for meaningful "interpretations" of their lives and experiences? "Interpretation" suggests something more that the discrete, isolated explanations for individual events, which so characterise mass media and would only seem to add to the social fragmentation and disconnectedness he describes. Habermas's privatising of religion is very tied to his view of religion as unrationalised worldview. Francis Schüssler Fiorenza, in addition to pointing out Habermas's failure to trace the critical development of religion in modernity, also suggests that faith communities are communities of interpretation and lifeworld in what Habermas sees as the colonised and shrinking social space of the public sphere. <sup>401</sup>

The churches as religious communities have a function within an impoverished and colonised lifeworld not just as communities of interpretation of substantial normative tradition. As communities they are also significant for the formation of personal identity and for the

<sup>&</sup>lt;sup>401</sup> Francis Schüssler Fiorenza, "The Church as a Community of Interpretation: Political Theology between Discourse Ethics and Hermeneutical Reconstruction," *Habermas*, *Modernity and Public Theology*, (ed.) Don S. Browning and Francis Schüssler Fiorenza, Crossroad, New York. 1992. 66-87.

institutional empowerment of personal agency within society. 402

F. S-Fiorenza says Habermas fails 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." <sup>403</sup>
F.S-Fiorenza's proposal is that churches "as communities of the interpretation of the substantial normative potential of their religious traditions can provide one such institutional locus." <sup>404</sup> Churches are theologically engaged in the ongoing interpretation of their traditions. Vatican II is a prime example of this in the Roman Catholic tradition. This continual interpretative task includes "…not only full conceptions of the good, but also ethical issues of justice." <sup>405</sup> This is over against Habermas's position, which is that "…since modernity and the destruction of the teleological worldview, moral theory in fact can only be deontological and must focus on questions of justice" <sup>406</sup> not of the good.

Seyla Benhabib agrees with Habermas that under the conditions of modernity there can no longer be an overarching vision of the human good; rather, as moderns, we have to live with *varieties* of goodness. <sup>407</sup> However, Benhabib argues persuasively that a universalist and communicative model of ethics, such as Habermas's, offers a "weak" deontology in which the validity of norms is located in their "argumentative establishment." Benhabib argues that in a non-predetermined argument, moral debate about conceptions of the good life are not excluded and are therefore "accessible to moral reflection and moral transformation." This is far from a "univocal conception of the human good" which strong teleologists prefer, but Benhabib leaves it to them to

 $<sup>^{\</sup>rm 402}$  Francis Schüssler Fiorenza, "The Church as a Community...85-86

<sup>&</sup>lt;sup>403</sup> Francis Schüssler Fiorenza...79.

<sup>404</sup> Francis Schüssler Fiorenza...79.

<sup>&</sup>lt;sup>405</sup> Francis Schüssler Fiorenza...79.

<sup>&</sup>lt;sup>406</sup> Seyla Benhabib, *Situating the Self*, *Gender*, *Community and Postmodernism in Contemporary Ethics*, Polity Press, Cambridge, 1992. 72.

demonstrate how this kind of conception is possible under the complex conditions of modernity.

Habermas's refusal of a public role for tradition is by way of protecting against what he sees as the coercion or violence of uncritical conventionality placed upon a process which he envisions as a free, participative movement toward agreement. For him, universality is not contained in any pre-determined world-view but is held within communicative action itself. Indeed, this freedom from the coercion and control of non-rationalised thinking is one of the positive aspects of modernity and it has led to a valuing of personal agency in society. Habermas's theory of communicative action depends upon personal agency as a basis for the intersubjectivity of communicative ethics; however, given his refusal to allow a public role for traditions, the question is always, what is it that personal agents actually bring to the process of discourse? It is difficult to imagine, in practice, the "veiled ignorance" of Rawls, or some other version of an "unencumbered self." Benhabib, who is critical of the communitarian failure to distinguish between "the significance of constitutive communities for the formation of one's self-identity and a conventionalist or role-conformist attitude which would consist in an uncritical recognition of station and duties," <sup>408</sup> argues that there is no need for a totally "unencumbered self;" on the contrary, communicative ethics presupposes "...that individuals have the psychic-moral Bildung or formation which will make it motivationally plausible as well as rationally acceptable for them to adopt the reflexivity and universalism of communicative ethics."409

<sup>407</sup> Seyla Benhabib, Situating the Self...75.

409 Seyla Benhabib, Situating the Self... 74

<sup>&</sup>lt;sup>408</sup> Seyla Benhabib, *Situating the Self: Gender, Community and Postmodernism in Contemporary Ethics*, Polity Press, Cambridge, 1992.74

F. S-Fiorenza develops his argument for churches as interpretative communities by suggesting that political theology, if it develops a dialectic between the critical principle of Enlightenment rationality and the hermeneutical insight into the historical conditioning of reason and experience, overcomes the one-sidedness of both universalist and historicist approaches. Political or public theology contributes to the public sphere by encouraging, for instance, *discussion* about the interrelationship between *thick* and *thin*<sup>410</sup> conceptions of the just and the good, of which the public realm is devoid. While churches are not the only communities of ethical discourse (F.S-Fiorenza hopes the academy is also), they do have a special role because of their core traditions, which bring to the fore normative traditions of the good and the just. As institutions and communities, themselves, they also provide a *locus*, a place, for "... the discussion of the affective and expressive spheres of human life. In this regard the church keeps alive the utopian dimension that has been central to critical theory."

The proviso is, of course, that public theology's task of interpretation needs to happen under certain conditions, which F. S-Fiorenza suggests include: 1) fallibilism; 2) the modernity in which churches themselves are located; 3) a rationalised, transformed religion and theology; and, 4) attention to contemporary issues and debates on justice and the public sphere. <sup>412</sup> These conditions help comprise the context for the standards and criteria of public conversation, which a public theology must respect. David Tracy's proposed list of criteria for public conversation includes such things as: Intelligibility (coherence), truthfulness (provision of warrants and evidence), rightness (moral

<sup>&</sup>lt;sup>410</sup> As indicated earlier, in Chapter Two, Michael Walzer, in critique of John Rawls, says thin conceptions are already thick with fuller conceptions.

<sup>&</sup>lt;sup>411</sup> Francis Schüssler Fiorenza, The Church as a Community....87.

<sup>&</sup>lt;sup>412</sup> Francis Schüssler Fiorenza...79. The purpose of public theology is not proselytisation. As Tracy has indicated, the task of public theology is to get the religious symbol system into the public realm; it is the task of the public to find their transformative power for consensus.

integrity) and equality (mutual reciprocity). 413

This raises the question of religious traditions or types of religious participation which do not adhere to these conditions and criteria and which may, indeed, function as ideologically oppressive. Michael Perry's concept of *ecumenical political dialogue* offers contextual and existential prerequisites for constructive religious participation in political deliberation and justification. It is Perry's conviction that the proper role of public religious discourse is played much more in the space of "public culture" than in public argument specifically about political issues. 414

# 3.2.3 Religious Contribution to the Common Ground of Culture: Perry

This third public sphere in which a public theology may contribute is the broadest and deepest "social space." It is the grounding for the public function of agenda-setting and for the health of a society's public sphere.

David Hollenbach says this is where public religious discourse plays its role, especially in "those components of civil society that are the primary bearers of cultural meaning and value—universities, religious communities, the world of the arts, and serious journalism." This more foundational service that churches offer to society has been called "cultural diakonia" (Gotthard Fuchs), a ministry to culture. 416

<sup>&</sup>lt;sup>413</sup> Himes and Himes. Fullness of Faith....18

<sup>&</sup>lt;sup>414</sup> Michael J. Perry. "Religious Morality and Political Choice: Further Thoughts—and Second Thought—On *Love and Power*, San Diego Law Review, Vol.30, 703, 1993. 726-727. <sup>415</sup> Michael J. Perry. *Religion in Politics*...47.

<sup>&</sup>lt;sup>416</sup> This perspective found earlier articulation in the 1971 Synod of Bishops document: *Justice in the World.* "Of itself it does not belong to the Church, insofar as she is a religious and hierarchical community, to offer concrete solutions in the social, economic and political

Churches, as bearers of cultural meaning and value, are not only communities of interpretation, but also "... significant for the formation of personal identity and for the institutional empowerment of personal agency within society."417 There is an increasing difficulty in developing a sense of self, community and agency in the colonised, fragmented and disenchanted society of modernity. Benhabib, in considering communitarian political thought's answer to this problem, sees two strains: an "integrationist" and a "participatory." In the first strain the problems of modern societies can only be solved by recovering some "coherent value scheme"—the emphasis is on values—their revival, reform or regeneration. The "participationist" strain, on the other hand, views the problems of modernity less as a loss of belonging and solidarity and more as a "loss of political agency and efficacy." <sup>418</sup> Benhabib supports the *participationist* approach of Habermas's communicative ethics, which would solve this problem of modernity by extending the principle of modernity, "... namely the unlimited and universally accessible participation of all in the consensual generation of the principles to govern public life."419

...political agency and efficacy, namely the sense that we have a say in the economic, political and civic arrangements which define our lives together, and that what one does makes a difference. This can be achieved without value homogeneity among individuals. Of course, it is likely that a very atomised society will undermine one's options and motivation for political agency, while a vibrant, participatory life can become central to the formation and flourishing of one's self identity. Equally, while the prevalence of certain kinds of public value systems will make the participationist option more or less likely, an increased sense of public-political agency and efficacy will contribute to the revitalisation of certain kinds of values.

spheres for justice in the world. Her mission involves defending and promoting the dignity and fundamental rights of the human person."

<sup>&</sup>lt;sup>417</sup> Francis Schüssler Fiorenza, The Church as a Community of Interpretation...85-86.

<sup>418</sup> Sevla Benhabib, Situating the Self... 77

<sup>419</sup> Seyla Benhabib, Situating the Self... 87

It is in this interplay between the vibrancy of public value systems and the quality of the agency and efficacy of public participation that Michael Perry places the religious argument in public debate. His thinking most directly responds to the lacunae in Habermas's theory regarding the public role of tradition, particularly religious tradition. Perry also offers direction as to *how*, in what manner, religion must be public to contribute, rather than be an obstacle, to the health of the public culture. This section is concerned with two phases of Perry's work. His seminal concepts of *ecumenical politics* and *ecumenical political dialogue* and *tolerance* are described in *Love and Power*. In *Religion in Politics, Constitutional and Moral Perspectives*, Perry brings to bear two additional inquiries: the question of the constitutionality of religious arguments in politics; and, the relationship between religiously based moral arguments and secular moral arguments.<sup>421</sup>

Of the four kinds of "political talk"—declaratory, persuasive, justificatory, and deliberative—Perry is interested in *justificatory*, (the establishment of authoritative premises for choices) and *deliberative*, (dialogic inquiry about what choices to make). Both of these, though they may at times involve declaration and persuasion, aspire to "discern or achieve, in a religiously/morally pluralistic context, a common ground that transcends 'local' or 'sectarian' differences.' " <sup>422</sup> They are concerned with mutual deliberation about common life together. As Perry clarifies, agreement is not the mark of the success of justification or deliberation around choices. Common ground may not always be achieved. What may be achieved is a "... position on a political issue that is within the range of reasonable position on the issue, given

420 Seyla Benhabib, Situating the Self... 87

422 Michael J. Perry, Love and Power... 45-47.

<sup>&</sup>lt;sup>421</sup> Michael J. Perry, *Religion in Politics, Constitutional and Moral Perspectives*, Oxford University Press, Oxford. 1997. 5

the relevant authoritative premises."423

Perry, whose context is a morally pluralistic society, finds it difficult to imagine a politics in which discussion about the good is excluded or marginalised. He argues against Bruce Akerman's *neutral politics* and Thomas Nagel's *impartial political justification* concept. Questions of the good in a pluralistic society, in Perry's thinking, *are* the most fundamental political-moral questions which engage people in a pluralistic society. Excluding or marginalising disputed beliefs about human good in the process of political justification leaves the process bereft of the normative resources needed to have more than a superficial public deliberation.

As a species of moral beliefs, religious-moral beliefs are about how it is good or fitting for human beings to live their lives...[they] presuppose a vision of the ultimate—the final and radical—meaningfulness of life. 425

Perry's *ecumenical politics* <sup>426</sup> places engagement with questions around beliefs about human good, including disputed beliefs, at the centre of the political process. Ecumenical politics is

...religious politics in this sense: a politics in which persons with religious convictions about the good or fitting way for human beings to live their lives, about the 'truly, fully human' way to live, rely on those convictions, not only in making political choices, but in publicly deliberating about and in publicly justifying such choices. 427

<sup>&</sup>lt;sup>423</sup> Michael J. Perry, Love and Power...47

<sup>&</sup>lt;sup>424</sup> Michael J. Perry, *Love and Power*, *The Role of Religion and Morality in American Politics*, Oxford University Press, New York, 1991. 8-16 Akerman's "path of conversational restraint" depends upon finding shared norms, which Perry says is not always possible in the complex pluralism of today's society and which ends up privileging certain beliefs. Nagel argues for an "impartial/impersonal" political justification, which Perry judges would also result in privileging certain beliefs. Perry feels both approaches are impossible.

<sup>&</sup>lt;sup>425</sup> Michael J. Perry, Love and Power...76

<sup>426</sup> Michael J. Perry, Love and Power... 44-45

<sup>&</sup>lt;sup>427</sup> Michael J. Perry, Lover and Power...136-137.

The importance of this for moral discourse in society is that public theology is able to "explicate the relevance....of the transcending dimension of the unity of the lifeworld, toward which moral discourse is aimed."<sup>428</sup>

"Ecumenical politics institutionalises a particular conception of the 'place of religion in American life'... and how we should contend with these deepest differences in the public sphere." As ecumenical *theology* values pluralism, and engages enthusiastically in the process of achieving a deeper understanding of theological truth through challenging and being challenged by different theologies so, by analogy, *ecumenical politics* 

...aspires to discern or achieve, in a religiously and morally pluralistic context, a common political ground...ecumenical politics is pluralist: it values moral (including religious-moral pluralism). 430

For Perry, *ecumenical politics* is constituted by two practices: 1) a certain kind of *dialogue* and 2) a certain kind of *tolerance*.

#### 1) Ecumenical political dialogue is a

...normative dialogue, which is...a process for making normative judgements, judgements about what choice to make, what action to take, and so on. Such dialogue can take place between and among persons only if and to the extent they share a common moral 'language' or 'vocabulary'; normative premises—'values'—that can ground and focus their dialogic efforts...there must be a community of judgement...<sup>431</sup>

The members of this judging community share underlying grounds of judgement which serve to unite all those in communication, even those who

<sup>&</sup>lt;sup>428</sup> Francis Schüssler Fiorenza...79. F.S-Fiorenza cites Habermas, *Nachmetaphysisches Denken. Philosophische Aufsätze* (Frankfurt am Main: Suhrkamp, 1988).

<sup>&</sup>lt;sup>429</sup> Michael J. Perry, *Love and Power, The Role of Religion and Morality in American Politics*, Oxford University Press, New York, 1991. 45.

<sup>&</sup>lt;sup>430</sup> Michael J. Perry, *Love and Power... 44*<sup>431</sup> Michael J. Perry, *Love and Power...* 84

disagree. "The very possibility of communication means that disagreement and conflict are grounded in a deeper unity. This is what may be termed, borrowing Kantian language, a 'transcendental' requirement of discourse." Perry goes on to say that the community may be very *thin* or very *thick* in terms of its shared grounds of judgement, but a community of judgement is a prerequisite. "Thus, normative dialogue not only requires community; it can serve as a matrix of, it can engender, community. 433

2) Ecumenical political *tolerance* is, in Perry's scheme, a tolerance beyond that which is a pre-condition for dialogue. Tolerance, as ecumenical political tolerance, is a) on the part of citizens and representatives acting politically, *qua* state, and, b) the tolerance of beliefs judged false and of behaviour judged immoral. As Perry explains it, the practice of this kind of tolerance makes judgements, sometimes publicly, about truth and falsity, good from bad, moral from immoral, but, refrains from coercing others on the basis of those judgements, especially refrains from using "the apparatus of the state to coerce others." Perry suggests that in American society there is a set of fairly standard moral beliefs which form the grounds for *not* using coercive political strategies. Among these are that human beings can be wrong, fallible. Fallibility coupled with a pluralist sensibility (valuing dialogue among differences as more fertile ground than monologue) along with self-interest, compassion, community and conscientiousness (the role of conscience) are the principle arguments *against* using coercive political strategies and *for* the active

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<sup>432</sup> Michael J. Perry, Love and Power... 84

<sup>433</sup> Michael J. Perry, Love and Power... 84

<sup>&</sup>lt;sup>434</sup> Michael J. Perry, Love and Power... 129

<sup>&</sup>lt;sup>435</sup> Michael J. Perry, *Love and Power*... 129 Perry is anxious to clarify two common misconceptions by establishing two points: one is that moral cognitivism does not entail intolerance and coercion nor does moral skepticism entail tolerance; the other is that epistemological coherentism does not entail tolerance and noncoercion. (130-131)

kind of tolerance Perry is suggesting here. 436 Yet, Perry cautions

That various considerations counsel against pursuit of coercive political strategies, and that we should therefore be wary, as a general matter, about pursuing such strategies, is not to say that no such strategy should ever be pursued. That position—radical tolerance—would be extreme and extremely silly. The principle consideration supporting, even necessitating, a coercive political strategy is the fact, if it is a fact, that the strategy is an essential means of protecting a fundamental interest or interests <sup>437</sup>

In any society there will be widespread disagreement on what is "fundamental," but in general, issues around human well being and protection of the weak and safeguarding basic social institutions qualify as fundamental. Dietmar Mieth also cautions about the possibility of a "new covenant between the respect for plurality and the economic and political pressure put on society to draw up common regulations ensuing from the powerful force of technological and economic globalisation. Under these circumstances 'minimal consensus' may become a kind of 'repressive tolerance.'

Ecumenical political dialogue is an ideal, achievable to the degree that there are situational and existential prerequisites. Situationally, there is the need for a genuine political community—in the U.S. it is one characterised by substantial religious/moral pluralism. This pluralistic community must have a certain commitment to conditions that allow dialogue to flourish, 439 which implies the existence of a "congenial institutional and practical environment—namely, institutions and practices which are likely to maximise, not minimise, authentic dialogue. 440 The existential prerequisites for ecumenical political

<sup>&</sup>lt;sup>436</sup> Michael J. Perry, Love and Power... 132-136

<sup>437</sup> Michael J. Perry, Love and Power... 135

<sup>&</sup>lt;sup>438</sup> Dietmar Mieth, *Biomedical Ethics* 5, 2000. 88

<sup>439</sup> Michael J. Perry, Love and Power... 91

<sup>440</sup> Michael J. Perry, Love and Power... 91

dialogue are mostly attitudes—cognitive competency enhanced by empathy and pluralism supported by fallibilism—and, virtues—public intelligibility and public accessibility. 441

Perry's most important point, for the purposes of this research, relates to the self-critical rationality at the heart of fallibility and the public engagement of the church. In his estimation, churches don't enter the public debate simply to project their moral viewpoints onto the public horizon; they are also concerned, if they are committed to dialogic deliberation, to let their convictions be tested by others and to get assistance in making choices.

Why assume that the 'mind of the Church' or other community is to be shaped only by internal dialogue: Why shouldn't the mind of the Church or other community be shaped by external dialogue as well: deliberation between those who are members of the religious community and those who are not?<sup>442</sup>

Akin to David Tracy's idea of mutually critical correlation, the commitment to self-critical rationality, in this sense, becomes a mutual critique. Churches also *learn from* the discussion and the mutual deliberation results in better deliberation and better choices. Cardinal Joseph Bernardin, in speaking of the "consistent ethic of life" concept, said: "A confident church will speak its mind, seek as a community to live its convictions, but leave space for others to speak to us, help us grow from their perspective." 443

Perry's dialogic *virtues* are also applicable to the Church's task in the public sphere. He describes *public intelligibility* as "...the habit of trying to elaborate one's position in a manner intelligible or comprehensible to those who speak a

<sup>&</sup>lt;sup>441</sup> Michael J. Perry, Love and Power...99-112

<sup>442</sup> Michael J. Perry, Love and Power...103

different religious or moral language: public accessibility is "...the habit of trying to defend one's position in a manner neither sectarian nor authoritarian to the point of translating one's position as much as possible to a shared or mediating language."444 To John Coleman's suggestion that the shared biblical heritage underlying the Jewish and Christian ethos of the United States is"...arguably the most powerful and pervasive symbolic resource for public ethics in the United States" Perry rightly responds that it needs amending, due to the increasing religious complexity in the U.S., i.e., the Native American, Islamic, Hindu and Buddhist traditions. However, Perry supports Coleman's point that the biblical tradition, when used as a public discourse, is beyond the control of any particular denominational theology and therefore avoids being sectarian. 446 Perry's concern is that the religious symbols which are used in public debate be chosen, not to be specifically formulated theological statements, but for their ability to build solidarity and to invite more dialogue. This is reminiscent of Mudge's position in Chapter One that Christian doctrine not only acts in a regulative function within churches but also orders the churches' shaping and interpreting work in human society and, therefore, the churches' validity claims are meant to be tested in the public arena.

For Perry, the final, fundamental test of the success of an *ecumenical politics* which practices *dialogue* and *tolerance*, is political *community* of a certain sort. This dialogue not only requires a community of judgement, it can help create a flourishing community. This is a politics

<sup>&</sup>lt;sup>443</sup> Cardinal Joseph Bernardin, "The Consistent Ethic of Life After *Webster*," 19 *Origins*, 1990. 748

<sup>&</sup>lt;sup>444</sup> Michael J. Perry, Love and Power...106.

<sup>&</sup>lt;sup>445</sup> Michael J. Perry, Love and Power... 88, also 187, fn.15.

<sup>&</sup>lt;sup>446</sup> Michael J. Perry, *Religion in Politics: Constitutional and Moral Perspectives*, Oxford University Press, Oxford. 1997, 45. For, Luke Timothy Johnson's warning about competing scripture- and tradition- based arguments and the need for liberal Christians not to abandon the field to those who emphasise the parts of the tradition that have proven harmful to

...in which citizens meet one another in the public square, sometimes to reach consensus, more often to diminish dissensus, and most often, perhaps, simply to clarify, to better understand, the nature of their disagreement, but always to cultivate the bonds of (political) community, by reaffirming their ties to one another, in particular their shared commitment to certain authoritative political-moral premises. 447

They may strengthen existing bonds, forge new bonds, or, at the very least, reaffirm bonds.

To sum up his thinking in *Love and Power*, Perry gives four reasons for taking *ecumenical political dialogue* seriously: 1) the alternatives are a neutral dialogue, violence, the threat of violence and coercive tactics; 2) the self-critical rationality at the heart of especially deliberative dialogue allows for an *external* critique which, along with internal critique, allows an individual or a community to come to knowledge of itself dialogically, not monologically; 3) as social beings we are embedded in a network of relationships which allows dialogue to be a *matrix* for self-knowledge through self-critical rationality; and, 4) it is grounded in a value which is fundamental for religious communities in American society, *agape*, love of neighbour. This is a constitutive *ideal* which implies a certain kind of listening and responsiveness to the other, the stranger.

It is clear that the practice of *ecumenical political dialogue* and *tolerance*, with their situational and existential prerequisites, contributes to the shared or common ground of public culture. The commitment to a self-critical pluralist dialogue as the matrix for shaping the political community *is* a commitment to the health of the cultural ground. Christian churches which even approximate

humans, but continually to engage with what Phyllis Trible calls "texts of terror" in a public, intellectual, and hermeneutically critical and faithful way.

the ideal Perry describes are engaged in a "cultural diakonia" which, in turn, helps them to clarify the nature and practice of their public mission and their mission to be public.

In Religion in Politics, Constitutional and Moral Perspectives <sup>448</sup> Perry develops two areas he neglected in his earlier work: the question of the constitutionality, under the nonestablishment norm of the U.S. Constitution, of religious arguments in politics and, the question of the relationship between religiously based moral arguments and secular moral arguments. His major concern here is with political choices about the morality of human conduct—choices that "ban or otherwise disfavor one or another sort of human conduct based on the view that the conduct is immoral." (In Chapter Three his case in point is the morality of homosexual sexual conduct.)

Perry makes a distinction between *constitutionality* and *morality* when it comes to the religious argument and politics. In his context of the United States Constitution, Perry concludes that the nonestablishment norm of the U.S. Constitution is not violated by the presentation of religious arguments in public political *debate* by either citizens, legislators or other policy making public officials; <sup>450</sup> but, a political *choice* would violate the norm if no secular argument supported it. <sup>451</sup>

Political morality is a different issue, and one which moves the discussion

<sup>&</sup>lt;sup>448</sup> Michael J. Perry, *Religion in Politics, Constitutional and Moral Perspectives*, Oxford University Press, Oxford, 1997.

<sup>449</sup> Michael J. Perry, Religion in Politics...4

<sup>&</sup>lt;sup>450</sup> Michael J. Perry, *Religion in Politics*...102 Perry provides an Appendix: Judges—A Special Case? In which he hypothesises that in the rare case when there is both legal and public value *underdeterminance* a court may rely on a religious premise alone in making a choice.

away from the narrower context of the United States and into an arena which is of interest to any pluralist society. Perry argues that it is important that religious arguments be included in public political debate so that they can be tested in the public arena. To the concern that religious argument is divisive, sectarian or less than critically distanced from fundamental beliefs, Perry answers that the same criticisms can be made against secular arguments. He strongly argues for the public airing of religious argument, even more strongly sectarian religious moral discourse. This is consistent with his concept of *ecumenical political dialogue* in which a prime value is placed on the fruitfulness of diverse arguments, even arguments which are radical or extreme, in public dialogue; these are the only way they can be tested by other arguments.

Perry suggests that there are two basic categories of religious argument about the morality of human conduct: religious argument about *human worth* and religious argument about *human well being*. That all humans are sacred is a religious assumption that has travelled into the cultural understanding as secular (i.e., The International Bill of Human Rights). In terms of human worth, a Christian may argue this out of his or her belief system. But, as Perry points out, some religious beliefs have been so absorbed into culture that they are accepted as secular. This is one of them. Establishing what constitutes human well being, a concept arising from the basic respect due to individuals, involves looking at what must be done or provided for humans and what must not be done to humans. This is a more slippery area. Perry's basic conclusion is that citizens, legislators and other policy-making officials, when making a political *choice* about the morality of human conduct, should not rely on a religious argument about what constitutes human well being unless there is a persuasive

<sup>&</sup>lt;sup>451</sup> Perry makes an interesting reference to the Irish Constitution in a discussion around the nonestablishment norm. in which he argues that a conclusion that the Irish Constitution

secular argument about what constitutes human well being. 452

The distinction for Perry is between debate and choice. Debate demands the full spectrum of arguments, religious and otherwise. Most of the objections against religious arguments in the public debate can be applied, in Perry's estimation, to many other secular, sectarian arguments. He disagrees with Kurt Greenawalt's position that legislators should not present religious arguments in public political debate. Perry argues that religious arguments, along with all other arguments, are important to the quality of a debate and to the testing of convictions. In societies which value disclosure of the bases for political choices by elected representative, it behooves the representative to be forthcoming about all the pertinent arguments in a case, religious or otherwise. 453 He also disagrees with John Rawls" ideal of "public reason" arguing that, in situations where the premises of a choice are underdeterminate, public reason often "runs out" too soon. "Reliance partly on a non-public reason or reasons, whether religious or secular, is necessary" for both sides of an issue, especially one which is underdeterminate, i.e., abortion. 454 When it comes to political choice about human conduct the question is the moral appropriateness of citizens voting in referendums, legislators and other policy making authorities relying on a religious argument even if a reliable or plausible secular rationale supports the choice; also, whether it isn't morally permissible for legislators and others to rely on a religious argument in making a political choice about the morality of human conduct even if, in their view, no persuasive or even plausible secular rationale supports the choice. 455 As an illustration, Perry refers several times to the National Conference of Catholic

violates a human right by affirming Christianity in its Preamble, is extreme. 16-17

<sup>&</sup>lt;sup>452</sup> Michael J. Perry, *Religion in Politics...* see Chapters 2 & 3 for the development of these positions.

<sup>&</sup>lt;sup>453</sup> Michael J. Perry, Religion in Politics... 49-54

<sup>&</sup>lt;sup>454</sup> Michael J. Perry, *Religion in Politics*... 54-61

<sup>455</sup> Michael J. Perry, Religion in Politics... 63-64

Bishops who have relied on secular arguments, not religious ones, for several of their documents. Perry is not arguing for Christians to bracket their Christianity in making political choices; rather, he sees it as precisely because they are Christians, and aware of the brokenness of the world, that they would be wary of any coercive choices about requirements for human well being and would seek a secular basis to support their religious base. The political constraint Perry places on political choice as contrasted with political debate, is a safeguard against coercive uses of religious argument in determinations about the morality of human conduct.

The task at the start of this Chapter was not only to explore why religion should not be private in pluralistic society but also to begin to answer the question of how it is to be public. By using Habermas and Perry to look at the three public areas—agenda setting, healthy public sphere, and the common cultural ground—in which a public theology and religion may contribute in modern society, it has become more clear what may be lost with the privatisation of religion. Far from safeguarding pluralism, the absence of religious argument deprives public debate of the richness of the interpretative traditions of religion, with its existential language, on issues of what constitutes the *good* as well as the *just* life. More pertinent still is the contribution of religion to agenda setting in a healthy public sphere—one in which issues may indeed move from the periphery, which is closest to the lifeworld of private citizens, to the political centre, which depends for its vitality on the communicative link with that lifeworld. Finally, and most importantly, a public theology and religion have a "cultural diakonia," a ministry to the common cultural ground of society, within which people find identity and a sense of their agency within their common life. Without this sense of agency,

<sup>&</sup>lt;sup>456</sup> Michael J. Perry, Religion in Politics... 101

citizens succumb to the apathy resulting from the fragmentation and individualism which are the shadow side of the Enlightenment. In many respects the government of the United States is a product of the Enlightenment. The faith placed in law and voting numbers avoids the question of the wisdom of the voters. 457 Citizens who value a vital and critically nurturing common life have the possibility of a sense of agency and perhaps, wisdom. The Republic of Ireland is experiencing its own variant of enlightenment, economically and culturally; the participatory vitality of law-making in the Republic is a concern, as is the risk of growing individualism.

As Seyla Benhabib makes clear, it is not necessary to counteract this individualism by a return to a communitarianism of the past, with its danger of an uncritical stance toward the status quo. A public theology and religion, sensitive to the standards for public conversation in a pluralistic society, can help form the common life and connecting networks needed to hold society's diversity without sacrificing either individual autonomy or participatory politics. Michael Perry's critical concept of *ecumenical political dialogue* and his distinctions between the role of religion in political debate and choice bring clarity to *how* public theology and religion may best be part of the public conversation in modern pluralism.

The development of public theology in the United States, despite its congenital pluralism, offers an orientation point for exploring a public theology in the growing pluralism of the Republic of Ireland. As Perry made clear, his discussion around the distinction between the role of religion in political debate and political choice applies to any pluralist society. The Irish Catholic Church with its history of public hierarchical involvement masking a

<sup>&</sup>lt;sup>457</sup> As this is being written, the United States is in the throes of deciding upon a President in an election closer than any in recent history. The issue of the right of the individual voter, not

privatised religious observance among membership, is being pressured to privatise for reasons very different from those in its colonised past. As Gabriel Daly warns, churches can all too easily "acquiesce in this process" of privatisation.

It makes for a quieter and more hassle-free life. There are no hostile media to contend with, unless some scandal has got into the news. The pieties of church life can be pursued in peace by an ever dwindling church membership. Meanwhile, secular life goes on uninfluenced by the kind of analysis, conversation and argument which a reflective religious faith can offer in freedom to the secular world. The consequences of this kind of withdrawal of religion and theology from public life ultimately amount to an abandonment of the Christian Church's commission to preach the gospel. 458

Chapter Four considers the Irish Catholic Church's engagement in the public sphere from an historical perspective, especially its engagement in religious-moral referendum debate and in the context of its own public crisis of clergy sexual abuse cases. These two historical arenas, as they constitute spheres of public debate and of public truthfulness, also reveal the possibilities for public theology and religion's contribution to agenda setting, the public sphere and the cultural common ground—*cultural diakonia*.

only to vote, but to have her ballot counted has become paramount.

<sup>&</sup>lt;sup>458</sup> Gabriel Daly, OSA, "Liberal Democracy, Crisis and Christian Vision," *Religion in Ireland, Past Present and Future*, Denis Carroll (ed.), The Columba Press, Dublin, 1999. 140-154. 151.

#### CHAPTER FOUR

# THE IRISH CATHOLIC CHURCH'S ENGAGEMENT IN THE PUBLIC SPHERE: AN HISTORICAL PERSPECTIVE

The public sphere in the Republic of Ireland can be fairly described as one of growing pluralism. Habermas's theory of a participatory communicative action in the public sphere and Perry's theory of *ecumenical political dialogue*, with his delineation of the role of the religious argument in public debate and choice are quite applicable to the increasing complexity of the socio/political matrix of the Republic of Ireland. In the light of these theories, and of the theological principles for public mission coming out of Vatican II, this Chapter will look at aspects of the actual, historical engagement of the Irish Catholic Church in the public sphere of the Republic; how that engagement has affected public debate and legal choice in Irish society and the general quality of the public sphere and the common cultural ground of the Republic. Before doing so, it is important to consider some of the unique variants of the public sphere in the Republic of Ireland.

# Decision making in the Irish Public Sphere

In the Republic of Ireland, the possibility of Referendum was provided for in the 1922 Constitution.459 Political historians maintain that this reflected the "spirit of democratic radicalism" of the time as well as the Constitutional authors' concern that there be a popular expression of the

<sup>459.</sup>Richard Sinnot, *Irish Voters Decide*, Voting Behaviour in Elections and Referendums Since 1918, Manchester University Press, Manchester, 1995. 217-218

new national independence 460 In fact, a referendum was not held in the Republic until July 1, 1937, when the new Constitution was approved 461 Between 1937 and 1995 there were 17 referenda, nine "regime-related" issues, seven "religious-moral" issues, one on the adoption of children, and one on university representation in the Senate 462 In his examination of Irish voting behaviour, political scientist Richard Sinnott says that Referenda deal with "...highly specific issues with very real and tangible consequences." 463 This kind of electoral expression not only "...reflects the society in which it occurs..." but also "...shapes the society and influences the effectiveness of society's responses to the problems it

463. Richard Sinnott, Irish Voters Decide...3

<sup>460.</sup> M. Manning, "Ireland", in D Butler and A. Ranney (eds.), Referendums, A Comparative Study of Practice and Theory, American Enterprise Institute for Public Policy, Washington, D. C., 1978. 69-96, cited in Sinnott. Also, J. J Lee, Ireland, 1912-1985, Cambridge University Press, 1989, 86; J.H. Whyte, Church & State in Modern Ireland, 1923-1979, Second Edition, Gill and Macmillan, Dublin, 1980, 51, on the article guaranteeing religious freedom and equality, "...a typical liberal-democratic document which would have suited a country of any religious complexion." 461BUNREACHT NA hÉIREANN (Constitution of Ireland), Enacted by the People 1st July, 1937. Government Publications Sale Office, G.P.O., Dublin. Article 27, Reference of Bills to the People, provides for any Bill other than a Bill proposing to amend the Constitution; Article 46, AMENDMENT OF THE CONSTITUTION, allows for amendment by Referendum to any part of the Constitution provided it is initiated in Dáil Eireann as a Bill, passed by both houses of the Oireachtas, submitted by Referendum to the people, not contain any other proposal and be signed by the President "forthwith upon his( sic) being satisfied" that the provisions of the Article have been complied with. Article 47, THE REFERENDUM, requires that a majority of the votes cast at such a Referendum shall have been cast in favour of its enactment into law; that every proposal other than an amendment to the Constitution which is submitted to Referendum shall be considered "vetoed by the people" if a majority of the Referendum votes are against it and if those votes amount to not less than thirty-three and one-third percent of registered voters. It also provides that every citizen with the right to elect members of Dáil Eireann have the right to vote in Referendum. (Article 27 (80); Articles 46, 47, (152-156).

<sup>462.</sup> Richard Sinnot, *Irish Voters Decide*... Table 9.1, 221. In December, 1994, the Irish Government agreed to a review of the Irish Constitution as part of their Programme for Government. A special committee headed by Dr. T.K. Whitaker was asked to prepare a report for the all-party Oireachtas committee which began a review of the Constitution in January, 1996. The specific proposal to retain the referendum procedure for fundamental rights or election provisions only is offered by UCD Law Professor, James Casey, in the last of a series of three articles about reviewing the Irish Constitution (The Irish Times, April 19, 20 and 21, 1995); other Amendments would be handled by a majority rule parliamentary procedure.

faces."464 In the Republic of Ireland, it is the *social-sexual*, or what Sinnott calls the *religious-moral*, issues such as contraception, abortion and divorce which strenuously test the actual openness of the public spheres. The decriminalisation of contraception in Ireland was achieved in 1979 largely through judicial rulings and legislative acts 465,but issues such as abortion and divorce have gone to public referendum.466 The poet Yeats's line, "great hatred, little room"467 has come to typify constitutional referenda on moral issues in Ireland, so divisive have they been. The history of the 1983 Abortion Amendment in the Republic of Ireland serves to illustrate this divisiveness. (**Appendix B**)

# Complexity of Lawmaking in the Public Sphere

The first constitutional sign of *growing pluralism* in the Republic of Ireland came in December, 1972, in a Referendum amending Article 44.1.2 of the Irish Constitution (which gave "special position" to the Catholic

<sup>464.</sup> Richard Sinnott, *Irish Voters Decide*...3 Sinnott is concerned with the issue of change in voting behaviour and, more critically, the "why?" of the change. Simplistic analyses may miss the budding signs of more significant social trends. For instance, as Sinnott points out, a vote to change the Irish Constitution can, in fact, be a vote against change, as evidenced in the 1983 Abortion Referendum which inserted wording meant to strengthen an already existing position. Similarly, in 1992, when the abortion issue was again put to referendum in a different context, voters who opposed the amendment did so for a variety of reasons, and it is important to try to surface those. (p.230)

<sup>465.</sup>Michelle Dillon, *Debating Divorce*, *Moral Conflict in Ireland*, University Press of Kentucky, Lexington, 1993. 27

<sup>466.</sup> The Irish Constitution requires that every amendment involves a referendum. This procedure is being questioned, specifically by James Casey, in the last of a series of three articles about reviewing the Constitution (Irish Times ,April 21,1995). Casey suggests retaining the procedure for amendments dealing with fundamental rights or election provisions, while creating a majority rule Parliamentary procedure for other amendments. In December,1994 the Irish Government agreed to a review of the Irish Constitution as part of their Programme for Government. A special committee headed by Dr. T.K Whitaker was asked to prepare a report for the all party Oireachtas committee which began a review of the Constitution in January,1996.

<sup>467.</sup> W. B. Yeats, "Remorse for Intemperate Speech," in, W B. Yeats, *The Poems*, Daniel Albright (ed) David Campbell Publishers, Ltd., London. 1992. 304

church). It was passed by 84% of those voting.468 Despite the fact that the special position of the Catholic Church was deleted, there was little public debate over the removal. The Irish Catholic hierarchy did not officially object; in fact, some heartily supported the removal.469 Sinnott points out that while Article 44.1.2 had "conferred no practical benefit" on the Church, it had provided great symbolic significance, especially for the aspirations of the South in the face of Northern Ireland. More important, he suggests, is that the deletion was perceived to be the "...first instalment of a radical process of secularising the Constitution, or at least making it more pluralist."470 The Republic of Ireland's legal context became infinitely more complex when, in February, 1992, the so-called X case (Attorney General v. X)471 brought abortion back onto the public agenda in the Republic. "Since Ireland joined the European Community in 1973,

Conscience, Vol. 42, No. 5, May-June, 1992. (253-272)

 $<sup>468\,</sup>$  Turnout, however, was only  $50.67\,\%.\,$  15.62% voted no. Richard Sinnott, Irish Voters Decide...  $221\,$ 

<sup>469.</sup>J. H. Whyte, Church and State in Modern Ireland, 1923-1979, Second Edition, Gill and MacMillan, Dublin, 1980.389. Whyte remarks that the poll was only 51% of the voters. However, even more significantly, there was little or no opposition from the hierarchy, except in Cork and Limerick. The Referendum not only removed subsection 2, recognising the "...special position of the Holy Catholic Apostolic and Roman Church as the guardian of the Faith professed by the great majority of citizens," but also removed subsection 3, which recognised the existence of several other denominations, by name, which existed in Ireland at the time of the writing of the 1937 Constitution. See also, Richard Sinnot, *Irish Voters Decide*....226; and, B.Chubb, The Constitution and Constitutional Change in Ireland, Institute of Public Administration, Dublin, 1978 67-70.

<sup>470.</sup>B. Chubb, *The Constitution and Constitutional Change in Ireland*, Institute of Public Administration, Dublin, 1978.69 cited in: Richard Sinnott, Irish Voters Decide....226

<sup>471.</sup>X was a 14 year old Irish girl, restrained by a High Court injunction from travelling to the UK to obtain an abortion after becoming pregnant as a result of an alleged rape. An appeal to the Supreme Court resulted in a lifting of the injunction on the basis of balancing the right to life of the unborn with the right to life of the mother, who, in this case, was threatening suicide. The Supreme Court justified its ruling on the basis of the wording of the 8th Amendment to the Constitution which had been passed by a two-to-one majority by the Irish electorate on September 7,1983.For a most helpful review of the background of Attorney General v. X ,see: Gerry Whyte, "Abortion and the Law," Doctrine and Life, Abortion, Law and

there has had to be an European dimension to Irish law,"472 and this dimension came into direct conflict with Irish religious/social values. It did not help this tension that the Irish Government had not only failed to provide a Constitutional amendment that would survive interpretation but also neglected to build supportive legislation which might have avoided the dilemma surfaced by the X-Case.473 (**Appendix C**)

Cultural and moral diversity is a continuing challenge in the development of European Community Law and inevitably leads to "...potential differences between purely economic reasoning and the belief in fundamental moral or cultural rights."474 Irish Bishop Donal Murray points to the principle of subsidiarity as key to this new complexity: "in the wake of the shot fired across the bows of the European community by the Maastricht referenda... subsidiarity emerged as the guiding principle of the future development of the European Union."475 The classic statement of the principle is in Pius XI's *Quadragesimo Anno*:

For a larger and higher association to arrogate to itself functions which can be performed efficiently by smaller and lower

<sup>472.</sup> Abortion, Law and Conscience, Doctrine and Life, Vol.42,No.5,May/June 1992. Introduction by Bernard Treacy, O.P., Editor.230. For an exploration of the implications for member states of the decisions of the European courts see in this same issue, William Robinson, "European Dimensions of the Abortion Debate". (273-281) Also, see remarks of President Mary Robinson in interview by Gary MacEoin in Commonweal, Volume CXXIV, Number 5, March 14, 1997, 8-11, in which she remarks on how Irish membership in the European Union has created a "more open climate of discussion and debate...a more questioning society" but also one which does not have "...to follow slavishly what other countries have done."

<sup>473.</sup>Dermot Keogh, *Twentieth Century Ireland*...372. The statement of Supreme Court Justice Niall McCarthy in giving his judgement in 1992 includes these words: "The amendment, born of public disquiet, historically divisive of our people, guaranteeing in its laws to respect and by its law to defend the right to life of the unborn, remains bare of legislative direction."

<sup>474.</sup> William Robinson, "European Dimensions...278. Also, Patrick Hannon, "Ireland in Europe—A New Moral Context," Doctrine and Life, Vol. 48, May/June 1998, No. 5. 291-300.

<sup>475</sup> Bishop Donal Murray, Life in All its Fullness, Veritas, Dublin, 1994.17

societies...The true aim of all social activity should be to help members of the social body, never to destroy or absorb them. (79)

While the predominantly Catholic Irish public tended to assume that civil law would reflect Catholic morality, the X-Case raised questions as to "...the appropriateness of using the Constitution to deal with a complex matter such as abortion and,... the larger question of the efficacy of the law in enforcing morality."476 On the Constitutional point there was growing concern in the 1980's that Ireland had outgrown its 1937 Constitution.477 Keogh points out that after the 1983-84 New Ireland Forum, Garrett Fitzgerald felt a "new intellectual authority" for Constitutional revision in order to accommodate a "wider diversity of cultural and political traditions." 478 In terms of Fitzgerald's commitment to working on Anglo-Irish relations this was largely understood to mean a revision of those aspects of the Constitution most alienating to the majority in the North. It subsequently become important for the growing diversity within the Republic itself. 479 There are differing perspectives on the dominance of the Catholic Church in the Irish Constitution. Trinity College Dublin Professor of Law Gerry Whyte has argued that the strong

<sup>476.</sup> Gerry Whyte, "Abortion and the Law"...272.

<sup>477</sup> DeValera's republic has been characterised as one in which"...the lives of its citizens were controlled not by system of coercive force and secret policing, but by a kind of applied spiritual paralysis maintained by an unofficial federation between the Catholic clergy, the judiciary and the civil service." John Banville, "The Ireland of deValera and O'Faolain," The Irish Review, Nos. 17/18, Institute of Irish Studies, Queens University, NI. 1996. Also, J.H. Whyte, *Church and State in Modern Ireland*, 1923-1979, Gill and MacMillan, Dublin, 1980.

<sup>478</sup> Dermot Keogh, *Twentieth Century Ireland, Nation and State*, Gill and Macmillan, Dublin, 1994. 369.

<sup>479</sup>The Church of Ireland raised the question of whether the Constitution is the "most appropriate vehicle to deal with breakdown of marriage". The Standing Committee of the Church of Ireland released a statement on divorce (Irish Times, 23/9/95,4) reiterating its teaching that "marriage is a lifelong union" but also acknowledging the "increasing incidence of marriage break down." The Committee's comment on the Constitution reads: "The Church of Ireland does not regard the Constitution as the most appropriate vehicle to deal with such a complex and sensitive issue as the breakdown of marriage.

Catholic ethos in education has masked an "ideological fault-line" in the Constitution, which has resulted in a paucity of education legislation 480 In contrast, Gerard Hogan argues that one of the misconceptions about the Irish Constitution is that it is weak on individual rights; the other is that it is infused with Catholic social teaching. Hogan admits to the influence of Catholic social teaching on the family but argues that the stronger influences were from liberal, secular philosophies. 481

On the second point, the *efficacy of the law in enforcing morality*; this has been a particularly contentious issue in the Republic of Ireland where the majority of the electorate is at least nominally Roman Catholic and is accustomed to hierarchical leadership in moral issues 482. Whether it follows that Catholic moral beliefs should then be enshrined in law is a question the Irish Bishops began asking themselves in the early 1970's. The Irish Episcopal Conference sees itself as having a mission to all of the island of Ireland, all thirty-two counties: "Since 1922 it (the Catholic Church) has promulgated exactly the same teaching in Northern Ireland as in the Republic of Ireland....It proclaims the same doctrinal and moral

<sup>480</sup> BUNREACHT NA Heireann (Constitution of Ireland), Government Publications Office, Dublin.

<sup>481.</sup>Gerard Hogan, "A stunning achievement, now in need of updating", Irish Times, April 19,1995. The first in a series of three articles on Constitutional revision. In reference to the human rights point, Michelle Dillon, argues an important distinction when she points to "...the absence of an established and well-accepted discourse of individual rights". Her point is that while a "rights' language may be found in certain segments of Irish society, it is "...not readily available to the mainstream", especially in the Republic of Ireland. Another case might be made for the North of Ireland in the light of its civil rights movement. (Dillon, 15) 482.Patrick Hannon, "The Conscience of the Voter and Law-Maker," Doctrine and Life, Vol.42, No.5, May/June 1992. 244-252. See also, J.H. Whyte, Church and State in Modern Ireland...416-417. He describes a tradition of independence from clerical guidance on some issues, i.e., land issues and freedom from the British. He also describes the role of the hierarchy in the years leading up to the 60's as falling somewhere between the two extremes of "just another interest group" and a "theocratic state." The third model, which Whyte attributes to Liam Ryan is "conscience of the

message under whatever constitutional or political regime operates in this island." As early as 1973, at the time of the introduction of the new law regarding contraception, the Irish Bishops Conference had begun distancing itself from rhetoric hinting of laws enshrining Catholic morality. At the time they said that

...it is not a matter for bishops to decide whether the law should be changed or should not be changed. That is a matter for the legislators after a conscientious consideration of all the factors involved....Those who insist on seeing the issue purely in terms of the State enforcing, or not enforcing, Catholic moral teaching are missing the point. 483

The Bishops returned to this position in a 1976 statement:

It is not the view of the Catholic hierarchy that, in the law of the State, the principles peculiar to our faith should be made binding on people who do not adhere to that faith 484

At this time, the Conference of Irish Bishops, replying to a public comment by Dr. Conor Cruise O'Brien, referred once again to the 1973 statement, this time emphasising that the question to be asked is not whether the state is enforcing or not enforcing Catholic moral teaching, but how any given law will "impact on society." However, the tension remained that between individual conscience and Church teaching. In an interview of September 4, 1983, as the debate on the Abortion referendum was drawing to a close, the official spokesman for the Irish Catholic Bishops, Dr. Joseph Cassidy, told RTE radio's Michael Good:

...when there are moral implications to a constitutional amendment...the Church has an obligation to alert the consciences of voters to these implications and to the moral consequences of

society." Liam Ryan, "Church and Politics: the last twenty-five years," The Furrow, Vol 30, No.1, January, 1979. 3-18.

<sup>483</sup> *The Catholic Church in Ireland, Information and Documentation*, Catholic Press and Information Office of Ireland, County Dublin. 22-24.

<sup>484.</sup>Irish Bishops'Conference,1976 Statement, "Restating the Principle", June 16, 1976. Courtesy of Catholic Press and Information Office.

their votes... If they have a conscientious conviction...that they cannot vote "yes", then we acknowledge, fully acknowledge, their freedom in conscience to do that. In other words, we're not dictating to people, we're not insisting that they vote in a particular way, we're advising them strongly to vote 'yes'....".485

# Church and State in the Public Sphere

As with many societies, it was perhaps the "little icon of materialism" and consumerism"486—television—which has been most responsible for bringing the rest of the world into Irish homes. The gradual change of consciousness prompted by this particular medium is only recently becoming apparent in Irish society.487 Until the advent of television in Ireland in the form of the State Broadcasting Service, Radio Telefis Eirieann (RTE), the Irish Catholic Church was the main interpretative community for the Republic. In the last half of the Twentieth Century both Church and the State-media fulfilled, together, the interpretative role. The relationship between the Catholic Church and the State broadcasting service in the Republic of Ireland was symbiotic as long as the relationship between the Church and State had the characteristics of what Tom Inglis describes as a "long, happy marriage...(seeming) to be of one frame of mind; to think with one conscience; and to speak with one voice. They rarely rowed in public."488 The actual degree of private unanimity between the Catholic church and the State might be argued but the essential aspect is the perception of public alignment. This was reinforced by the fact that the symbol system of the Catholic Church surfaced in

<sup>485</sup> Transcript:, RTE Radio, "This Week", 1 PM, Sunday, September 4, 1983. Interview by reporter Michael Good with Bishop Joseph Cassidy, official spokesperson for the Irish Catholic Bishops. Catholic Press and Information Office, Dublin. 486.A term borrowed from Tom Inglis, in "The Separation of Church and State in Ireland,", Social Studies, Irish Journal of Sociology, Vol.9, Nos. 1/2, Spring/Summer, 1986.37-48. 39.

<sup>487.</sup> For more on this see *Television and Irish Society*, (ed.) Martin McLoone and John MacMahon, RTE, Dublin. 1984.

institutions which in other nations might be considered more secular.489 Censorship was a practice shared and reinforced by the church-state relationship.

Ireland in 1956 was still very much an isolated, conservative society, which embraced traditional Catholic values emphasising the importance of the family and the sacraments. Censorship was a fact of life as books, plays and magazines were routinely banned by an active National Censorship Board 490

While some Irish authors and playwrights became ex-patriots in their search for artistic freedom and commercial acceptance, television remained an *indigenous product* as well as *producer* of Irish culture. As such it offered some of the first indications of a shift in what would be publicly tolerated. Popular consensus points to the "Bishop and the nightie" incident as the initial rupture in the church-media alignment.491 It is significant that this incident occurred on the RTE television program which claimed the longest run and highest ratings of any of its local

<sup>488.</sup> Tom Inglis. "The Separation of Church and State in Ireland," Social Studies, Irish Journal of Sociology, Vol. 9, Nos. 1/2, Spring/Summer, 1986. (37-48). 37

<sup>489</sup> For example, until 1995 RTE's corporate logo was the St. Brigid's cross; an abstract sports design replaced the Gaelic Athletic League's cross only in the early 1990's. In 1996 the sound of the Angelus bell and an appropriate icon of the Virgin Mary and Child punctuated RTE's broadcasting schedule at noon and at six o'clock in the evening. The disappearance of Brigid's cross and the GAA cross are perceived by some as "last gasps" in what has been a two to three decade deterioration in the church-state marriage. The difficulty of the emotional split is evidenced by RTE's reluctance to remove the Angelus from the public airwaves, even though it has been criticised by spokespersons representing members of other faiths living in the Republic. By 2000, the visuals accompanying the Angelus bell had changed from religious icons to video of people doing ordinary things and stopping for a moment to listen to the bells. 490 Robert J. Savage, *Irish Television, The Political and Social Origins*, Cork University Press, Cork, Ireland, 1996. 46.

<sup>491</sup> On February 12, 1966, a Catholic Bishop ,viewing a live television exchange between TV host Gay Byrne and one of his female guests, telephoned RTE to object to the subject matter—namely, what the guest wore or did not wear on her wedding night. The event prompted a great deal of public discussion and even some public ridicule of the Bishop's objection, the latter being unusual for 1966. Gay Byrne, *To Whom It Concerns, Ten Years of the Late Late Show*, Torc Books, Dublin, 1972.71.

offerings, *The Late Late Show*,492 which would be dubbed "the town hall of the air-waves"493 If "authority rests on information control"494 then television presents a threat to those hierarchical institutions within society which depend on a linear, top-down path of information.495 The control wielded by Ireland's own brand of state censorship, church dominance and a culturally protectionist broadcasting policy have all been eroded by a technology which allows for more horizontal and diverse paths of information.496

Social historian Michele Dowling says that Ireland has been, until recently, described as "...rural, Catholic and Gaelic, in direct opposition to the urban, Protestant, English nation that once dominated it." While being rural and Gaelic was not the experience of everyone in the Republic,

<sup>492.</sup> The Late Late Show began in the early 1960's, hosted by Gay Byrne. Byrne also hosted The Gay Byrne Show, on RTE-Radio One five mornings a week talk and call-in program.

<sup>493.</sup> Gay Byrne, To Whom It Concerns, Ten Years of the Late Late Show, Torc Books, Dublin, 1972. 156.

<sup>494.</sup> Joshua Meyrowitz, No Sense of Place: The Impact of Electronic Media on Social Behavior, Oxford Univ. Press, Oxford. 1985. 160.

<sup>495.</sup> Harold Innes, Empire and Communication, Univ. of Toronto Press,

Toronto,1972.162. "If people in a hierarchy get and give information in no set sequence pattern, then the linear structure of the hierarchy will dissolve. To a significant degree, this has been the effect of electronic media on many of our traditional hierarchical roles."

<sup>496.</sup>For more on the history of censorship in Ireland, see Banned in Ireland, Censorship and the Irish Writer, (ed.) Julia Carlson,Routledge,London.1990. also, Ciaran Carty, Confessions of a Sewer Rat, New Island Books,Dublin,1995. Carty, for 30 years the Sunday Tribune Arts Editor, took on both Church and State in his long time campaign for freedom of expression in Ireland, the basis of which he saw as a "properly informed public". As a film reviewer Carty had to wrestle with the judgements of Film Censor Dr. Christopher Macken, a GP whom Carty suspected regarded movies as "...some form of disease in need of ever-vigilant medical treatment like small-pox or syphilis." Carty also suspects that Dr. Macken was heavily lobbied by the Catholic hierarchy and Catholic pressure groups. Carty recalls that the Archbishop of Dublin ,Dr. John Charles McQuaid, warned about films that "provoke sensuality". (The Tribune Magazine, 22nd October 1995, 10). In terms of the early, "protectionist" broadcasting policies this seems understandable in light of Ireland's post-colonial efforts to fend off British cultural influence. On this, see Culture, dentity and Broadcasting in Ireland. (ed) Martin McLoone, Queens University, Belfast, 1991.

"being Catholic", with all the "spirituality and spiritual mission" this implied, was a reality for most of population in the Republic.497 Social researcher Tony Fahey points out that while organised religion may at times provide a socially integrative function it is usually not the only factor and it is not always clear at what social level it operates. It can also be disruptive, as in Ireland where nationalism and religion became identified and eventuated in a split in the country. But Fahey paints a picture of Catholicism in Ireland, reviving and expanding in the late nineteenth century, thus, enabling it to survive in an industrialising world by employing a combination of accommodation and resistance. After independence, the identification of Catholicism with nationalism gave the Catholic church a secure place in the new Republic. Large numbers of clergy and religious virtually were the educational, health and social service providers for the new State. As Fahey puts it, "...the Catholic ethos was acknowledged overtly in legislation and in the public utterances of politicians." 498 Sociologist Michele Dillon says that historically this had led to "...a tendency to obfuscate any distinction between the spheres of public and private life...at the expense of an autonomous personal morality." 499 Dillon maintains that the majority of Irish society in the Republic held on to this tendency at least through the 1986 Divorce Referendum.

At this point it is well to heed Fahey's caution in looking at family and household in Ireland in the twentieth century:500 "the simple binary opposition between 'traditional' and 'modern' does not do justice to the

<sup>497</sup> Michele Dowling, "' The Ireland that I would have', DeValera & the creation of an Irish national image," History Ireland, VOL. 5, No.2, Summer 1997, 37-41. 40-41 498 Tony Fahey, "Catholicism and Industrial Society in Ireland", Proceedings of the British Academy, 79, Read 8 December 1990. 241-263. 255 499 Michelle Dillon, *Debating Divorce* ...14.

complexity ..." of the transitions affecting Irish families during industrialisation. 501 He identifies many modern influences behind what was looked upon as the traditional family type in Ireland in the first half of the century—among them, land reform, emigration and the role of the State in family matters.502 Theologian Peter Donnelly makes a similar point in a 1995 article in Studies entitled, "Church and State—Irish Style."503 He regrets an attitude he finds prevalent in some theological circles in Ireland—namely, that the past "can be declared another country"504 He makes the case for the way pre-conciliar Irish Bishops and theologians were collegially and creatively engaged with the current thinking of the time when it came to developing Church-State relations. In their espousal of democracy as an ideal, and in their resolve to keep the Papacy out of Irish affairs, the Irish Bishops, says Donnelly, supported a Constitution that the Vatican did not approve.

An Irish democratic tradition had been built up the maintenance of which the Irish bishops presupposed and encouraged....Cardinal Pacelli, later Pius XII felt that Ireland should have given the world a complete Catholic Constitution (but) the Irish bishops appreciated that this was neither feasible nor desirable.505

These cautions are reminders that, while there are features of Irish history which seem to lend themselves to a binary analysis, the reality is always more complex. A process of critical retrieval must attend to the nuances and the complexities. Jettisoning everything that is "past" is as

<sup>500</sup> Tony Fahey, "Family and Household in Ireland," in Irish Society: Sociological Perspectives, Institute of Public Administration, Dublin, 1995. 205-234.

<sup>501</sup> Fahey, 212.

<sup>502</sup> Fahey, 212-214

<sup>503</sup> Donnelly, Peter, "Church and State—Irish Style," Studies, Vol.84, No.335, Autumn, 1995. 293-301.

<sup>504</sup> Donnelly, Peter, "Church and State—Irish Style"...293.

<sup>505</sup> Donnelly, Peter, "Church and State—Irish Style....298.

unfaithful to the process as an uncritical acceptance of the past. For instance, to characterise the Irish Catholic Church in exclusively controlling terms is a failure to retrieve its cohesive and service roles in the history of the Republic 506 Likewise, the alignment of Church and State, while significant, was by no means without wrinkle 507 The public broadcasting media, though a child of the State, has also been able to claim a degree of autonomy from it in recent years and experienced its own "Watergate" in the investigation and coverage of the Beef Tribunal case, 508 as well as in its coverage of the sexual scandals in the Irish Catholic Church.

Fahey's caution about simplistic, binary analyses regarding Ireland is also timely in the context of a uniting Europe, where states and regions, Ireland included, have begun "... an important and exciting exploration of their identities and of what their traditions may have to contribute to the new European house." 509 Richard Kearney's point is that an unexamined tradition will not be able to discern what may be most valuable to

<sup>506.</sup>On the church's correctness in its concerns about totalitarianism and the extremes of Stalinism see, Roger Sawyer, *We Are But Women*, Routledge, London, 1993, (119);also, ,R. F. Foster, ModernIreland, 1600-1972, Penguin Press, London, 1988,"...the exclusion of Catholics from formal power had not succeeded in restricting their social power—or, as it happened political influence. In 1829 their claims, made manifest created a formal constitutional revolution."(302) On the long tradition of church involvement in politics, ,Sean Connolly, *Religion and Society in Nineteenth Century Ireland*, Dundalgan Press,1985,esp. "The Churches and Politics"(31-41),in which Connolly refers to the role of priests more as "local agents and organisers" and less as dictating orders to their congregations.(38) 507.see Dermot Keogh, *Ireland and the Vatican*, The Politics and Diplomacy of

Church-State Relations, 1922-1960. Cork University Press, Ireland. 1995. Keogh's research establishes the complexity of the church-state alliance in Ireland. It was most often a triangular affair, with the Irish state, the Irish Bishops and the Vatican, in the person of the Papal Nuncio, as the three points. The Irish hierarchy found itself in a struggle with the Vatican as often as with the state. The making of the Irish Constitution and the role of the churches and the Vatican in its wording is most illustrative, see Dermot Keogh, *Twentieth Century Ireland, Nation and State*, Gill & Macmillan, Dublin, 1994, 96-101.

contribute to the larger house. Irish society must still pass through the "fire" of self-critique. Kearney describes it as "an ongoing process of critical and creative reinterpretation."510

beyond time and space—as the revivalist orthodoxy would have us believe—but a narrative construct requiring an open-ended process of reinterpretation. To examine one's culture, consequently, is also to examine one's conscience—in the sense of discriminating between rival interpretations. And this is a far cry from the agonising inquest conducted by revivalists into the supposedly 'unique essence' of national identity. Seamus Deane is right, I believe, when he pleads for the abandonment of the idea of essence—'that hungry Hegelian ghost looking for a stereotype to live in'—since our national heritage is something which has always to be rewritten. Only such a realisation can enable a new writing and a new politics, 'unblemished by Irishness, but securely Irish.'511

An ongoing process of "innovative translation" is the way tradition is handed over from one generation to the next.512 This is resonant of the critical task Vatican II faced in making the Church's history and tradition—its theology, practices and institutions—accessible for critique. This task of self-critical, historically conscious theologising, is also the task of the Irish Catholic Church in the history of its public engagement.

Acknowledging that the Irish Catholic Church's engagement in the public sphere is complex, this research chooses two recent issues in the public sphere of the Irish Republic; public debate on the religious/moral referendum issue of divorce (4.1) and the public crisis of clergy sexual

<sup>509</sup> Patrick J. Hannon, "Ireland in Europe—a New Moral Context"

<sup>510</sup> Richard Kearney, "Myth and Critique of Tradition", in Reconciling Memories, Alan D. Falconer, Joseph Liechty, (eds...) The Columba Press, Dublin, 1998. 37-56.

<sup>511</sup> Kearney, 41. Quote from , Sèamus Deane heroic Styles: The Tradition of an Idea, Field Day pamphlets 4, Derry, 1984. 18.

<sup>512</sup> Kearney, 40

abuse in the Republic. (4.2) These two areas are separated for the purpose of analysis. It is important to retain the larger view to avoid artificial separation between the public and the private. Each area illustrates a facet of the larger cultural milieu with its root metaphors underneath. The issue of the divorce referenda, 10 years apart, represents the civil struggle to establish ethical/justice standards in public debate leading to public choice on religious/moral issues; the engagement around the clergy sexual abuse scandals represents the role of influence, (in Habermas's sense of those persons or institutions with automatic credibility in a culture) and, under the rubric of public conversation, the rightness or moral integrity of conversation ("am I telling the truth?")in the public square. Once this second aspect is eroded in a very public way it is very difficult to restore it for other discussions. The two areas, the divorce debate and the sexual abuse crisis are considered within the three dimensions of agenda setting, (4.1.1, and 4.2.1) a healthy public sphere, (4.1.2 and 4.2.2) and the common cultural ground (4.1.3 and 4.2.3). This historical review of the public engagement of the Irish Catholic Church raises several larger issues, which this Chapter briefly considers: the importance of internal/external dialogue for public theology (4.3.1); the relationship between influence and credibility for a public church in a given society (4.3.2); the role of public religion in moving issues from the edge to the centre of civil society (4.3.3) and the crucial importance of understanding the mediated nature of culture in an age of mass media (4.3.4).

#### 4.1 Public Moral Debate: Divorce Referendum 1986/1995

There were moral, economic and cultural barriers to the introduction of divorce in the Republic of Ireland Catholicism, which served to hold together an oppressed population, did so often at the price of exceptional control.513. During the Parnell Divorce Crisis(1891), Archbishop Croke of Cashel, in replying to a charge that Bishops were pressurising Irish priests to vote against Parnellite candidates, was purported to have remarked, "I hereby positively declare that I shall look on all my priests in exactly the same light, whether they conscientiously denounce Mr. Parnell, or support him-the latter being, I think, impossible."514 With economic development, cultural expansion and the loss of religious moral ground, marital breakdown became more public. Ireland emerged from the 1950's and physical separation between spouses became more commonplace, especially in urban areas Because of the fusion between public and private morality in Ireland, the church was the civil agent at the time of a marriage ceremony. Church Law made provision for annulment but since divorce was not recognised in the civil arena separated people were unable to legally remarry in Ireland. When Church annulment was followed by Church "re-marriage" the civil authorities usually turned a blind eye, though by law those remarried could have been charged with bigamy. Some legislation covering exceptions did emerge, such as recognition of foreign divorces. For the most part, however, separated individuals who found themselves in second relationships had no option but to live together without benefit of

<sup>513.</sup>Dermot Keogh, Twentieth Century Ireland, Nation and State, Gill and Macmillan, Dublin, 1994.28-29. In the early 1920's the Irish Bishops made public pronouncements against "company keeping under the stars" and night dances of all kinds

<sup>514.</sup>Irish Independent,21-6-86,Second Letter of Conor Cruise O'Brien to the Catholic Hierarchy just before the 1986 Divorce Referendum vote.

marriage. Property, succession and legitimacy problems were rampant in this situation and there was growing pressure on the government to do something about it.

## 4.1.1 Agenda Setting

Irish citizens voted on the issue of divorce in both 1986 and in 1995. The first Referendum, held on June 26, 1986, was framed as an Amendment to the Constitution and was *rejected* by the electorate.515 The second, held on November 24, 1995, was also framed as an Amendment to the Constitution and was *narrowly passed* by the electorate.516 Several factors converged in the Republic to bring divorce onto the public agenda. The first was in 1981, two years before the Abortion referendum, when Taoiseach Garrett Fitzgerald had announced a "constitutional crusade," meant to move the Republic away from its sectarianism and its majority ethos.517 Keogh says that after the findings of the New Ireland Forum Fitzgerald felt he had a "...new intellectual authority for the radical revision of the constitution".518 Lee says

<sup>515.</sup> The 1986 Referendum was on the Tenth Amendment to the Constitution. It proposed that Article 41.3.2 prohibiting divorce be deleted from the Constitution. It read: "No law shall be enacted providing for the grant of a dissolution of marriage." To be replaced by:

Where, and only where, such court established under this Constitution as may be prescribed by law is satisfied that: i. a marriage has failed ii. the failure has continued for a period of, or periods amounting to, at least five years iii. that there is no reasonable possibility of reconciliation between the parties to the marriage ,and iv. any other condition prescribed by law has been complied with, the court may in accordance with law grant dissolution of the marriage provided that the court is satisfied that adequate and proper provision having regard to the circumstances will be made for any dependent spouse and for any child of or any child who is dependent on either spouse In 1986,there was a 62.7% turn-out: Yes votes:538,279 (36.3% of poll;22.7% of electorate) No votes: 935,844 (63.1% of poll;39.5% of electorate. (The Irish Times,14/9/95, 6)

<sup>516.</sup> This was the Fifteenth Amendment to the Constitution. There was a 61.94% turnout: Yes votes: 818,841 (50.28% of poll: 31.04% of electorate). No votes: 809,731 (49.72% of poll: 30.70% of electorate). (The Irish Times, 27/11/95, 13) 517. Keogh, 356-357.

<sup>518.</sup>Keogh, 369

## Fitzgerald tried

...to replace the crumbled hegemonic consensus...built around a de facto Catholic state...but his plurality was too anaemic, his vision of Ireland too devoid of any sense of a distinctive national identity, to rouse mass support.519

In Habermas's terms, this is an example of the use of the *inside access* model; the initiative was begun by Fitsgerald, as Taoiseach, but without much influence or participation from the broader public. He did not "rouse mass support" but he did engender some resistance, which found expression in the 1983 abortion referendum, which came onto the public agenda because of successful lobbying of legislators by special interest groups who wanted to Constitutionally guarantee the right to life for unborn children. (**Appendix B**) The subsequent divorce referenda would not move onto the public agenda in the same way but, *in terms of public debate*, the abortion referendum provided a background for the 1986 divorce referendum. The polarity and divisiveness of the abortion referendum had traumatised Irish society in general and the Irish Catholic hierarchy in particular. This would be part of the "memory" which would begin steering the strategies of the divorce referenda, especially the 1986 referendum.520

In April,1986, Taoiseach Garret Fitzgerald announced that his Government, a Fine Gael/Labour Party Coalition, would hold a referendum on divorce. Basically, it would replace the complete ban with

<sup>519.</sup>J.J.Lee,Ireland,1912-1985,Politics and Society, Cambridge University Press,1989.653

<sup>520.</sup> Evening Press reporter Tom O'Mahoney wrote on 12/6/86 regarding the Bishops' Conference Statement of 11/6/86:

<sup>&</sup>quot;What was left unsaid yesterday--but is fair to be seen between the lines of the Episcopal statement--is a concern on the part of the Hierarchy that there should be no repeat of he damaging rhetoric and tactics of the 1983 abortion referendum."

an amendment that would allow divorce, but with certain restrictions. 521 The government had strong indicators that the public was in favour of introducing divorce. The results of public opinion polls as well as evidence of marital breakdown were strongly pointing in the direction of accepting divorce in the Republic. Sinnott reports that the polls had shown an evenly divided public opinion on the issue of removing the divorce ban until November, 1985, when the polls suddenly shifted in favour of divorce. It was at this point that Dr. Fitzgerald decided to hold a referendum. The Labour Party strongly supported the Government's proposals, as did most of Fine Gael. The opposition party, Fianna Fail, the most traditionally conservative of the parties, took an official position of neutrality. Even the Catholic Church's official spokesman, Dr. Joseph Cassidy, speaking after the Bishops' annual June meeting, made it clear that conscience was the "ultimate arbiter" and that Catholics, after conscientious reflection, could vote "yes". 522 One reporter suggested that the Bishops were avoiding all language and actions which would leave them open to charges of "conscience intimidation" by the prodivorce lobby, or indeed to a return to the vitriol of the 1983 abortion referendum debate 523 The official neutrality of Fianna Fail and the careful positioning of the hierarchy, left the opposition fight to groups of lay persons, notably the well-organised Anti-Divorce Campaign (ADC),

<sup>521</sup> The restrictions were: i. a marriage has failed ii. the failure has continued for a period of, or periods amounting to, at least five years: iii. that there is no reasonable possibility of reconciliation between the parties to the marriage, and iv. any other condition prescribed by law has been complied with, the court may in accordance with law grant dissolution of the marriage provided that the court is satisfied that adequate and proper provision having regard to the circumstances will be made for any dependent spouse and for any child of or any child who is dependent on either spouse 522 The Irish Press., June 12, 1986. There is a history in the Irish Catholic Church of individual Bishops following official Conference statements with their own pastoral letters to their own dioceses. These often reflect differences of emphasis and even of opinion from the official statements and the official spokespersons. This is a dynamic that worked in one direction in the 1986 Divorce referendum and in the opposite in the 1995 Divorce referendum.

many of whose members had cut their lobbying teeth on the 1983 abortion referendum.

The issue of who sets the agenda is important. In 1986, Dillon maintains, the ADC, at first in the position of responding to the Government's proposal, quickly took a proactive, agenda-framing position. Regarding the issue of "agency", Dillon makes the point that the absence of women as "issue definers" in the 1986 debate, left the field open to those who used the "women victimisation" theme to retain traditional gender roles. Dillon concludes that women "... cannot rely on others to present their interests but need to define and defend their interests themselves."524 As Dillon outlines, the ADC had the support of Family Solidarity, a group formed after the 1983 amendment, which was organised on a national parish basis, and had strong support from clergy and the use of parish facilities. This gave the ADC a grass-roots organisational advantage over the more centralised Divorce Action Group (DAC) and the sitting government 525

Announced in April, the Divorce referendum took place in June. In those two months, the opinion polls took a roller coaster ride, all downhill, from a 9 percentage points drop by early June to a staggering 22 percent drop in the next ten days and another 10 point drop between June 20 and the final poll taken three days before the vote. 526 Why this dramatic reversal of opinion. Two days after the vote, Sean O'Rourke, writing in The Irish Press newspaper, suggested that among the reasons put forth for defeat were clerical influence, the ferocity of the attack by

<sup>523</sup> Tom O'Mahony, "Bishops to avoid division", Evening Press, June, 12, 1986.

<sup>524</sup> Michelle Dillon, Debating Divorce ... 159-160

<sup>525</sup> Michelle Dillon, Debating Divorce ...32-33.

the anti-campaign, Fine Gael's low profile and Fianna Fail's official neutrality, plus public dissatisfaction with the coalition parties in government. 527 Political scientist Tom Garvin, cast the defeat in terms of "cultural defence". In his view, a fear of secular liberalism caused a remergence of "pulpit politics" not seen since 1890-1910, when there was a "... similar mobilising by priests and lay patriots against secularising influences coming from England and the English-speaking Protestant world."528 As if to bear out this view, a Fr. Gerry Ferguson, Parish Priest of Rockcarry, was reported to have "..made no apology for 'instructing' his parishioners as to how they should vote".529 The Sunday Tribune reported that Fianna Fail, traditionally the "Catholic" political party, distributed leaflets printed with "God says vote No!" at a polling station in Blackrock (a wealthy bedroom community of Dublin).530 Joyce concluded in his article:

Ranged against it (divorce) were the two most powerful institutions in Irish life—the Church and Fianna Fail. In favour of divorce were the two most unpopular institutions at the moment – the government and the media.531

This analysis, no doubt, has some validity but the easy polarities were beginning to blur a bit, the traditional dividing lines were themselves beginning to fragment. An indication of this is found in the similarity between the voting results of the 1983 Abortion Referendum and the 1986 Divorce Referendum. Sociologist Damian Hannon, writing in the Irish Independent two days after the 1986 vote, points to the close parallel

<sup>526</sup> Sinnott, 228. Regarding women voters: between April and June there was a drop of 48%...in Dublin, a change of 42%; in Munster, a change of 43%; and, in those under 49, a drop of 34% The Sunday Tribune, June 29, 1986.

<sup>527</sup> Sean O'Rourke, "Can Garret recover?", The Irish Press, June 28, 1986. 7

<sup>528</sup> Tom Garvin, "It's a policy of 'cultural defence'," The Irish Press, June 28, 1986. 7 529 The Irish Press, June 28, 1986. 5

<sup>530 &</sup>quot;God Says Vote No", Gerald Barry, The Sunday Tribune, June 29, 1986.

between the two results and the phenomenon of "acrimonious public debate" and "deep cleavages among the electorate" mobilising "...a sufficient majority to enforce law." He correctly predicted that in another ten years the 1986 decision would be reversed, largely due to social trends such as a declining median age and the drop in significance, relative to population, of farming and rural communities. He suggested, at the time, that the "controversies during the referendum had divided the different sectors of the population, sometimes in a very public and hurtful way." 532 Sinnott, drawing on Darcy and Laver533, refers to the phenomenon of "... elite withdrawal in the face of pervasive community conflict and querulous campaign, run mainly by ad hoc groups and raising issues related to deeply held ideological beliefs." Sinnott says this was a more credible explanation for the sudden reversal than was fear of economic hardship and property loss. Sinnott also returns to the similarity in the configuration of voting results between the 1983 Abortion Amendment and the 1986 Divorce Referendum and says the similarity indicates a moral-ideological basis for the results. He adds to this the breakdown of the 1992, three-pronged abortion issue results, which show, not a clear split between liberals and conservatives, but a 30-30-30 split in the electorate... into liberals, conservatives and pragmatists from both camps. He maintains that it is these pragmatists, able to be persuaded in either direction, who determined the dramatic reversal in the 1986 public opinion and who would continue to play a role in any future referendum of this ilk.

In May, 1995 the Irish government announced that on November 24,

<sup>531</sup> The Guardian, June 28, 1986.

<sup>532</sup> Damian Hannon, "Why the next referendum will reverse this result," The Irish Independent, June 28, 1986, p.11.

<sup>533</sup> Richard Sinnott, *Irish Voters Decide*....247 ,using Darcy, R. and Laver, M., (1990), 'Referendum dynamics and the Irish divorce amendment', Public Opinion Quarterly, LIV, 1-20.

1995 it would put the issue of divorce to public referendum once again. With public approval, the Fifteenth Amendment to the Constitution534 would remove the prohibition on divorce. By 1995, eighteen pieces of intervening family legislation had focused on many of the questions central to the debate leading to the defeat of the 1986 Referendum. The 1989 Judicial Separation and Family Law Reform Bill spelled out the grounds for legal separation and dealt with the problematic issues of child custody and property settlement. The Status of Children Act offered protection to children by affording equal rights to offspring of both first and second families. Waiting in the wings was the Family Law Bill which, after significant changes in the Seanad, passed through both houses of the Oireachtas on September 22,1995. This Bill spelled out the bases of and provisions for divorce in the event it was voted in 535 But, in November 1995, legally separated people were still not free to remarry in Ireland. If passed, the 1995 Divorce Referendum would remove the constitutional prohibition against divorce and allow remarriage. At the time of the announcement of this second Divorce Referendum it was estimated that some 75,000 persons described themselves as being in "broken marriage" situations".536

The 1986 Divorce Referendum had been proposed by a Fine

<sup>534.</sup> The wording of this Amendment as published in *The Irish Times*, Thursday, September 14,1995:

A Court designated by law may grant a dissolution of marriage where, but only where, it is satisfied that :i.. at the date of the institution of the proceedings, the spouses have lived apart from one another for a period of, or periods amounting to, at least four years during the previous five years; ii. there is no reasonable prospect of a reconciliation between the spouses; iii. such provision as the Court considers proper having regard to the circumstances exists or will be made for the spouses, any children of either or both of them and any other person prescribed by law, and, iv. any further conditions prescribed by law are complied with.

<sup>535.</sup> The Irish Times, September 2, 1995, 6.

<sup>536.</sup> Figure given by the Minister for Equality and Law Reform, Mr. Mervyn Taylor, on RTE 1, Liveline with Marian Finnucane, Thursday, September 14,1995.

Gael/Labour Government and primarily by Taoiseach Garrett Fitzgerald, a committed pluralist. What has also been noted is the difference between the internal division of Fine Gael in 1986 and the relative cohesiveness of the support in the Fine Gael of 1995. In 1995 the Taoiseach was Fine Gael's John Bruton, leading a coalition Government composed of three parties (Fine Gael, Labour and Democratic Left). To further complicate matters, this coalition Government came to power in November, 1994 after the resignation of Fianna Fail Taoiseach Albert Reynolds. His resignation came partly as a result of the Attorney General's office's unexplained delay in handling RUC extradition orders against a catholic priest accused of child abuse.537 This situation raised broader concerns about accountability and transparency in both government and the church. In 1986 the conflict in Northern Ireland was still alive. The Anglo-Irish Agreement absorbed much of Garrett Fitzgerald's energy but terrorism was a daily reality and political decisions in the South had to be taken with an awareness of their possible consequences for relationships with the North.538 The August 31,1994 Cease Fire and subsequent Peace Initiative created an entirely different environment by the time of the 1995 Divorce Referendum, but one which perhaps demanded even more delicacy. There was still a strong attitude in the North that the South was having one of its periodic "Church-State" conflicts, but there was also some expressed irritation over the failure of the Government to solve the Article 2 and 3 issues, perceived to be much more pertinent to peace 539

<sup>537.</sup> The case of "paedophile priest, Brendan Smyth". The Norbertine priest was charged with child abuse in both the North and South In what would become a bizarre and convoluted situation, his case is credited with the downfall of Albert Reynold's Fianna Fail/ Labour Government. The case has been chronicled by UTV reporter Chris Moore.

<sup>538 .</sup>The day before the vote on the 1986 Divorce Referendum, Garrett Fitzgerald illustrated this consideration by using better relationships with Protestants in the North as a reason for voting for Divorce.

<sup>539.</sup> *The Irish Times*, Thursday, September 14,1995. Remarks by the DUP's legal affairs spokesperson, Ian Paisley, Jr..

In terms of special interest groups, the same players took the stage as in the 1986 Referendum, with the addition of Solidarity, a new, conservative Catholic movement with Mrs. Nora Bennis as its public face. Commenting on the crisis in the Irish church, Bennis said it was "...a crisis of authority. It was time the bishops took back the "high moral ground" by preaching that there were immutable truths, there was absolute right and wrong, and these had to be taught."540 In October, 1995, barely a month before the Referendum vote, the Right to Remarry Campaign was also launched.

In 1986, the issue of divorce arrived on the public agenda in the Republic through the legislative political centre which felt the pressure, personally and socially, to do something about the growing number of marital separation cases in the Republic. But, as Sinnot argues, the referendum failed due to "... elite withdrawal in the face of pervasive community conflict and querulous campaign, run mainly by ad hoc groups and raising issues related to deeply held ideological beliefs." The issue had moved into the political centre but the conflicted campaign, the temporariness of the lobby groups and the questioning of the deep ideology of marriage and family in Ireland did not resonate with the Irish electorate. In 1995, the issue came into the political centre in a similar way as in 1986, but a body of supporting family legislation had been put into place in the intervening years and the Church's public crisis had begun. Because of the make-up of the Irish public sphere during these years of the divorce referenda, the influence of the Church on agenda setting would have been a reactive—not proactive—one. Once the governments had decided to call the referenda, the Church "machine," as Dillon referred to it, went into action. But there was little sense that the movement of the agenda issue was the result of Church concern for the suffering of women, men and children who found themselves caught in the unique Irish situation of the legally separated.

# 4.1.2 A Healthy Public Sphere

Public debate on the religious/moral/sexual issues in the Republic had a tradition of contentiousness. Lee describes the 1983 abortion referendum debate as traditionally hollow and liberally shallow, but mostly an undeveloped public debate indicating the lack of public sphere in Irish society at the time--a "dialogue of the deaf".541 In a 1985 issue of the religious periodical Doctrine and Life, author Louis McRedmond referred to the abortion debate as "...the most raucous campaign got together in many years by a segment of the laity" and made a plea for the "brawling" to stop 542 Historian Dermot Keogh refers to this campaign as one of the most vitriolic and divisive in the history of the state, and Sinnott suggests that the divisiveness took caused some denominational splitting. 53.7% of the electorate voted and 66.9% of them voted "yes" to inserting an antiabortion clause into the Constitution. Dillon concludes that the passage by a two to one majority was indicative of a modernising society continuing "...to affirm strong links between private and public morality."543

Regarding the role of the Catholic Church in the 1986 Divorce

<sup>540</sup> Andy Pollak "Smyth affair damaged standing of church," *The Irish Times*, Thursday, March 2, 1995. Home news, 2.

<sup>541.</sup>J.J.Lee, Ireland, 1912-1985... 655.

<sup>542.</sup> Louis McRedmond, "A Brawling Church: The Malaise of Irish Catholicism," Doctrine and Life, Vol. 34, Sept. 1985. 377-383. 380

<sup>543</sup> Michelle Dillon, Debating Divorce... 28.

Referendum, Sinnott holds that the official line from the Catholic Church was "apparently neutral", leaving it to the conscience of the voter. But this was accompanied by advice which "left no doubt where the Church stood". 544 This "difference" in tone and emphasis between national statements and more local pronouncements resulted in some public confusion. 545 For instance, the joint statement of the Irish Episcopal Conference, June 11, 1986, clearly stated the concerns of the bishops regarding the effects of divorce on society at large. However, it ended with the reminder that the ultimate decision was a matter of individual conscience,546 Archbishop Kevin McNamara of the Archdiocese of Dublin wrote in his own pastoral letter of June 20, 1986: "Some of you have been confused by recent media presentation of the Bishops' position on this matter. The fact is... we expressed our emphatic opposition to the introduction of divorce." The Archbishop then set out his own convictions and concluded with this unambiguous line: "For these reasons

<sup>544</sup> Richard Sinnott, Irish Voters Decide... 228.

<sup>545</sup> Apparently, public disagreement among Bishops is not a new phenomenon as the history of the Synod of Thurles, 1850, reveals:

re: two decrees coming out of Thurles from the agenda item:

XI. De Dissentionibus Inter Viros Ecclesiasticos Evitandis

To provide an effective safeguard against dissension in the Hierarchy. "And it was of the greatest importance at this time in Ireland that such dissension should be avoided and that the Bishops should act in perfect accord in their dealings with the Government. The unanimous demands of the Bishops of the Country, representing as they did the vast majority of the population, could scarcely be ignored: whereas, on the other hand, any signs of disunion among them weakened their collective bargaining power very considerably. We should have expected to find in this section also some legislation against the carrying on of controversies in the newspapers by Bishops and ecclesiastics, a practice which had been much indulged in in the previous disputes. Actually, when the above decrees were repeated in the 1875 National Synod, such a decree was added. (SPEH, 1875. D. 251—Acta et Decreta Synodi Plenariae Episcoporum Hiberniae, 1875.) P.C. Barry, SJ, "Legislation of the Synod of Thurles, 1850" Irish Theological Quarterly, Vol. XXVI, October, 1959, 131-166 546 "Statement of Irish Episcopal Conference on Proposed Constitutional Amendment on Divorce," 11/6/1986. "the ultimate decision rests with the people. May each individual make a reflective, prayerful, conscientious decision." P.5. Catholic Press and Information Office, Dublin.

I shall be voting "No" to the Constitutional Amendment." 547

Dillon identifies the dissension within the ranks of the hierarchy as part of the larger tension the Bishops' were beginning to reflect in their official statements, that between "...compassionate understanding of the problems.... and rigid adherence ..." to church teaching 548 Dillon also sees the 1986 Divorce Referendum as the time the Irish hierarchy shifted from purely religiously grounded arguments to a combination of religiously and empirically grounded, social science arguments 549 (This shift continued through the 1995 Referendum and possibly reflects the particular dilemma facing all church spokespeople when it comes to civil legislation). In analysing the 1986 referendum, Dillon framed it partly as a tension between being interventionist or non-interventionist. These diverse interpretations suggest that the public sphere was shifting and the leaders of the major interpretative community of the Church were, themselves, caught in the undertow.

Despite the ambiguity and official neutrality of both the Catholic Church and Fianna Fail, Dillon argues that they both offered their "well-

<sup>547</sup> Pastoral Letter, June 20, 1986. Copy from: Catholic Press and Information Office, Dublin. In addition to Archbishop McNamara's letter, Bishops O Suilleabhain of Kerry, Conway of Elphin, Cunnane of Tuam, and Comiskey of Ferns also published their own pastoral letters.

<sup>548</sup> Michelle Dillon, *Debating Divorce* ...96-98. She also identifies a "parallel tension" among Irish theologians during the 1986 debate; she characterises their differences as between Post-Vatican II, more personalist approaches, and those rigidly following Church teaching and a more literal interpretation of scriptural passages. 549 Michelle Dillon, *Debating Divorce* ...105. She identifies the 1975 pastoral letter on abortion, Human Life is Sacred as the Bishops 'first use of empirically grounded arguments in terms of the experience of other countries. In her view, this use by the Bishops of sociological discourse or secular argument allows them to connect with people who would not otherwise listen to the Church position. Her criticism of their use of sociological reasoning is that it was used selectively, would be ultimately inconsistent with theological stances, and was never engaged with or questioned by the general public. She sees the bishops' arguments dividing into two parallel strands, one sociological, one theological, resulting in an ultimately ambiguous position. 106-109.

organised, respective machines" to the grassroots infrastructure of the anti-divorce campaign:550 the discourse was concrete: the Anti-Divorce Campaign made economic security a primary concern Her insight here is that "...the discourse of economics...provides the contemporary metaphor for values" and "...an accessible framework for dealing with the complexity of lofty moral principles."551 This reflects Habermas's concern about the intrusion of the market rationality into the lifeworld. It also illustrates the difficulty of "translating" the language of values and morality into terms people can understand, without losing its existential and transcendent disclosive power.

In Dillon's judgement, the Catholic church and the Anti-Divorce Campaign argued out of two incompatible traditions, religion and social science. In what she calls "moral cum religious" argument, one adheres to a position as a matter of doctrine, which is "...not amenable to empirical validation" and therefore inaccessible to argumentation. According to Dillon, the Irish public tolerated this incompatibility throughout the campaign, a phenomenon she ascribes to an Irish world-view which is accustomed to holding traditional and modern values in tension and which has lived with economics and religion as the twin "bedrock of Irish culture." In this analysis, religion is the background, or the hard core value, which legitimates economics and this was still operable in 1986. Dillon concludes that this particular Irish tension is contained within the larger challenge of "reasoning about values in contemporary times" challenging because values are embedded and often unconscious in a society, and ultimately beyond reason. But in a world where reason is paramount one can draw simultaneously from the dimensions of unchanging values and changing empirical evidence as long as one keeps

<sup>550</sup> Michelle Dillon, Debating Divorce...145-147

the two tracks separate. Dillon proposes that this is exactly what the Catholic Church and the ADC did in the 1986 divorce debate. What was most effective, in her estimation, is that they used a secular discourse to argue against "...the very idea of progress represented by rationality." She concludes: "Conservative groups, therefore, who are committed to particular moral views can now draw on rational evidence to argue against the rationalisation of morality."552

In her research, Dillon offers two examples of cross-cultural themes to illustrate similar and different framing of arguments in Ireland and the United States. She maintains that the "women's victimisation motif" was used in a similar way in both countries, ironically, mainly by those desiring to maintain traditional gender roles. She then turns to the issue of abortion in the United States and divorce in Ireland as two fundamental moral issues upon which the Bishops of both countries took different stances; namely, the U.S. Conference of Catholic Bishops appeared more interventionist concerning abortion while the Irish Bishops took an official non-interventionist role regarding divorce. Dillon concludes, without much detailed argument, that this difference could be the result of a Church turning more conservative under a centralising Pope, or, that the Bishops of Ireland and the United States are simply the "... different forms the universal Catholic church assumes in different socio-cultural contexts."553

<sup>551</sup> Michelle Dillon, Debating Divorce... 147-149

<sup>552</sup> Michelle Dillon. Debating Divorce... 149-152.

<sup>553</sup> MichelleDillon, *Debating Divorce* ...157-158. I question several premises of this argument. The issues of divorce and abortion may not indeed carry the same doctrinal "weight" and it seems unfair to compare the U.S. Bishops on abortion with the Irish Bishops on divorce...why not both on abortion? The Bishops of both countries took great pains to establish abortion as an issue far beyond a "Catholic" issue and strongly intervened on the basis of the protection of life, which they clearly saw as a shared "human" concern. Regarding the fact that some U.S. Bishops called for "excommunication" for Catholics taking pro-choice positions, this, in fact, involved

In his critique of Dillon's work the Jesuit philosopher Patrick Riordan suggests that Dillon herself relegates to the realm of the inaccessible the sociological and empirical arguments of the 1986 anti-Divorce lobby precisely because she suspects they are merely a "front" for the moral argument which she squarely locates with the Bishops. Riordan's point is that Dillon's analysis reduces the entire debate to one of morality and misses the social and legal debate in which everyone, including the Bishops, were participants.554 Riordan argues for separate spaces for the moral argument and for the legal and social, with the distinction being determined by which forum a Bishop chooses. This position, while worthy in its effort to create legitimate space for the churches in the public arena, does so at the price of collapsing morality into official church statements delivered during official church moments. The question then becomes the one that Patrick Hannon raises at the end of his book, Church, State, Morality and Law, namely, "can only a Church voice, and a Catholic one at that, [and a hierarchical one, moreover,] be relied on to do justice to a moral concern."555

During the debate leading up to the 1995 Divorce Referendum there were several interventions by Catholic Church spokespersons. The Irish Bishops released a statement on the Referendum on October 26, 1995,

only a handful of individual Bishops. The U.S. Conference of Catholic Bishops did not take this stance. Dillon went to great lengths to describe the dissension within the Irish hierarchy during the divorce campaign, making a clear distinction between the official statements of the Irish Conference of Bishops and the subsequent statements of individual Bishops. I fail to see why she did not make the same distinction in describing the actions of the U.S. hierarchy. Thus, her conclusion in this particular section seems inaccurate and weak.

<sup>554</sup> Patrick Riordan, SJ, "Creating Space for Debate: The Catholic Church's contribution," in Mags O'Brien, Divorce, Facing the Issues of Marital Breakdown, (ed.), Basement Press, Dublin, 1995. Pp. 123-130, esp. 129-130.

reminding the Irish people of the "unconditional promise" of marriage and stating that the issue before them is one of civil law. The proposal, said the bishops, should be "evaluated in the light of the social implications of introducing divorce."556 The statement also referred to a 1986 statement making it clear that legislators have to take into account the many convictions in the Republic and "have to aim at creating laws which favour reconciliation between citizens and communities throughout the island of Ireland. They have to try to give citizens the maximum freedom which is consistent with the common good." (11 June, 1986).557 This reference in itself is consistent with Perry's description of ecumenical politics in a pluralist society, which aims, not at agreement or consensus, but on coming to a continuum which allows a variety of convictions to co-exist. The statement ends with an argument for fidelity as a possibility in marriage, but sensibility toward those for whom marriage is causing serious difficulties. The bottom line of this statement is that if the law of the land suggests that fidelity is impossible or that the marriage promise does not mean what it says, then it would be "a false kindness, misguided compassion and bad law."558

Sociologist Michael Breen, refers to the Church as an "extra-media" force in the Referenda; along with social mores and anti-change pressure groups it represents a powerful ideological force.559 In a chronology of the development of Divorce legislation in the Republic, Breen notes the

555 Patrick Hannon, *Church State Morality and Law*, Gill and Macmillan, Dublin, 1992. 142

<sup>556</sup> The Irish Bishops' Conference, "Statement on the Referendum by the Irish Bishops' Conference" October 26, 1995. News release from the Catholic Press and Information Office, Dublin. P.2

<sup>557</sup> The Irish Bishops' Conference, "Statement on the Referendum....2

<sup>558</sup> The Irish Bishops' Conference, "Statement on the Referendum...4

<sup>559</sup> Michael Breen, unpublished Doctoral thesis for Syracuse Univ. on the relationship between opinion polls and media content in the two divorce referenda. P. 146

following church contributions to the debate: May 15, 1994--Archbishop of Dublin, Desmond Connell calls for anti-divorce forces to rally; October 11, 1994, The Irish Times publishes a series of interviews with the former Papal Nuncio to Ireland, Gaetano Alibrandi, in which he admitted significant involvement with the anti-divorce campaign; October 26, 1995 The Catholic bishops reiterate their stance against divorce; November 15, 1995, Mother Theresa calls for a NO vote; November 16, 1995, the Conference of Religious of Ireland (CORI) issue statement saying Catholics can vote YES or NO, according to conscience; November 22, 1995, Pope John Paul II calls on Catholics to reflect on the indissolubility of the marriage bond. 560

Interesting as it may seem that the Pope and Mother Theresa both featured strongly in a local Referendum there were two local interventions which proved to be even more noteworthy. One was the sermon Archbishop Dermot Clifford delivered at Holy Cross Abbey on Sunday, August 27, 1995, blaming any number of social ills on divorce. On Tuesday, August 29, 1995, in *The Irish Times*, Mags O'Brien, of the Divorce Action Group responded with "Archbishop confuses cause and effect in warnings on divorce." Ms. O'Brien suggested that "the bishops give our members the right to reply from the pulpit every week to ensure that they do not confuse their role in teaching the Catholic faith with that of social analysis." In *The Irish Times*, August 31, 1995 Archbishop Clifford responded with "Research shows divorce causes social ills," basically clarifying his sociological material and professing to a responsibility to "...prevent the even greater evils consequent on divorce

<sup>560</sup> Michael Breen, unpublished Doctoral thesis for Syracuse Univ... This chronology is from Appendix A: Chronology of Divorce Legislation in Ireland. pp. 168-169 Also, see *The Irish Catholic*, Thursday, July 31, 1997, "Was RTE fair during the divorce campaign?" Breda O'Brien, 11.

should we vote it in next November." Despite the fact, as Dillon pointed out in her analysis of the 1986 Divorce Debate, that the Bishops had taken a turn to the social sciences in their interventions, there was some resentment, as evidenced by Mags O'Brien's comments, to Bishop Clifford's intervention.

The other intervention was by the then spokesperson for the Bishops Conference, Bishop Thomas Flynn. His intervention caused the Anti - Divorce Campaign to distance themselves from the Bishops for fear of being branded as being harsh and lacking in compassionate. Bishop Flynn's comments, less than two weeks before the vote, were to the effect that a divorced person could not receive the Eucharist or even Last Rites because they were in a state of sin. Professor William Binchy, on behalf of the ADC, said the Archbishops comments and the number of other Bishops who tried to "recast his words" afterwards created confusion.561 Other members of the hierarchy attempted to clarify Bishop Flynn's comments by offering more pastoral approaches.562 Bishop Donal Murray, widely regarded as the Bishop "theologian" behind many of the Conference's statements, said that both interventions, that of Dr. Clifford and of Dr.Flynn, "lacked sensitivity," and in retrospect he wished they hadn't happened. 563

On "The Pat Kenny Show" (RTE 1) on Wednesday, November 22,1995, Fr. Gabriel Daly, partially in response to Archbishop Flynn's

<sup>561</sup> Kevin Moore, "Divorce defeat blamed on 'fringe groups,' *Sunday Independent*, February 11, 1996. ANALYSIS, 4.

<sup>562</sup> Andy Pollack, "Bishops in attempt to defuse row on right to sacraments," *The Irish Times*, 13/11/1995. The bishop of Clogher, Dr. Joseph Duffy, was reported as saying that Dr. Flynn's remarks needed to be "complemented by saying that the Church also recognised that people caught in painful dilemmas had 'a particular need for pastoral care and attention by the church." Page 1.

<sup>563</sup> Interview with Dr. Murray, Spring, 1996.

comments, made the point that the challenge before the church was "how to give moral guidance without diminishing people," Also in response to the Archbishop's comments an independent group of lay theologians held a public meeting in the week leading up to the vote to discuss the implications of the divorce referendum --possibly the first meeting of its kind.564

## Breen's research indicated that

there was no difference between the two [Divorce Referenda ] campaigns on the media content variables—prominence, valence and number of stories about divorce--...if the different outcomes cannot be explained by the media coverage, then the source of such change clearly lies elsewhere. The history of the Catholic Church in Ireland in the last decade has been marked by various scandals involving bishops and clergy. While the level of Church influence is undocumented there can be no denying that it has decreased during the intervening period between the two referenda.565

It is clear from this brief review of Church intervention in the 1995 debate that it continues to be marked by an inconsistency and dissension within the ranks of the Bishops. The *pastoral thoughtlessness* of both Dr. Clifford's and Dr. Flynn's statements resulted in responses of outrage, anger and disbelief. Again, Habermas's insight regarding staying connected to the lifeworld applies in this regard; the debate depended upon interventions that were more sociologically and theologically thoughtful. The lack of pastoral tone in a public engagement flies in the face of Vatican II's principle of theology attending to its historical, pastoral and ecumenical characteristics.

<sup>564</sup> Among others, this meeting was organised by Dr. Sean Freyne of Trinity College.

<sup>565</sup> Michael Breen, unpublished Doctoral thesis for Syracuse Univ...146-147.

In Dillon's research, the media are also seen to have limited power; she argues that where moral questions are at stake people turn to traditional institutions such as church and family, not to the mass media for guidance. She cites as evidence the fact that the Irish print media were unequivocally pro-divorce but were unable to sustain the support for divorce in the public.566 television, especially the "Today Tonight" program, "...reproduced the conflicts and inequalities of the campaign, and, adhering to a behaviourist interpretation of objectivity, its coverage seemed to undermine the pro-divorce case."567

Dillon points to the prime importance of "communicative style", even when it comes to moral discourse. Issues such as charisma, exposure, agency, credibility, leadership and self-definition have as much to do with the effectiveness of an argument as does the content. Dillon compares the differing styles of the two major spokespersons of the 1986 debate, characterising one as charismatic, focused, clear and precise and the other as abstract and convoluted 568 She also points to the importance of the increasing significance of such qualities in the television age, as well as the distinct advantage of being represented by "... one primary spokesperson rather than a range of speakers."

Despite Dillon's position that the mass media has limited influence in terms of moral debate, the influence of *The Late Late Show*, one of RTE's flagship programs, could be argued. 569 Though billed as an

<sup>566</sup> Michelle Dillon, Debating Divorce ...158-159.

<sup>567</sup> Michelle Dillon, Debating Divorce... 145-147.

<sup>568</sup> Anti-divorce spokesperson William Binchy in the first case and pro-divorce advocate Garrett Fitzgerald in the second.

<sup>569</sup> The Late Late Show averages a rating of about 25 over the season, which means that a quarter of the national population over 4 years of age watch the show each week—about 850,000 individuals. In 1996 it was the third highest rated programme on RTE television, just behind Glenroe (a popular Irish soap) and the Eurovision Song

Entertainment, rather than a Current Affairs or a News Program, *The Late Late Show*, and its host, Gay Byrne,570 had a tradition of introducing taboo subjects to Irish society.571

The Late Late Show produced two shows leading up to the 1995
Divorce Referendum. The first was specifically on the topic of divorce.572
The program aired on October 20, 1995, a little over a month before the vote, and narrowed the focus down to two issues: 1) a pro-divorce stance centred on the right to remarry; and, 2) an anti-divorce stance centred on how the introduction of divorce would affect the commitment of marriage in the Republic. Featured were two couples, similar in age, with children about the same age, in happy marriages, to represent these two stances. Since the Late Late Show is a live, audience based program, 24 seats in the audience were filled with invited guests, people who were strongly on one side of the debate or the other. The rest of the audience was ticket controlled open-seating. When it comes to shows which deal with current referendum issues, The Late Late Show, as all other RTE programming, has the oversight of a special steering committee determined by the RTE

contest. In 1994 it was second after Glenroe. In 1993 it was first, In 1992, second. (information courtesy of Tony Fahy, RTE, Audience and Marketting Researh Dept.) 570 The role of the presenter, especially a presenter who has been in place as long as Gay Byrne, is crucial in setting tones, communicating nuances, asking the questions that are on the mind of the viewer. Byrne's relationship with the audience is crucial to how the audience receives new information. In media research there is a concept, parasocial interaction, which seems to apply to the phenomenon of Byrne's influence on Irish audiences: ...the degree to which viewers or listeners believe they know a performer, change their personal schedules to have a regular relationship through the medium with a performer, perceive a media personality as a friend, talk to performers while viewing or listening to the medium, look to the media personality for guidance, and try to contact directly the media performer. Willams, Frederick, Rice, Ronald E., Rogers, Everett M., Research Methods and the New Media, Routledge, London, 1990. 571 Among the many taboo topics Byrne managed to air on The Late Late Show were the TCD Ban discussion in 1967—Catholics were not allowed to attend Trinity College Dublin without written release from the Archbishop of Dublin; all manner and varieties of sexual issues—prompting Oliver T. Flanagan to quip, "There was no sex in Ireland until Telefis Eireann went on the air;" abortion; and, divorce.

Authority, which monitors the entire RTE coverage for fairness and balance. Masterson says one of the questions that must be asked is if The Late Late Show can do it differently from other programs. If the answer is yes, they try it. The question of balance then becomes one of "internal balance within the program," which helps in the overall balance requirement for RTE. In addition to the Authority there is also a Broadcasting Complaint Board573 which, as an impartial group, is another safety measure. As was mentioned earlier, the 1995 Late Late program on divorce was an attempt to represent two issues, an enhancement of rights in the right to remarry and an anti-divorce stance questioning how a change in society might change the meaning of marriage commitment. Masterson preferred to "think of it more as representing Irish people and their various positions—not so much as balance. Our intention is to represent a range of current viewpoints."574 As with RTE's Current Affairs and News programs during a Referendum time, The Late Late Show is subject to the regulatory arm of a Referendum Steering committee, put in place by the RTE Authority which has editorial control. The priority was to keep the show interesting and still achieve some balance. This particular program managed to be lively and interactive, though the couple representing the no-divorce stance, though they did not acknowledge so, appeared to be representing the

<sup>572</sup> The author received this background from RTE producer, John Masterson. 573 In fact, the Broadcasting Complaints commission ruled in RTE's favour after it repeated a Right to Remarry Group's broadcast by mistake. The complaint was brought by TCD lecturer, Anthony Coughlan, who argued that RTE should not be able to air party political broadcasts during a referendum. See The Irish Times, April 4, 1997. Home News, 2.

<sup>574</sup> See, Luke Gibbons, *Transformations in Irish Culture*, Cork University Press, 1996. 79 Gibbons says that *The Late Late* "made deep inroads on what might be understood as 'the nation' it met an immovable object when it confronted the state." In 1983 the RTE Authority prevented the show from airing a segment on abortion; when it did so three years later it was in a courtroom format which Byrne did not host and which he publicly distanced himself from.

### Catholic Church. 575

The other significant Late Late Show was aired on November 3, 1995, a little more than two weeks before the vote. It was not intended to be a program about divorce. Its topic: the Catholic Church in the Republic 576 Much of the audience was invited and consciously chosen to represent as many viewpoints as possible regarding the Church. The program began with a priest in the audience sharing his guilt by association" because of the clerical sexual abuse scandals of the church. The program alternated between the audience and a four-member panel made up of a laywoman, sister, priest and Bishop. This program ran over time and literally took on all the current subjects related to the Catholic Church of that moment, and featured a particularly contentious but riveting exchange between television priest, Brian D'Arcy and Cardinal Cahal Daly, who had come onto the stage in the second half of the program, and whom the audience audibly booed at one stage. This program revealed, as no other medium has, the pent up anger and frustration of Catholics in Ireland toward their Church and toward the Cardinal as its representative. At one point, toward the end of the program, the Cardinal grew quite eloquent about his hopes for the future of the Church in Ireland; the program remained, however, a difficult experience for a man who had dealt with the media hundreds of times. Though the Cardinal himself received hundreds of letters in support of his appearance, 577 he was also criticised for it. Of the Cardinal, who is now retired, former Irish Times Religious Affairs correspondent Andy Pollak says he is "Intellectually way ahead of the rest of the bishops and in terms

<sup>575</sup> October 20, 1995 video tape of *The Late Late Show*, provided by RTE Archive Library.

<sup>576</sup> The author's knowledge of this program is due to her working with researcher Eileen Herron from the first days of gathering an audience to the final production.

of the North, very courageous, an unadulterated source of good in the North."578 Cardinal Daly had been one of the hierarchical voices objecting to the way the news media in Ireland had gone about covering the church's sexual abuse scandals. In June, 1995, an Irish Times editorial praised his "swift an unequivocal response to the case of Father Daniel Curran, sentenced in Belfast for sexual offences against children...the months which have intervened since the coming to light of the Father Brendan Smyth case have helped the church to understand and to absorb the scale of public anger which had build up." In July 1995, the Cardinal made this criticism:

That priests should abuse their sacred trust is particularly appalling and horrifying. Tragically it does happen in a small minority of cases. However, we do not attack the teaching profession and the childcare professionals because some teachers and some child-carers have been accused. We don't attack marriage as an institution because some married people have been involved. There needs to be some sense of proportion. But nothing should detract from our abhorrence at the appalling evil of sex abuse and the paramount need to protect children.579

There was an increasing ability of Irish Church leaders to make public apology for clergy sexual abuse began to reassure the public. "Specifically," remarks the Times editorial," the impression has now been allayed...that the Catholic Church somehow believed its members to be amenable to internal discipline rather than the law of the land in matters of this kind." (The Irish Times, 16/6/1995, Editorial) More will be said about the public crisis of child sexual abuse later in this Chapter; it is important, however, to realise that this was an issue on the public agenda at the same time as the discussion of the religious/moral/sexual/ social

<sup>577</sup> Personal interview with Cardinal Daly the week after the program aired. 578 Interview with author, 1996.

<sup>579</sup> David Quinn "Gathering the faithful," The Sunday Business Post, July 16, 1995, interview. P. 15

issue of divorce.

In terms of the 1986 Divorce Referendum, Dillon argues that the Irish confronted the empirical evidence against modernity as they argued the desirability of divorce. Irish citizens observed the social results of divorce in other modern countries and saw undesirable social consequences. Precisely because Ireland was late to modernisation, it had the luxury to see the results in other places and saw these as a "... threat to an existing pattern of meanings and values." Irish legislation protecting women and children and, indeed, inheritance rights would be largely put in place between the 1986 and the 1995 referenda. Whether or not the Irish electorate, by its vote in 1986, was making a kind of post-modern indictment of modernity, it is clear that the gaps in family and economic legislation were undoubtedly among the major reasons some Irish voted to retain the ban on divorce. Dillon concludes that Irish opposition to divorce may be less cultural lag on the way to modernisation and more "... an innovative, post-modern way of dealing with the threat of anomie and cultural fragmentation", an attempt to "create an alternative solution", one which retains traditional values alongside modernising tendencies in an effort to avoid the high costs of rationalisation.

While the retention of certain traditional values might provide solace and comfort for those at the centre, the majority who oppose divorce and value the conflation of private and public morality, for those at the margins—in particular, those who seek legal recognition of a failed marriage or a new relationship, or those who cannot afford a costly legal separation or foreign divorce—it is the retention of an obsolete, regressive, and essentially hurtful way of dealing with marital breakdown. But such a trade-off, perhaps, is inevitable when debates focus on the negative consequences of modernisation, without, at the same time, fully confronting the negative consequences of tradition. 580

<sup>580</sup> Michelle Dillon, Debating Divorce ...165.

By the 1995 Divorce Referendum, the church sexual abuse scandals had occurred as well as the Beef Tribunal Case. Tradition, and its negative consequences began to be questioned. This will be seen in more detail later in this Chapter.

#### 4.1.3 Common Cultural Ground

In Dillon's analysis, the 1986 public debate on divorce clearly concentrated on "...the negative consequences of modernisation." In *The Moral Commonwealth*, social theorist Philip Selsnick offers this definition of modernity:

In social analysis 'modernity' refers to the special features of the technologically advanced, industrial, commercial, urban society that has taken shape in the West since the eighteenth century, anticipated, of course, by earlier trends and ideas. The most important element is the steady weakening of social bonds and the concomitant creation of new unities based on more rational, more impersonal, more fragmented forms of thought and action 581

Selsnick goes on to outline five aspects of modernity: 1) disintegration and dissonance; 2) revolt and reconstruction; 3) order as emergent, contextual, fragile and conflict-laden; 4) immediacy, spontaneity, affirmation of impulse; and 5) perspectivism and unmasking. 582

In the Republic of Ireland the spectre of disintegration and dissonance had already surfaced in the public debate on abortion. Ireland had also watched the United States experience the abortion debate. Though the topic of abortion tends to be deeply polarising and emotional, it also has a clear, strong religious-moral centre to it. Divorce as an issue does not carry the same ability to polarise and lends itself to a more rational

<sup>581</sup> Philip Selsnick, *The Moral Commonwealth: Social Theory and the Promise of Community*, University of California Press, Ltd.., London, 1992. 4

discussion of social effects. The tenor of the Irish abortion debate, as mentioned earlier, was traumatically polarising and this had much to do with they way the Irish voters moved into its next religious-moral debate on divorce. There was a certain "unmasking" occurring regarding the number of women who travelled to England for abortions they could not obtain legally in Ireland. There was also a shrouded history involving unwed mothers and unmarked, unconsecrated burial grounds for babies born in secret—a history people were reluctant to face at the time but would face later in the context of the public uncovering of other social ills. In this regard, it was easier for Irish society to point to the United States or to England as examples of socially fragmenting societies than to fully face the negative elements in its own tradition. The separation of the divorce debate discourse into "two tracks"—one reflecting a desire to maintain tradition by appealing to a largely unconscious value system and the other arguing the charade of "progress" by appealing to a socialscientific, empirical evidence—is an example of the dissonance of modernity in the Irish Republic.

Irish Theologian Dermot Lane allows that there is a deconstructionist post-modernity that seeks to end all "great narratives about the meaning of life, and all that is left are small individualised narratives, i.e., privatised interpretations without any coherence or centre."583 Deconstructionism aside, there is a crisis in modernity. The more positive post-modernity, Lane says, is growing out of "feminism, ecology, the new physics and process thought."584 Dillon framed the Irish electorate's failure to pass the 1986 Divorce Referendum as a "critique of modernity," a kind of post-

<sup>582</sup> Philip Selsnick, The Moral Commonwealth ...9-13.

<sup>583</sup> Dermot Lane, *Keeping Hope Alive, Stirrings in Christian Theology*, Paulist Press, NY, 1996. 7

<sup>584</sup> Dermot Lane, Keeping Hope Alive... 7

modern indictment of the failures of modern societies which had allowed divorce. For some it may have been an effort to "bypass the challenges of modernity and to leapfrog over " into what Lane describes as a "premodern post-modernity." 585 Irish Theologian Gabriel Daly picks up on this theme and maintains that Ireland can not yet

...afford the sort of reaction against the Enlightenment which has become fashionable in the post-modern era... this is particularly true in religion and theology because theology needs to have passed through the fire of the Enlightenment critiques, especially those of philosophy, science and history, before it is in a position to react against it.586

Daly's observations on the Irish situation are well taken in that there has been a need for critical thought and questioning about "things held sacred," precisely in order for theology to be accessible in the present. In terms of religion and theology the need for a process of "passing through the fire of critique" has been made more urgent by the publicising of the particular fragmentation being experienced by the Irish Catholic Church in the midst of its sexual abuse crises. This critical experience is forcing the entire Irish society to creatively "... reinterpret its cultural heritage". This creative reinterpretation, as Ricoeur insists, is the only basis upon which "... the hermeneutics of tradition [may] remind the critique of ideology that man can project his emancipation and anticipate an unlimited and unconstrained communication." But, as Daly cautions, theology in Ireland must first "pass through the fire" of critically looking at itself before it can react against modernity. Lane adds: "it is only in and through the crucible of modernity that we can move on to the

<sup>585</sup> Dermot Lane, Keeping Hope Alive...7

<sup>586</sup> Gabriel Daly, O.S.A., "Theological Analysis and Public Policy Debate in a Pluralist Society," Religion, Morality and Public Policy, Bernard Treacy, O.P. and Gerry Whyte (eds.) a Doctrine & Life special edition, Dominican Publications, Dublin, 1995.

more positive aspects of post-modernity, which include an ethical resistance to more of the same, a concern for difference, and a deep interest in otherness."587

Because of the media's contribution to the common cultural ground of the Republic it is significant that in 1995, the Department of Arts, Culture and the Gaeltacht published a Green Paper on Broadcasting, *Active or Passive? Broadcasting in the future tense*. The contents of this paper are addressed in detail in (**Appendix D**). It is enough to remark here that the paper shows the strong influence of Habermas's thought on the public sphere. It is a healthy sign that such a government discussion paper would be so informed and attuned to the kinds of critical questions necessary to adequately critique its tradition. For Irish television, it offers, not easy answers, but a communicatively conscious way to move toward the future, but not without first evaluating the past 588

### 4.2 Public Crisis: Church Sexual Scandals

Between 1986 and 1995, while the Oireachtas was establishing family law, the Catholic Church in Ireland was experiencing significant internal trauma brought on by the highly publicised sexual misbehaviour within the ranks of its ordained members. The first, and perhaps most unsettling, was the 1992 revelation that popular Galway Bishop Eamon Casey had a son. The American mother, Annie Murphy, said she decided to break the news on Irish media after failed attempts to get more child support and recognition of her son by his father. Irish journalistic coverage ranged

<sup>587</sup> Dermot Lane, Keeping Hope Alive... 7.

from an initially cautious and almost eulogistic tone to a more hard-hitting investigation as to the source of Bishop Casey's substantial financial settlements with Ms. Murphy.589 Bishop Casey had fled Ireland "in the night" on an Aer Lingus flight. This method of departure inevitably raised the issue of what was perceived as a tendency for the Catholic Church to "cover up" its failings. The broader public discussion, especially on RTE Radio One, moved quickly to the larger issues this case was surfacing for the Church, such as the advisability of compulsory celibacy and financial accountability within the Church. Bishop Casey was not the first member of the Roman Catholic hierarchy to suffer this kind of public humiliation but he was the first for contemporary Ireland.590 The shock from this case had barely worn off when an even more distressing church scandal came to public light, priest paedophilia.

Since 1987 the Catholic Church in the United States had been experiencing highly publicised cases of priest paedophilia and ephebophilia.591 The Irish Catholic Church had also felt the first rumblings of this problem with cases which had been quietly handled. But the offences of Fr. Brendan Smyth, a Norbertine monk from Kilnacrott Abbey, made international news, initially because of the "worst case scenario" his activity presented, but later because it was this case which

<sup>588</sup> see also, Bob Collins, "Does public service broadcasting really serve the public? In Media in Ireland, the Search for Diversity, Damien Kiberd (ed.), Open Air, Dublin. 1977 23-32.

<sup>589.</sup> For a recap of the entire affair, see the interviews with Bishop Casey by Veronica Guerin in *The Sunday Tribune*, "Casey," 21, November, 1993; and "Exile," 28 November, 1993.

The U.S. had already experienced the scandal of Atlanta Georgia Archbishop Eugene Marino's affair with Vicki Long in 1990.

<sup>591.</sup> The term paedophilia refers to a love for children; the term ephebophilia refers to a love for adolescents. This important distinction is made in a foundational handbook on the issue of paedophilia in the Church, *Slayer of the Soul*,(ed.) Stephen Rossetti, Twenty-Third Publications, New Jersey., 1990. Rossetti claims that most priest abusers are, strictly speaking, ephebophiles.

was credited with literally bringing down a government. 592 Though Fr. Smyth lived in the Republic the first abuse charges concerned incidents and victims in the North. Therefore two legal jurisdictions were involved in bringing Fr. Smyth to justice. There was a delay in handling the case, particularly the failure to extradite Fr. Smyth. An implication that church officials "at the highest level" may have had a role in the delay prompted an investigation by the Dail. Though a newly appointed Attorney General and a lesser bureaucrat in the Attorney General's Office would respectively resign and retire as a result of the delay, there were concerns about the transparency of the Government. A coalition of Fianna Gael, Labour and Progressive Democrats took advantage of the public lack of confidence and gained government leadership. As often happens, the publicity surrounding the Smyth case surfaced other charges of clerical paedophilia. Smyth himself would face a second trial in the North involving 30 new charges of abuse in the North and additional allegations of abuse in the South, but would die in prison before facing all his charges.

Popular radio presenter, Fr. Michael Cleary died of cancer in the Spring of 1995. Shortly thereafter his long-time housekeeper, Phyllis Hamilton, went public with the allegation that she had lived with him as a "wife" and that her son was indeed their son. This allegation was publicly supported by a well-known counsellor though church spokespeople failed to verify or deny the allegation, preferring instead to cry "foul!" because of the priest's inability to defend himself from the grave. 593

<sup>592</sup> See: Sean Duignan, "Fall of the House under Reynolds," *Sunday Independent*, October 29, 1995, 1L, 6L.

<sup>593</sup> David Quinn, "Gathering the Faithful," *The Sunday Business Post*, July 16, 1995, interview with Cardinal Cahal Daly: Asked about the Cleary case the Cardinal remarked that the story about Fr. Cleary was "an unprecedented invasion of privacy...what is worse... of a dead person who can't respond."

The summer of 1995 saw Church infighting between two members of the hierarchy. Wexford Bishop Brendan Comiskey used the media to ask for a discussion of priestly celibacy and ended up in a public fight with Cardinal Cahal Daly. 594 Dr. Comiskey's comments elicited both widespread public support and a reported "summons" to Rome to explain himself. Before the appointment with Rome could take place the Bishop announced that, on doctor's orders, he was taking a three-month sabbatical in the United States. There followed media speculation that, a) Bishop Comiskey had a problem with drink; and, b) that he was "fleeing" an upcoming paedophilia case involving a priest friend in his own diocese. It was later disclosed that Bishop Comiskey was indeed going to the United States to seek treatment for alcohol addiction. There followed media reports about a bizarre incident in Thailand on one of several holiday trips the Bishop made there. There was also the question of how the Bishop paid for his life-style and questions about the use of bequest money given to the Ferns Diocese. In an incident reminiscent of a claim during the Bishop Casey affair, a newspaper reporter travelled to a treatment centre in Florida seeking an interview with the Bishop. 595 Reactions to the public disagreement between the Cardinal and Bishop Comiskey led the Cardinal to deny any "liberal/conservative split among the Bishops as "media talk" and "a common journalistic simplification."596

<sup>594</sup> Some of the ongoing media coverage in the press: *The Sunday Tribune*, June 11, 1995; *The Irish Times*, June 28, 1995, 14" Puzzlement and regret at remarks by Cardinal Daly," Dr. Brendan Comiskey, and "Bishop's anger touches heart of church's crisis", Andy Pollak

<sup>595</sup> Eventually, Dr. Comiskey returned to Ireland and in an unprecedented move called a Press Conference during which he answered, one by one, the questions and allegations which had been put forth in the media while he was in treatment. 596 *The Sunday Business Post*, July 16, 1995. "Gathering the Faithful," David Quinn. 15

By the time of the Divorce Referendum in 1995 these public scandals had left the Irish Catholic church demoralised, internally and externally 597 That the Republic was facing a Referendum which involved a socio-sexual issue at a time when the sexual and moral integrity of its clergy was being called into question left the Church on slippery ground regarding its credibility in public debate. The issue of how the scandals were affecting people privately was indicated in the April, 1995 Lansdowne Market Research poll . 59% of those polled thought the Smyth affair had undermined the position of parents in giving advice to their children on moral and social attitudes; 42% if the lay Catholics polled had lost some respect for the church because of the Brendan Smyth case but only 17% of them said their personal faith had been damaged. 80% said their personal faith had been unaffected by the scandal 598 Though most of the Irish Catholic hierarchy recognised the need for the church to admit and to attend to its internal problems,599 some members persisted in blaming the media and even the government for the

<sup>597</sup> Andy Pollak, "Smyth affair damaged standing of church," *The Irish Times*, Thursday, March 2, 1995. Religious Affairs Correspondent, Home News, 2. A Lansdowne Market Research poll done for one of RTE's religious programmes, Would You Believe indicated that 59% agreed or agreed strongly that "...people will have less respect for the Catholic Church's position on divorce following the Brendan Smyth case.

<sup>598</sup> Andy Pollak "Smyth affair damaged... Home News, 2. There is a body of research in the United States which indicates that the impact of child sexual abuse scandals does indeed affect the trust of Catholics in God and in the Catholic Church and the trust of Catholics in the priesthood. See, "The Impact of Child Sexual Abuse on Attitudes Toward God and the Catholic Church," Stephen J. Rossetti, Child Abuse & Neglect, vol. 19, No. 12, 1469-1481, 1995. Also, "The Effects of Priest-Perpetration of Child Sexual Abuse on the Trust of Catholics in Priesthood, Church and God," Stephen J. Rossetti, Journal of Psychology and Christianity, Vol. 16, No. 2, Fall, 1997. 599 Cardinal Cahal Daly went on record to say that the media had "done a service to the church in Ireland in regard to the scandals... Although it could well be argued that the amount of space and time devoted to comment and speculation has been disproportionate, the media have discharged their rightful function in reporting these scandals."

"permissive drift" of Irish society.600

## 4.2.1 Agenda Setting

Philip Jenkins, author of *Pedophiles and Priests*, *Anatomy of a Contemporary Crisis*601 argues that the social construct that allowed child sexual abuse onto the public agenda as a problem was the result of societal recognition of the rights of women and children. This recognition resulted in, among other things, Child Labour Laws and Suffrage for Women. With the recognition of rights came the recognition that harm could be visited upon women and children. For modern societies

What separates contemporary polemics from its predecessors is the absolute necessity to link historical or theological assertion with arguments that are pragmatic and utilitarian...To argue that a particular doctrine is wrong because it causes actions that are recognised as immediately harmful is far more effective, and it is imperative that the harm be comprehensible in secular terms.602

The harm done to victims of child sexual abuse had come onto the public agenda in the United States in the 1980's through a combination of victim frustration, the legal system and the media; victims, feeling they were being stonewalled by Diocesan offices, resorted to lawyers and the media in order to be heard. In Ireland, the issue of child sexual abuse by clergy came onto the public agenda much the same way. The Brendan Smyth case, according to Chris Moore, the UTV reporter who investigated it,

<sup>600.</sup> The Irish Times, September 21,1995,(4). "Dr. Connell attacks politicians and media". The Archbishop of Dublin criticised the "increasing influence of permissive propaganda" in the legislature and the media. He asked, "What kind of moral vision are the advocates of change now presenting not only to the adult community but also to our young people?"

<sup>601</sup> Philip Jenkins, *Pedophiles and Priests*, *anatomy of a contemporary crisis*, Oxford University Press, Oxford, 1996.

<sup>602</sup> Philip Jenkins, Pedophiles and Priests... 16

was brought to public light by a victim who went for help to a Catholic social service agency. After repeated efforts to get the attention of the Diocese, the victim went to the media.

In Habermas's framework, the issue came from the margins, became a crisis which mobilised the social mass media and legal profession, and then began to impact the "centre"—in this case, the government(s) and the Church, which, at the time, was still an influential institution in Ireland's social centre. By way of critique, both of the U.S. and Irish Church, the initial defensive and secretive approach to handling this problem acted as an obstacle to surfacing the issue of justice for victims and treatment for abusers that this problem surfaced. One of the challenges for the Church was the fact that both victims and abusers were in its pastoral care. The initial perception was that the hierarchy was putting its resources into the abusers and neglecting, and in some cases, re-victimising the victims. In the absence of procedures for handling this kind of public problem Church leadership became engaged in a reactive and inconsistent public response.

The issue made its way to the political centre in a litigious and chaotic manner. The delay in processing the Brendan Smyth case by the office of the Public Prosecutor simply brought the chaos into the public forum, and into the centre of government.

# 4.2.2 A Healthy Public Sphere

As Habermas makes clear, the "resonant and autonomous" public spheres that allow agenda issues to move from the periphery to the centre need to be anchored in the voluntary associations of society, it is clear that, at first, the Irish Catholic Church, one of the strongest

associations in Irish society, failed to sensitise, identify and thematise the issue of child sexual abuse for its society. It is understandable: first, because the Church itself was in crisis mode; and, second, because it was easier for the larger society to collapse the problem into the clergy and the Church than to see, as it eventually would, that child sexual abuse was a society wide problem. Meanwhile, the initial, defensive response of the Church and its inability to own up to its own mismanagement, built a wall around the issue. As a result, public trust in Church leaders dropped from 42% to 26% in the four years from 1991-1995.603 The influence of religious and other leaders in the public sphere, which Habermas says is transformed into communicative power only after it moves through procedures and debates into lawmaking, depends, in the first case, on their not having to demonstrate their authority. Their influence, in the final analysis, depends upon the public of citizens which must resonate with and be convinced by the public statements and positions of influential leadership. When that authority comes into question, the influence of the leadership wanes. The Irish public wondered whether Church leaders were telling the truth—one of the assumptions necessary for public discourse. A public resentment toward the power of the Church, built up from past experience, began to grow.

Modern psychology understands the problem of sexual abuse as one of power, not sexuality. In an analysis of the state of religious communities in Ireland, Gabriel Daly recalls the contribution of religious congregations in establishing a counter-culture to the British-Protestant

<sup>603</sup> Changing Attitudes in Ireland, survey for Advertising Practitioners in Ireland (IAPI) by Behaviour and Attitudes, Ltd., conducted, Spring 1995—Public Confidence Poll. It is important to recognise that this is a single poll, authorised by Advertisers. In that sense, it must be put into a larger context and seen as simply an indicator, not a complete survey.

institutions of state. 604 The result was a complete system of social institutions which met the education, health and welfare needs of Irish Catholics, especially the poor. However, what is "freeing" for one historical moment can become a straightjacket for another. As Daly remarks, with the birth of the new State, the Catholic Church added the ingredient of power to its vast social infrastructure.

Its word was law and its authority was often exercised in a way that was bigoted, puritanical and philistine...Religious congregations shared in all this and would have had to pay the eventual price for it, whether or not the recent scandals had occurred.605

It is this larger context of power which was damaging to the health of the public sphere in the Republic. Some of the sexual scandals involved the same religious men and women who had carried the State's social service and educational infrastructure at a critical period in its development. The ambivalence of their power is seen in the foundational social contribution by Religious congregations of a *democratic element*, introduced in 12th and 13th century monastic and mendicant orders, through their charters and constitutions. As Daly concludes,

I believe that it is an important part of the vocation of religious to teach this to the rest of the Church by word and example. Perhaps one way of understanding the vow of obedience would be to think of it as the right and duty to speak and listen in assembly—any assembly —without fear or favour. In religious life we do at least have official channels of communication denied to the rest of the Church...we should use them to good effect as a witness

<sup>604</sup> Gabriel Daly, OSA, "Religious Life: Making Sense of Where We Are," *Religious Life Review*, July 1997, 227-236.

<sup>605</sup> Ibid. 233 See also, Màire Nic Ghiolla Phàdraig, "The Power of the Catholic Church in the Republic of Ireland," 593-619 in *Irish Society, Sociological Perspectives*, Institute of Public Administration, Dublin, 1995. She makes the case for the utilisation of religious communities in Ireland in the "reproduction of inequality."

#### to the whole Church.606

This tradition of "speaking and listening in assembly... without fear or favour," is one which helps shape a non-coercive public sphere. In much the same way religious congregations may be models for the larger church in this quality of communication, institutional behaviours in the Church which reflect this dialogic, collegial approach may model it for the larger society.

The theological task is for the Church to incarnate the word so that it can be truly human and accessible, and yet be prophetic enough to reveal the values of God's kingdom. This can no longer be communicated in an esoteric language which results in the church "addressing only ourselves", as Walter Ong puts it. Daly adds a proviso regarding calls to move beyond the institutional church and into a prophetic church. He suggests that the sometimes careless use of the term "prophetic Church" to mean "non-institutional Church." would likely result in a "parallel Church" which would have to set up its own institutions. Prophecy, according to Daly, is not an alternative to institution....the voice of prophecy is heard within the institution.607

In the history of the public sphere of the Republic of Ireland, the Irish Catholic Church, especially its hierarchical and religious leadership, has helped shape the quality of the public sphere and public debate, sometimes in the service of liberation, often not. The Irish Church, through agencies such as Trocaire, has an excellent record in sensitising and thematising issues of poverty and justice for Irish society, especially in developing countries where there are large numbers of Irish religious and lay medical

<sup>606</sup> Màire Nic Ghiolla Phàdraig, "The Power of the Catholic Church ...232 607 Gabriel Daly, "Religious Life: Making Sense of where We Are... 231

teams present. As mentioned earlier, the Justice Desk of CORI also serves that function successfully on the domestic scene. But a rigorous critique of past behaviours, including the use/abuse of power and secrecy, is necessary for the public theology of a Church choosing to engage with the questions of its time, even when those questions have first emerged from its own institutional short-comings.

#### 4.2.3 Common Cultural Ground

The Catholic Church is by its very structure and mission a political power, by which I mean a visible, substantive body of men (sic), united together by common engagements and laws, and thereby necessarily having relations both towards its members and towards outsiders. Such a polity exists simply for the sake of the Catholic Religion and as a means to an end: but since politics in their nature are a subject of absorbing interest, it is not wonderful that grave scandals from time to time occur among those who constitute its executive, or legislative, from their being led off from spiritual aims by secular. These scandals hide from the world for a while, and from large classes and various ranks of society, for long intervals, the real sanctity, beauty and persuasiveness of the Church and her children."608 (Cardinal Newman, 1877)

As described earlier, the complexity of the Catholic Church's role in Irish society does not lend itself to simple analysis. The great emotion projected onto the Church is the result of a history laden with an intricate web of dominance and service in the State. The Catholic Church's public sexual scandals are only the most dramatic outward manifestation of the need for a critical look at its own role in the life of the Republic. Werner Jeanrond asks:

<sup>608</sup> John Henry Newman, "The Via Media of the Anglican Church" Pickering Press, London, 1877, I, 107n. I am grateful to Fr. Joseph Komonchak for supplying this quote by e-mail.

...what kind of liberating powers are given to us by our tradition in order to demand liberation from all ungodly oppressions?"609

The liberating tradition of Vatican II offers the Irish Catholic Church an historical, pastoral and ecumenical framework for its public theology. A self-critical theology is open to its past history, with both its abuses and its contributions, precisely in order to better respond to the needs of the day. A pastoral approach helps the Church, as an institution, stay connected with the lifeworld of believers; the lifeworld which is integral for the communicative rationality Habermas positions as central to communicative action for solidarity in society. Church response to victims of abuse, even of abuse by its own clergy, is indicative of the pastoral connection it has with the lifeworld of those victims.

That Catholic theology after Vatican II is ecumenical implies the valuing of pluralism. If this value is upheld internally, then the practice of Perry's ecumenical politics is more possible for the Irish Church, despite the challenges sectarianism offers. The practice of dialogue in an ecumenical politics seeks solidarity and inclusiveness. In this context of clergy sexual abuse, there is a good example of the practice of the dialogue Perry says underlies this politics; it also reflects a practice of the principles of collegiality and subsidiarity coming from Vatican II.

In 1996 the Irish Catholic Bishops' Advisory Group on Child Sexual Abuse proposed guidelines for responding to allegations of abuse. The committee was composed of religious, clergy and lay experts and had the availability of consultation with U.S. church experts. In preparing the

<sup>609</sup> Werner G. Jeanrond, "Towards a Critical Theology of Christian Praxis", Irish Theological Quarterly, Vol. 51, No. 2, 1985. 136-145. 143

proposed guidelines, the Committee held a series of four listening days to hear the views of representatives from the state and voluntary sector who were involved in child protection. It heard the views of victims of clergy sexual abuse and also sought the input of religious superiors and members of the hierarchy. By January 30, 1996, when the Committee held a Press Conference to promulgate the guidelines, they had already been in dialogue with a broad representation of social and governmental bodies charged with child protection. Consequently, the Guidelines, though published as preliminary and open to change, found a wide acceptance in Irish society. This process paved the way for Irish society to begin looking at the larger issue of child and domestic abuse in its midst. The Irish Catholic Church, by virtue of being the first to go through the fire of this issue, was able to make a contribution on this level.

This is a good example of *cultural diakonia*—service to the common ground of a society. It is unique, but perhaps highly appropriate, that this particular diakonia arose from the pain and mistakes within the Church institution itself. A Church which hopes to serve as an interpretative community in a society, as Francis Schüssler Fiorenza suggests it is, must itself reflect in its institutional behaviours its understanding of what constitutes the good and the just in a society; especially what constitutes the good and the just for the most marginalised in society, be they the poor, the elderly, differently-abled, the ill, or, in this case, the victims of sexual abuse.

In his publication, *Life in all its Fullness*,610 Bishop Donal Murray makes the case for a common life for Irish society. Acknowledging that "there have been highly publicised scandals and abuses" across the board

<sup>610</sup> Bishop Donal Murray, Life in all its Fullness, Veritas, Dublin. 1994

in Irish society, they alone do not explain the transformation in attitudes in Irish society. There is something more fundamental at stake: "we are seeing a collapse of the sense of being part of a common effort and of pursuing a common goal."611 Murray agrees that "a common framework of belief can no longer be assumed to underlie our dealings with one another," but remaining silent about the ultimate questions out of fear of creating divisiveness is the "opposite of a pluralist respect for and interest in the view of others." 612 Murray says the danger for Irish society is "that we may build a society which is impoverished by the illusion that we can form a living community with people whose deepest questions and profoundest aspirations are a matter of indifference to us."613 Murray goes on to suggest that it is "community not structure" that is the basis for private and public life. "the less healthy a community is, the more it becomes a structure, the more human a structure is, the more it becomes a community." 614 As has been argued in this paper, the community which grounds public life today is not a return to a communitarianism of the past, but a community which is self-critical and historically conscious, meeting, head-on, the new questions of its history. The Irish Catholic Church's contribution to this kind of common life is, therefore, not a return to the Church of the past, but a faithful engagement with the 'signs of the times" and the new questions of history.

#### 4.3 The Larger Issues

### 4.3.1 Mutual Critique: Internal/External Dialogue

<sup>611</sup> Bishop Donal Murray, Life in all its Fullness... 3.

<sup>612</sup> Bishop Donal Murray, Life in all its Fullness... 7.

<sup>613</sup> Bishop Donal Murray, Life in all its Fullness...7

<sup>614</sup> Bishop Donal Murray, Life in all its Fullness... 18.

Michael Himes notes that in the 19th and 20th centuries there has been a shift in the Catholic understanding of tradition from *tradita* to *traditio*, from a body of truths to the community "which finds expression in the act of communicating and passing on its grasp of revelation" from one generation to another.615 This is not a simple "passing on of stories." David Hollenbach says that a mature process of traditioning involves inquiry. 616 Ideas are generated in a matrix and come from many sources. The ability of the Church to "assimilate ideas originally discovered or generated elsewhere" is the mark of a living tradition.617 A good example is the Church's relatively recent commitment to democratic structures in society. Coleman says they

...reinforce an 'elective affinity' between the theological selfunderstanding of the church and secular movements for democratisation of structures in our world. Just as in earlier periods, the church adopted to its own needs structures taken from aristocracy, state bureaucracies, and monarchy, it is free today to adopt structures of democratisation.618

Vatican II's principle of an historically conscious theology, valuing religious freedom and the sacredness of the individual as well as the common good of society, allows a public theology to see the matrix of plurality as fertile ground for the Church and society. As Perry suggests,

<sup>615</sup> Michael J. Himes, "The Ecclesiological Significance of the Reception of Dialogue", The Heythrop Journal, Vol. 33, No. 2, April 1992 151-152 Tillard says the difference in the understanding of "dogmatic development" between Vatican I and Vatican II lies in the idea of "development"—not an addition of new truths but by clarification. (The Bishop of Rome, 39. See fn. #111 for full citation. See George Lindbeck, For a doctrinally neutral, text and "rules" approach to understanding doctrine as "second order" experience understood culturally and linguistically and categorised as permanent and unconditional or permanent and conditional, reversible or irreversible and accidentally necessary.

<sup>616</sup> R. Bruce Douglass, David Hollenbach, (ed.) *Catholicism and Liberalism, Contributions to American Public Policy*, University Press, Cambridge, Great Britain, 1994. David Hollenbach, Chapter 5, "A Communitarian Reconstruction of Human Rights: contributions from Catholic tradition," 127-149. 142.

<sup>617</sup> David Hollenbach, "A Communitarian Reconstruction...143 in, Douglass and Hollenbach, *Catholicism and Liberalism*.

the purpose of having the religious argument in the public sphere is two fold: it helps to inform the public sphere and it tests the religious argument in the public enabling public theology to be a learning theology.

The willingness of a public theology to be open to other hermeneutical theories enables it to fulfils its task of immanent critique. Ideas generated from elsewhere are part of the living tradition. Enda McDonagh says that in the Republic of Ireland, this theological task is best accomplished in an ecumenically cooperative way:

...theologians of all Church traditions in Ireland are faced with an increasingly urgent task of understanding and presenting the gospel message in a rapidly changing society. It is only in cooperation that they can hope to achieve the social analysis and theological response which the situation demands.619

McDonagh adds that part of this process involves a critique, or recovery of the tradition. McDonagh suggests that the need for this task is...

...urgent in Ireland. The recovery depends, in human terms, on the discovery of the impotence of the present pretensions, spiritual, moral and intellectual...[the Church's] intellectual weakness leaves it very vulnerable to ideologues, religious and secular. The debates of the 1980's on abortion and divorce exposed that weakness shamefully. The easy lurch into secularism in so many areas provides further evidence. 620

This dynamic of recovery and discovery allows for an examination of a tradition's "present impotence," in this case identified by McDonagh as certain spiritual, moral and intellectual "pretensions" – pretensions which he maintains surfaced in all areas of the debates of the 1980's, secular as well as religious. He suggests that many Irish theologians have neither the

<sup>618</sup> John Coleman...234.

<sup>619</sup> Enda McDonagh, Irish Challenges to Theology...123

<sup>620</sup> Enda McDonagh, Faith in Fragments, The Columba Press, Dublin, 1996. 30

courage nor the freedom to publicly discuss issues.

Fear and frustration sap energy and compromise intellectual integrity to the point where the Irish church lacks any mental life of its own. This may be the most deep-seated weakness, rendering it unable to analyse its own needs and harness its own resources. Darkness of understanding in the Irish church is sometimes defended as loyalty or faith, as if God had created human minds but was unable to cope with their use. 621

#### 4.3.2 Influence and Trust

John Courtney Murray saw public trust as the condition for the possibility of public moral discourse.622 The issue of clergy sexual abuse surfaced the inseparability of influence and trust for the Church 's credible contribution to the public sphere in the Republic. The erosion of this influence and trust is not so much a result of any particular crisis as it is the result of the way in which the Church responds to crisis. For instance, church congregations understand the concept of sickness in individuals who are compulsive paedophiles; what they do not understand and do not accept is evasive defensiveness on the part of Church spokespersons

# 4.3.3 Centre or Periphery?

The question of the political "sluices" through which issues move politically alerts a public theology to attend to its task of sensitising and thematising those issues which otherwise may not move to the legislative centre. This dynamic also raises an internal, institutional behaviour question for the Irish Catholic Church. It is: "Who speaks for the Church?" James Mackey, from the perspective of the project of Christian

<sup>621</sup> Enda McDonagh, Faith in Fragments... 30.

<sup>622</sup> John Courtney Murray: Religious Liberty, Catholic Struggles with Pluralism, (ed.)

J. Leon Hooper, S.J. Westminster/John Knox Press, Louisville, KY. 1993 p, 16

morality, suggests that within the Church the exercise of legislative power, particularly enforced by sanctions, "... is designed to protect the perimeters of that larger communal life which comprises the main moral project... but it never constitutes the substance of that project and can never become its paradigm."623 These exercises of authorship and authority, he argues, are secondary and derivatory; the primary form of morality, in this case Christian morality, consists in the lives of Christians.624 Vatican II's *People of God* concept, and the Catholic tradition of reception, with its component of the sense of the faithful, are the grounding for Mackey's position. His case also speaks directly to Habermas's concern that a communicative rationality in society depends upon its connection with the ordinary, daily communication of the lifeworld of its citizens. Mackey's insight is, again, a question of the Church modelling within its own structures a dynamic that contributes to the health of the public sphere.

### 4.3.4 Mediated Reality

Modern technology assures that we live in a mediated reality. The Irish Catholic Church must face that reality. Its experience with Irish media during the worst years of the clergy sexual abuse scandals was a lesson in that fact; a lesson particularly poignant for the Irish Church in the light of its historical, symbiotic relationship with its own media.

In the beginning of *Method in Theology(MT)*<sup>1</sup> Lonergan says, "A theology mediates between a cultural matrix and the significance and role of religion in that matrix." Quite apart from Habermas's critique of the

<sup>623</sup> James P. Mackey, "Who are the Authors of Christian Morality?" *The Irish Theological Quarterly*, (1996/97) 297-313.

<sup>624</sup> James P. Mackey, "Who are the Authors of Christian Morality?"...311.

processes of mass media, especially in their role as agenda setters in society, there is a deeper reality to contend with. As Walter Ong has argued, technology not only changes the way we communicate, it changes our consciousness, the way we think. As Ong makes clear, the linear and isolated consciousness connected with print/reading technology is not the consciousness underlying the *second orality* of electronic media. The consciousness of this aspect of mass communications seems pivotal for the role of public theology and religion. The vitality of the public presence of religious communities of interpretation in the common culture depends upon intelligent and creative communication which allows the disclosive/transformative power of Tracy's "classical religious symbols" to be appropriated by Christians and non-Christians alike.

Habermas argues that distorted communication, communication colonised by manipulative vested interests, either market- or power-driven militates against the public sphere. One of the issues raised in the Republic of Ireland's 1995 Green Paper on Broadcasting is the difference between seeing viewers and listeners as passive or active, as audience or audiences, as consumers or as citizens. Ien Ang suggests that commercial and public service broadcasting, though radically different in many ways, share a commonality as institutions. In practice, they "foster an instrumental view of the audience as an object to be conquered...whether the primary intention is to transfer meaningful messages or to gain and attract attention, in both cases the audience is structurally placed at the reception end of a linear, one-way process."625

<sup>625</sup> Ien Ang, Desperately Seeking the Audience, Routledge, London, 1991. 31

Ang's thesis is that "audience," "public," even "citizen" are constructs and they are made into objects by institutions. By subjecting criteria such as quality and diversity to the actual social lives of people, Ang is saying there can then be an on-going, public conversation that may elucidate what the "full potential of public service... could be in a time so engrossed with free enterprise." 626 Over against "taxonomised audience information, Ang suggests "vocabularies that can rob television audiencehood of its static muteness, as it were." 627 If we are not to get paralysed by the public as fiction, there must be interactive ways to keep a conversation about the lifeworld going on. One of the recent strengths of the Irish tradition of broadcasting is its ability to air the voices of the many who comprise the listeners and watchers. However, the reality of colonisation by media remains a real concern for Irish society, and not only a recent one. In 1921, William Moran, DD, wrote this in *The Irish Theological Quarterly*:

In the purveyance of news our papers are indeed very much at the mercy of foreign, often hostile, press agencies; they consequently give us highly coloured accounts of happenings abroad; they also treat us to pages of fashions from Paris, to lists of race-horses and betting prices from England, to graphic accounts of prize fights in American, and so on. While these items of information are seldom objectionable in themselves, they afford evidence of the extent to which undesirable foreign tendencies are creeping in amongst our young people-tendencies which we should like to see discouraged rather than catered for by the national press. All this suggests certain questions. Is our press tending to become better or worse? When we become our own masters will it stand for a cosmopolitan or for an Irish Ireland? As we grow in wealth and importance, will our papers approximate more closely to the English press of today? And if the international financier should find it worth his while to come in force amongst us, will the press play his game

<sup>626</sup> Ien Ang, Desperately Seeking the Audience... 166

<sup>627</sup> Ien Ang, *Desperately Seeking the Audience*... 170 For an Irish example, see *The Irish Times*, July 24, 1998, OPINION, "Digital TV must benefit audience, not just industry," Muiris MacConghail.

here (as it has done in most other countries) by binding the people to their own exploitation? These are questions we cannot answer for the present; but they are questions that thinking Irishmen would do well to turn over in their minds. 628

Moran goes on to advocate a free press, not subject to censor, but not at license to mislead. He then asks:

How is a a good press to be insured? We should like to see the matter ventilated in public. Irish journalists in particular may be able to offer some useful suggestions. Personally we think some good could be done by putting the press on the same footing as other public utilities, what is to say, newspapers and periodicals, while not subject to censorship, could be made liable to prosecution for the publication of matter calculated to injure or endanger the common good."629.

In a very real sense the State broadcasting service can be, to use Habermas's terms, the bridge between the lifeworld and systems of Irish society. Because it is legislated by the State it must also take account of State interests; however, in the light of its public service brief, if it ultimately fails to connect with the lifeworld of its citizens it loses its reason for being. In a recent conference on Church and Media in Ireland, the Executive Editor of RTÈ News, Dermot Mullane referred to the Broadcasting Authority Act's definition of what it means to be a public service broadcaster: "As a foremost medium of communication and as a public service organisation, RTÈ accepts this responsibility in full. In doing so, it operates on behalf of the community as a whole."630

Habermas includes the distortions of contemporary technology in his critique of ideology precisely because of the electronic media's hidden "formats" which, some would argue, have gained

<sup>628</sup> W.M. (Rev. William Moran, DD), "Notes," *The Irish Theological Quarterly*, Vol. XVI, 1921, 367-370. 367

<sup>629</sup> William Moran, "Notes"....369

<sup>630</sup> Mullane, Dermot, "The Media and the Christian Churches," in Eamonn Conway, Colm Kilcoyne, *Twin Pulpits*, Veritas, Dublin, 1997. 9-22.

"virtual philosophic hegemony in the ordinary consciousness of modern men and women." 631 In view of this understanding, there is an arena for a two-pronged but simultaneous critique of ideology—the arena is the interrelationship of church and media precipitated by a church crisis which becomes news event. It is partly by moving through this historical experience in a critical fashion that both church and media will become more conscious of providing space for the diverse voices in Irish society.

Ang's "instrumental view of audience as object" with the audience placed at the" reception end of a linear, one-way process" challenges Church communications to self-critique also, Until recently, the focus of official Roman Catholic documents on communication has been on the need to convey religious knowledge to the faithful and to evangelise others. This puts the church in the ambivalent position of engaging with and using contemporary mass media while remaining free enough from them to be critical of their power and influence. It is only lately that official Church documents reflect the awareness that the Church also must critically examine the integrity and manner of its own communication. In its recent Pastoral Plan for Church Communication, the Committee on Communications of the United States Catholic Conference used an array of official Church documents to draw forth principles for the guidance of church efforts in communication. Many of these principles reflect the principles this research has surfaced to support a public theology:

1)The model for all church communication arises from the communion of God in the Trinity and urges us to foster human communion (Communio et Progressio, 8); 2) A public dialogue

<sup>631</sup> Robert F. Leavitt, S.S., "Ministry in an Age of Communications", in Paul A. Soukup (ed), *Media Culture and Catholicism*, , Sheed & Ward, Kansas City, Mo. 1996. 67-81. 74

of faith characterises church communication (In the Sight of All,2); 3)Church communication should support dialogue wherever possible (Communio et Progressio, 115-125).

4)Communication is connected to the nature of the church and to human community (Aetatis Novae, 6; Communio et Progressio, 92); 5)The Church must tell the truth in a timely fashion. It should explain and be accountable for its action (Communio et Progressio, 123); 6)The communication of truth can have redemptive power (Aetatis Novae, 6);

7)The Church should be present in all areas of the communication world (Aetatis Novae, 17, Inter Mirifica 3) and to all people (Communio et Progressio, 24); 8)The Church should foster multiple but complementary approaches to communication through sharing resources, collaborating with others (both within the Church and inter-religiously). 9) Cooperation and collaboration should characterise Church work in communication. (Communio et Progressio, 84-99); 10) The Church should take the side of the oppressed and marginalized (Aetatis Novae, 13, Communio et Progressio, 92-95); 11) Communication must be judged by its contribution to the common good. (Communio et Progressio, 16).632

These principles are important for a public theology and a Church conscious of its public contribution in agenda setting, the public sphere and the common cultural ground. They provide specific points against which to judge the Church's own communicative behaviours in the service of her public mission and of her cultural *diakonia*.

<sup>632</sup> United States Catholic Conference, Committee on Communications, *Pastoral Plan for Church Communication*, Washington, DC., August, 1997. 17

### **CONCLUSION**

#### A WAY FORWARD

As Neuhaus points out, the solution to a *naked* public square is not "naked religion," arriving in an aggressively, sectarian way into the public arena. Nor is privatisation of religion, the concern of this paper, the solution to a *sacred* public square. In a public square that is neither allegedly naked nor sacred, the most important role of a Christian public theology and religion is to contribute to the well being of the *civil* public square—to its agenda and to the climate of its deliberations, to the vitality of its sphere of public discourse and, most important, to the common life of society through a "cultural diakonia." The content of this ministry of service to the cultural common ground is constituted by a Christian view of the person, a valuing of solidarity and inclusiveness, a sense of unity in diversity which thrives in the matrix of pluralism, a critically intellectual and affective tradition of interpretation which includes reflection on what constitutes the good as well as the just and is a voice for the weak and marginalised.

As is clear from Chapter Four's account of the experience of the Irish Catholic Church, *how* religion contributes to the public square in actual historical circumstances is far from simple. But the health of the process of mediating Christian convictions into public life is put at infinitely more risk in the absence of rigorous and continual theological reflection on the public mission at the heart of Christianity and at the heart of a given local Church.

This project has argued that a local Church, such as the Irish Catholic Church, can best resist privatisation by developing a critical public

theology and a consciously deliberative manner of public presence. This research has surfaced certain *theological*, *critical* and *political/social principles* which, through their mutually critical relationship, help define characteristics of a public church. These principles are touchstones for a church which is aware that a private religion is insufficient for carrying out the public mission of Christianity.

The self-critical and historically conscious theology which articulates the public mission of the Church in modernity has grown out of the great ecclesial paradigm shift of Vatican II. Since the Church is in a time of continuing reception of Vatican II, its theological reflection must attend to the teachings and insights of the Council.

As Chapter One recognised, Vatican II offered the Church a certain mind with which Christian Catholic public theology must proceed. Vatican II was, as Rahner observed, the first time the Church self-actualised itself as a world Church. In terms of the paradigmatic effect of the event of Vatican II, people of all religions and of none were conscious of this unprecedented ecclesial moment. Ruggieri's hermeneutic of a rigorous awareness of the whole event steers the Church away from the polarisation of proof-texting, which the structure of the Council documents allows, and toward the common nurturance offered by Vatican II. This common nurturance, at its deepest, is a receiving of the Spirit and an opening of history to the gospel, allowing the Church to continue engaging critically with the signs of the times and responding to the new questions of history, all critical to a public theology.

The *theological methodology* at the heart of the Council also remains as a legacy to the Church's public theology. It includes the inseparable, dual movement of *ressourcement/aggiornamento*, resulting in that unique

combination of continuity and change which safeguards the church from being frozen in its past tradition or from floating, untethered, in its present. It also includes fidelity to historically conscious, pastoral and ecumenical theology, without which the Church risks blocking the liberating, healing and unifying possibilities of her tradition. The methodology offers a process flowing from the principle of collegiality. This principle clarifies the role of the magisterium and protects the teaching charism of the Church from being collapsed into the Papacy or into the Roman Curia. In practice it also implies that Bishops have sufficient and actively legitimated consultative structures which provide enough ecclesial space for all the people of God to exercise their charisms and to contribute to the development of doctrine and church life. In this time of continuing reception for the Church, Alberigo's observation in Chapter One bears repeating: an action of the hierarchy alone cannot replace the sensus fidei of the whole Church as the adequate interpreter of a major Council.<sup>2</sup>

In addition to giving the Church a collegial methodology, Vatican II introduced several important *conceptual shifts* constitutive of a public theology:

a)the radical difference in ecclesial self-understanding prompted by *Lumen Gentium's* concept, *people of God*, which provides a common construct, with baptism as the sign of discipleship, for the Christian call to holiness.

b) Gaudium et Spes's emphasis on engagement with the world as the locus of the Church's mission, placing theology squarely in history; in

<sup>&</sup>lt;sup>1</sup> These include structures at every level of the institution: parish councils and finance committees; diocesan committees for consultation for all the major secretariats or departments within the Chancery; Diocesan Pastoral Councils; Presbyteral Synods; Diocesan Synods including laypeople and clergy; National Advisory Committees for Bishops' Conferences; and representative involvement in International Committees, Synods of Bishops, Vatican offices and Church Councils.

modern societies this engagement is with pluralism, resulting, for the Church, in an openness both to external and internal diversity, and to a reconnection with the early Christian community's understanding of *unity in diversity*.

c)the groundbreaking concept of *religious freedom*, and the Christian anthropology of the dignity of the human person, contained in *Dignitatis Humanae*—the Roman Catholic Church's acknowledgement of its non-privileged position in an age of pluralism and of the truth of other religious traditions.

d) Inter Mirifica's awareness of the mediated characteristic of modern culture which challenges the Church both to pay attention to the underlying human and cultural implications of mass media and to create forms of engagement which allow its own social communications to reveal the interpretative, liberating and disclosive power of classic religious symbols for the common culture.

These individual changes, viewed as a whole, prompted the Church to shift its perspective, the way it looked at things. It had a new theological context. Shortly after the Council, Bernard Lonergan observed that the novelty of Vatican II was not a new revelation or a new faith, but precisely the new cultural context. In every historical era theology is "locked in an encounter with its age" and is a product not only of the religion it investigates but the culture that "sets its problems and directs its solutions."

The great undertow of a culture will affect theology one way or another. Critical engagement with the "signs of the times," and with other interpretative theories, challenges a theology of public mission to refine both its sense of identity and its sense of relevance. Churches with a public mission and with the benefit of such critical theological reflection, can then continue to be significant communities of interpretation for pluralist

<sup>&</sup>lt;sup>3</sup> Bernard J. Lonergan, *Theology of Renewal*, Vol. 1, *Renewal of Religious Thought*, New York, 1968, pp.36-46 (Proceedings of Congress on the Theology of the renewal of the Church, Ed. Lawrence K. Shook)

societies and modern culture. The sharing of the Christian message is not an abstract experience. These communities, with their cognitive *and* affective experiences, become *loci theologici* for a public church.

This new context for doing theology is at the heart of the second major characteristic of a self-critical, historically conscious public theology. By definition, it must engage in the ongoing task of critically understanding the context(s) in which it is to be public. For this it must move outside of itself and enter into conversation with other critical interpretative theories. As illustrated in Chapter Two, a Christian public theology can learn from Jürgen Habermas's sustained interest in the constitution and health of the public sphere. His emphasis on a rationality for mutual understanding, over against an instrumentalist rationality, and his theory of communicative action, based as it is on the agency and intersubjectivity of participants, resonates with Christian public theology's emphasis on the dignity of the human individual, its tradition of emphasis on issues of common good and its developing body of social justice morality. In turn, a Christian public theology is able to be critical of Habermas's privatisation of tradition, including religious tradition, with its issues of what constitutes common good. The mutual critique of their engagement allows both critical theory and theology to recognise that what they share is an "unfinished" quality which benefits from open and reasoned exchange. The insights of Habermas's communicative discourse theory offers public theology the critical framework it needs to better understand the modern, pluralist societies with which it engages; the theory and practice underlying public theology's engagement in the public sphere, and the role of churches as important communities of interpretation in modern, pluralistic societies, challenges Habermas to review his thinking on the

contribution of public religion and theology to the agenda setting and healthy common ground of a vital, participative public sphere.

Since Vatican II's teaching on *religious freedom*, Christian Catholic theology must be ecumenical. As Michael Perry established in Chapter Three, there is an important analogue between the value *ecumenical theology* places on a pluralist matrix for the fruitfulness of theological dialogue and this same valuing of pluralism in what he has coined *ecumenical political dialogue*. Perry's exploration of what constitutes ecumenical *dialogue* and *tolerance* not only provides public theology and religion with a way toward appropriate political involvement but also prompts evaluation of the present quality of Christian ecumenism and interreligious conversation.

Perry's socio/political approach most directly responds to the concerns of those who fear the public role of religion and who argue for its privatisation; it also responds to the concerns of thinkers, such as Habermas, who holds that religious traditions are rationally inaccessible and therefore untestable in the public realm. He finds resonance with Habermas in their joint concern about the possibility of truly participative agency in a deliberatively democratic society. Perry would argue that public debate is exactly where religious arguments must be, precisely in order to see if they can be tested. His clear distinctions between the areas of debate and choice, between human good, well being and conduct, and his careful consideration of the role of conscience in the exercise of political choice, for citizens, legislators, and judiciary, provide a reasonable basis for the development of public theology in society.

Perry argues that public theology's best contribution is to the health of the common culture, where different beliefs, including religious beliefs,

about common good and issues of justice abide in a pluralist mix. It is this very diversity which provides the fruitful matrix for a dialogue, which may not result in common agreement, but has the possibility of resulting in a continuum of reasonable positions with which people can live and have solidarity in their common life. The question remains as to who motivates citizens out of their apathetic individualism (one of Habermas's concerns) and toward a common motivation to wrestle as a society with what constitutes the good and the just? Certainly, Perry and Francis Schüssler Fiorenza provide good ground for the case that, of the existing communities of interpretation, Christianity is a crucial motivator and contributor in this regard.

The theological, critical and socio-political principles above provide at least one framework within which a local church, such as the Irish Catholic Church, might engage in the conscious and deliberative task of developing a public theology for its engagement within the Republic. As seen in Chapter Four, the Irish Catholic Church in the Republic of Ireland has its own historical variant of engagement. The *signs of the times* for the Irish Church are indicating that it is a time of transition for the terms of that engagement.

The challenge facing the Church in the Irish Republic is the challenge Vatican II was taking up—how to be faithful to its public mission in an age of modern pluralism. In wrestling with that question the Council produced theological insights and procedural approaches which have been developing in the decades since the great gathering in Rome. The Church, at all levels, continues to struggle with the reception of Vatican II, both in its public theology and in the institutional structures which are to facilitate, not block, its mission.

One of the questions this struggle has unearthed, and a current question for the Irish Catholic Church, is "Who Speaks for the Church?" It is contained, implicitly, in some of the principles surfaced in this research, and surfaced explicitly in Chapter Four's consideration of the internal and external critique of the Church. It is the *next* question to be explored in public theology, whether in the contexts of the church in the United States, in the Republic of Ireland or in the collegiality of the church universal. While it cannot be fully attended to here, it leaves this research with several final considerations.

First, there is a model for a new methodology which remains faithful to the collegial insights of Vatican II and has serious implications for public theology's question, "who speaks for the Church?" It is the broadly consultative processes used by the U.S. National Conference of Catholic Bishops in the writing of their recent Pastoral Letters. Bellah, Fiorenza and Perry all point to this methodology as a prime example of how religion contributes positively to the common culture and the health of the

<sup>&</sup>lt;sup>4</sup> In both their Pastorals on Peace and on the Economy, the U.S. Bishops depended on broad consultation with the laity and with organisations and concerns outside the Church which might shed light on the respective topics. These Pastorals were widely discussed both within the Church and in the larger U.S. society. When the U.S. Bishops took the same approach in drafting a Pastoral on Women, the Vatican intervened. After a consultation which involved almost 70,000 women, four drafts and nine years, the Pastoral was abandoned. See, "The Woman in Our Mind: The Search for Internal Tolerance in the Dialogue Between Women and Bishops in the United States Catholic Church". Carol Stanton, unpublished M.Phil. Dissertation, Irish School of Ecumenics. 1991.

<sup>&</sup>lt;sup>5</sup> Bellah refers to the US Bishops Pastoral on Economics as example of public theology, public philosophy and the use of social science to help us understand our present situation. Robert J. Bellah, Robert N. Bellah, "Public Philosophy and Public Theology in America Today," *Civil Religion and Political Theology*, University of Notre Dame Press, Notre Dame, Indiana. 1986. 79-97. 93-95 see also, Bruce Martin Russett, "Are the Bishops' Pastoral Letters Passé? A Process we can't afford to lose," COMMONWEAL, November 20, 1998. 14-17. Russett argues that the Apostolic Letter, *ApostolosSuos.*, with its restrictions on statements coming from Bishops' Conferences (unanimity when making binding statements or Vatican approval ) puts the *process* of writing pastoral letters, at least in the United States, at risk by "tranquillising" national conferences.

public sphere. This methodology reflects a reception of Vatican II's concept of "people of God," its principles of *collegiality* and *subsidiarity*, and its teachings on the responsibilities of the laity. <sup>6</sup> This reception of Vatican II's teaching on the apostolate of the laity is James Mackey's concern in his consideration of who are the prime authors of Christian morality. <sup>7</sup> He argues that the primary sources for the development of Christian morality are the humans who are living it; law and sanctions of law handed down by authority are derivatory and secondary and should not be mistaken for constituting the content of morality.

As an approach, the broadly consultative methodology of the U.S. Bishops is not without its challenges, i.e., how are representative laity, religious and clergy selected for consultation? are they perceived primarily as observers or partners in the process? However, the value in this approach is that it brings quantitative and qualitative depth to the practice of collegiality on the regional and national levels; an experience of Church which results in a vested responsibility on the parts of participants; and a qualitative difference in the resulting pastoral communication. This process, when allowed to remain true to its dialogic impulse, provides ecclesial space for inter-generational and cross-cultural learning for all participants, including hierarchy; it is, as Bellah and Perry have already recognised, a prime example of public theologising.

<sup>&</sup>lt;sup>6</sup> Also, this sentiment from the 1971 Synod of Bishops document: *Justice in the World*. "The members of the Church, as members of society, have the same right and duty to promote the common good as do other citizens. Christians ought to fulfil their temporal obligations with fidelity and competence. They should act as a leaven in the world, in their family, professional, social, cultural and political life. They must accept their responsibilities in this entire area under the influence of the Gospel and the teaching of the Church. In this way they testify to the power of the Holy Spirit through their action in the service of men in those things which are decisive for the existence and the future of humanity. While in such activities they generally act on their own initiative without involving the responsibility of the ecclesiastical hierarchy, in a sense they do involve the responsibility of the Church whose members they are."

Second, the continuation of the practice of consultative processes in local and regional Churches may begin to respond to a currently pressing question: whether the support of the general church membership can be automatically assumed in the public pronouncements of their religious leaders at the highest levels. Humanae Vitae, in the Roman Catholic tradition, remains the prime example of this gap between an official teaching and its reception. Likewise, it can be argued that the silence which has descended around the issue of women's ordination in the Roman Catholic tradition is not so much the silence of assent to the order to cease discussion as it is the silence of disregard for unreasonable authority. Recent papal and curial documents are reflecting a juridical conception of the teaching authority of the Church and a reliance on the obedient assent of the faithful for the exercise of their authority. 8 In other words, the Pope or Curia speak and the faithful obey. Ecclesiologist Joseph Komonchak challenges this as a solution to a crisis of authority and says the real challenge facing the church is "... the restoration of what Cardinal John Henry Newman called 'the admiration, trust and love' for Christ and his church that are the precondition of effective authority; their presence makes appeal to merely formal authority superfluous, while their absence renders it ineffective." It makes good theological and sociological sense. Komonchak maintains, that if these attitudes are absent or weak, "the remedy will have to be something more than the clarifications of the Code of Canon Law or appeals to conversion addressed only to the faithful. Neither in the members of the hierarchy nor among the faithful

<sup>&</sup>lt;sup>7</sup> James P. Mackey, "Who are the Authors of Christian Morality?" *Irish Theological Quarterly*, 1996/97.297-313.

<sup>&</sup>lt;sup>8</sup>For example: *Apostolicae Curae*, *Ad Tuendan Fidem*, Pope John Paul II, July 1998. Also, the Apostolic Letter *Apostolos Suos*, "The Theological and Juridical Nature of Episcopal Conferences.

does authority dispense from the need for conversion."9

The conversion Komonchak calls for is one involving the *behaviours* of the Church as an institution. This recalls the now classic principle from the 1971 Synod of Bishops: a Church bound to give witness to justice must recognise that anyone venturing to speak to others about justice "must first be just in their eyes." The 1971 Synod called for an examen of the "modes of acting, of the possessions and the life style" within the Church itself. (*Justice in the World*) As early as 1962, Walter Kasper described the magisterium as "... serving communication in the Church community with a responsibility to guarantee the institutional space in which open and public dialogue is possible." <sup>10</sup> In terms of conversion of institutional behaviours, it is appropriate to ask whether present ecclesial "institutional space" is a liberating space, one in which open and public dialogue is possible? Which institutional behaviours block/which liberate

 $<sup>^{9}</sup>$  Joseph Komonchak, "On the Authority of Bishops' Conferences,"  $\it AMERICA,~\rm Vol.$ 179, No. 6, September 12, 1998. 7-10 10. See also: J. Robert Dionne, The Papacy and the Church, A Study of Praxis and Reception in Ecumenical Perspective, Philosophical Library, Inc., New York, NY, 1987. One of the most stinging criticisms of Curial heavy-handedness was delivered by the former Archbishop of San Francisco, John Quinn, when he presented the centennial lecture at Campion Hall, Oxford in the summer of 1996. Responding to the Pope's invitation to "dialogue with him" regarding new ways to exercise the primacy, Quinn first lamented what he saw as a serious diminishment of collegiality, giving, as example, the intervention of the Congregation for the Doctrine of the Faith in rejecting the first English translation of the Catechism of the Catholic Church, in effect calling into question the teaching competency of the entire body of English-speaking Bishops. Quinn complained that Bishops are too often cast in the role of "middle managers," handing down directives from above. Regarding the international Synod of Bishops, Quinn described the format as sometimes subtly, sometimes directly inhibiting and intimidating but definitely not conducive to collegiality. Discussions and recommendations are curtailed so as not to offend the Pope. He called for more deliberative and open synodal structures. He also called for more participation of the local church in the appointment of Bishops and a return to the principle of subsidiarity.

As reported in *The Tablet*, July 6, 1996, "Last among equals", Gerard O'Connell, 886-887

Walter Kasper, Die Lehre von der Tradition in der Romischen Schule, Freiburg,1962 94-102, p. 7

ecclesial space? Which help create public space? As a public church, does its engagement help create liberating space and content in the common cultural ground?

These are the questions a public church with a public theology must ask; these are the questions the Irish Catholic Church, its laity, its bishops and, especially, its theologians must ask. What is at stake is the public mission of the Irish Catholic Church to preach the Gospel in its own age and time; what is at stake is the real pluralism of the Republic's common cultural ground – the diversity of convictions of what is good *and* what is just—and the reconciliation of the sense of good and justice that a theological perspective offers. The "evacuation of the public square by religion" under the rubric of protecting pluralism, only results in a vacuum which is all too quickly filled by vested interests, and a "bigoted social self-idolatry." If the Irish Church acquiesces in its privatisation, it will be actively contributing to the shrinking of the public sphere.

As it grows in pluralism, the public square in the Republic of Ireland need be neither naked nor sacred; whether it will be truly a "civil square" depends very much on the courage of its public theology to engage with the new questions of Irish history.

For often it is only through what is new that it is realised that the range of the Church was greater from the outset than had previously been supposed. And so the charismatic feature, when it is new, and one might almost say it is only charismatic if it is so, has something shocking about it. It can be mistaken for facile enthusiasm, a hankering after change, attempted subversion, lack of feeling for tradition and the well-tried experience of the past. And precisely those who are firmly rooted in the old, who have preserved a living Christianity as a sacred inheritance from the past, are tempted to

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<sup>11</sup> Himes and Himes, Fullness of Faith...17

extinguish the new spirit, which does not always fix on what is most tried and tested, and yet may be a holy spirit for all that, and to oppose it in the name of the Church's Holy Spirit, although it is a spiritual gift of that Spirit. (Karl Rahner)<sup>12</sup>

<sup>&</sup>lt;sup>12</sup> Karl Rahner *The Dynamic Element in the Church*, Burns & Oates, London, 1964 p. 83

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### APPENDIX A

Theology and Communications: Ong's Correlative Approach

Just after the Council, in a 1969 article, Walter J. Ong, S.J., articulated his correlative theory of the "...interlocking of communications media and theology."1

We know now that in a given culture many seemingly unrelated phenomena are somehow correlatives of one another. The intellectual activity of a culture and its technological activity are correlatives; styles of art and styles in politics are correlatives, and so on, although we must not imagine correlation here as one-to-one correspondence. We can suspect that the state of theological thinking and the modes of communication in a given culture at a given time are perhaps somehow correlatives, too.2

Ong recognised that members of modern societies lived in an age of "noetic abundance" with unparalleled intellectual facility for reflecting upon their history. Much as John XXIII saw hope in the "signs of the times," Ong saw the possibilities, in this modern context, for Christian theology, because it is "more deeply embedded in history than any other theology" and "... places a high value on history, in which the Son of God became flesh."3

For Ong, present day theology is "deeply technologized" and at the same time more interiorised. He sees this as a sign of maturity in theology. He calls for an "... appreciation of technology which is theologically, morally and psychologically balanced and responsive to reality."4

Most pertinent to this research is one of Ong's pivotal concepts—

<sup>1</sup> Walter J. Ong, S.J., "Communications Media and the State of Theology", *Cross Currents*, 19, 1969, 462-480. Cited in Soukup, Paul (ed.) *Media, Culture and Catholicism*, Sheed and Ward, Kansas City, Mo. 1996. 3

<sup>2</sup> Walter J. Ong, S.J., "Communication Media and the State of Theology"...3 3 Walter J. Ong, S.J., "Communication Media and the State of Theology"... 20

<sup>4</sup> Thomas J. Farrell and Paul A. Soukup (eds.), *Walter J. Ong, S.J., Faith and Contexts*, *Volume One, Selected Essays and Studies*, 1952-1991, Scholars Press, Atlanta, Ga., 1992. 207

"Technologies are not mere exterior aids but also interior transformations of consciousness, and never more than when they affect the word." Ong maintained that technology has its most significant effect and presence

...not in the external world but within the mind, within consciousness. The external product designed by consciousness somehow re-enters consciousness, to affect the way we think, to make possible new kinds of noetic processes, including those of philosophy itself, which are unrealisable until technology is deeply interiorised in the human psyche.6

For Ong the conscious is the most interior part of the human psyche because it can reflect upon itself. Based on this understanding, Ong investigated the movement from orality to literacy and the change in consciousness and in the matrices of communication which printing and writing brought to oral cultures, "...creating the isolated thinker, the man with the book," at the same time a more reflective individual, less dependent on the "tribe." The storage and recall devices of an oral culture were formulae, as well as striking visual imagery, which were the "ocular equivalents of verbal formulas." Dictionaries became efforts to establish written control over the spoken word.7 The implications of this for theology, as Ong views it, is that God became viewed not so much as "communicator" but as "architect", manipulating space and time.

Ong argues that theologically, dogmatic formulae are products of an oral age. With writing came the effort to fix formulations. Catechisms, with their fixed question and answer format, became the mode for religious education. Ironically, while this resulted in increased control over the individual printed formulation, the fact that books could be multiplied over and over again actually encouraged creativity. People did not want to write the same thing over and over again, so they searched for fresh ways to formulate. An oral culture would discourage such creativity because its main form of storage and retrieval was a basic faithfulness to

<sup>5</sup> Walter J. Ong, S.J., *Orality and Literacy: The Technologizing of the Word*, Routledge, London and New York, 1988. 82

<sup>6</sup> Thomas J. Farrell and Paul A. Soukup (eds.), Walter J. Ong, S.J., Faith and Contexts, Volume One... 191

<sup>7</sup> Walter J. Ong, S.J., The Presence of the Word, Some Prolegomena for Cultural and Religious History, Yale University Press, 1967. 54-65

the spoken message or story. Ong uses the words "repetition" and "echo" as characteristic of an oral age. Writing and printing, according to Ong, had the effect of calming the psychic anxiety of oral cultures about the need to fix or control their knowledge because of their information storage problem. While the storage problem may have been alleviated, there was, in effect, less control in holding everyone to the same set of thinking.

Ong concludes that the "...relatively non-formulaic character of present-day theology thus registers a print economy of thought." As a result, what he has seen change in theology, especially the teaching of theology at University level, is the abandonment of the Latin-based, oral culture of the Middle Ages. The polemic and oral intellectualism which was reinforced by the splits in Christianity and lived for a long time in Catholic theology, traces back to an oral culture.8 Present day theology emphasises text in context, history, and an inter-disciplinary approach to knowledge.

With the coming of the electronic age and mass media, what Ong calls the age of "second orality", *sound* becomes the new quality of "recuperability." 9 But, as he points out, this age of "second orality" depends not so much on formulae as on slogans, and its knowledge, stored in computers, is instantly retrievable and interactive.

# Paul Soukup: Communication and Theology

Paul Soukup's Communication and Theology, Introduction and Review of the Literature, (1983) is an effort to develop a framework systematically linking communication-related approaches in theology to corresponding concepts in the field of communication. Soukup works from a broad definition of "communication" as...a process in which relationships are established, enshrined, negotiated or terminated through the reduction or

<sup>8</sup> Paul A. Soukup, (ed.) *Media, Culture and Catholicism*, Sheed and Ward, Kansas City, Mo. 1996. 15

<sup>9</sup> Walter Ong, The Presence of the Word...88

increase of uncertainty, 10 and of theology as ... a systematic investigation and study of God, either as God [in God's Self]... or in relation to human beings and human living."11 For Soukup the breadth of the definition is able to hold in tension three dimensions of communication's character, *processual*, *relational* and *filled*; in other words, communication's ongoing nature which resists reification; its character of affecting and effecting while in turn being affected and effected; and, its content or message.

In his effort to arrange material relating to theology and communications, Soukup discovered an array of other people's schemata, from the most general, which he identifies as Lonergan's fourfold typology of meaning, 12 to more specific attempts to develop theologies of communication.13 He also surfaced six communication analogues which seemed to be operative in the body of research he reviewed —language, art, culture, dialogue, broadcasting and theology—each with their own set of conceptions and concerns which change as the analogues change. For instance, materials originating from a broadcasting analogue viewed reality through an early transmission model of communications—basically a sender-receiver model. Broadcasting itself has developed beyond this one-directional dynamic in its efforts to become more interactive and so the broadcasting model is continually changing, with great implication for those who use it to relate with theology or to develop theologies of communication. Finally, Soukup surfaced four major topics which authors and researchers tended to address: religious self-understanding; attitudes toward communication; kinds of communication strategies appropriate to churches; and, communication ethics and advocacy.

<sup>10</sup> Paul A. Soukup, *Communication and Theology, Introduction and Review of the Literature*, World Association for Christian Communication, London, 1983. 19 11 Paul A. Soukup, *Communication and Theology*... 19-21

<sup>12</sup> Lonergan's four typologies of meaning are: its cognitive role—mediating the world and structuring human meaning; its efficient role—it produces effects; its constitutive role—it constructs social institutions; and, its communicative role—it connects people. Paul A. Soukup, *Communication and Theology*... 24

<sup>13</sup> Paul A. Soukup, Communication and Theology ... 24-26.

#### APPENDIX B

# Abortion Law in the Republic of Ireland

The 1983 Pro-Life Amendment referendum, supported by two-thirds of the electorate, was the result of successful lobbying of politicians to hold such a referendum. By law, abortion had been a crime in Ireland since the mid-nineteenth century (s.58,Offences against Person Act, 1861) but pro-life amendment supporters were seeking Constitutional protection (Constitution of Ireland,Art.40.3.3,). This is perhaps a case of Ireland being influenced by the "Gulf-stream culture" namely the U.S. Supreme Court Ruling (Roe vs. Wade, 1973) which had made abortion legal in the United States, giving birth to a well organised and active pro-life lobby in that country. Irish pro-life activists were anxious for constitutional protection precisely to avoid the "Court-driven" scenario of the United States. But, the passage of the 1983 Amendment by a two-to-one majority of the Irish electorate was also indicative of a modernising society which was, nevertheless, continuing "...to affirm strong links between private and public morality." But the public fabric was being pulled apart Dermot Keogh refers to the 1983 campaign as "...one

<sup>&</sup>lt;sup>1</sup> Michelle Dillon. *Debating Divorce, Moral Conflict in Ireland*, University Press of Kentucky, Lexington, KY, 1993, 28. This differs from the Divorce Referenda which were both called for by the governments of the time and were not a result of a people-based initiative.

<sup>&</sup>lt;sup>2</sup> For one view of the genesis of this grass roots movement see Emily O'Reilly, *Masterminds of the Right*, Attic Press. Dublin, 1992. O'Reilly, a political journalist ,traces the beginnings of the Pro-Life Amendment Campaign (PLAC) to a Dublin Corporation engineer from Dalkey named John O'Reilly, who she describes as "...that one man out of whose brain had come the entire pro-amendment campaign..." (p. 97). She also traces how O'Reilly successfully mobilized the extensive structure of the Knights of Columbanus in campaigning for this Amendment.

<sup>&</sup>lt;sup>3</sup> A term used by Bishop Joseph Cassidy, *Irish Press* (June 6,1986), referring to Ireland being more susceptible to Anglo-American influences than to Mediterranean ones.

<sup>&</sup>lt;sup>4</sup> Michelle Dillon, *Debating Divorce*... 28.

of the most vitriolic and divisive in the history of the state." The vote was to be held on September 7. As Keogh recounts, on September 3, having been warned by the Attorney General Peter Sutherland that the proposed wording could be open to several interpretations, one of which could be the introduction of abortion, Taoiseach Garret Fitzgerald publicly cautioned voters. But the Archbishop of Dublin, Dermot Ryan, took the public view that a "yes" vote would block any possibility of this happening. Dr. Fitzgerald asked for and was refused a direct meeting with the Catholic hierarchy to explain the problem with the wording. On their part the Bishops' Conference Statement of August 22,1983 was strongly in favour of the Amendment, though it did acknowledge that "There are people who are sincerely opposed to abortion and yet who feel that no referendum should take place at all or that a different form of words should have been used. We respect their point of view. However a concrete situation faces us now. A form of words has been decided upon by the Oireachtas." Less than ten years later this would come back to haunt the Irish public.

<sup>5</sup> 

<sup>&</sup>lt;sup>5</sup>Dermot Keogh, *Twentieth Century Ireland, Nation and State*, Gill and MacMillan, Dublin, 1994, 370.

<sup>&</sup>lt;sup>6</sup> Irish Bishops' Conference, Statement of August 22,1983. Archives, Catholic Press and Information Office, Dublin.

#### APPENDIX C

# European Context of Law

In June, 1992 the Irish electorate faced the issue of the ratification of the Maastricht Treaty of European Union. Before the *X Case* had come up, the Irish Government had requested that a Protocol (no.17) be attached to the Maastricht Treaty seeking to protect Ireland's stance on abortion from any future overturning by a European court. With the Irish Supreme Court's decision in the *X-Case*, which in effect made abortion legal in Irish law under certain circumstances, many saw an erosion of the Constitutional protection they thought they had voted for in 1983. In addition, those monitoring the development of European Community Law saw a looming contradiction. Since the *X-Case* involved the issues of the right to information and the right to travel there came into the discourse a distinction between the "substantive issue of abortion and related issues, such as the right to abortion information and the right to travel in order to obtain an abortion.

The European Court of Justice and the Advocate General had already set a direction in rulings in which medical termination of pregnancy constituted a "service." Robinson concludes that "...the Court of Justice and the Advocate General have recognised broad economic rights in relation to abortion" and the Advocate was "...of the opinion that a prohibition on travel...would be disproportionate [based on the Court of Justice principle that national measures must be proportionate to the aim to be achieved]". Since three Irish judges in the *X-Case* were of the opinion that travel could indeed be restricted in Ireland by virtue of Article 40.3.3. and since there seemed no conclusive protection of national law by European Community Law in a case where fundamental human rights

<sup>&</sup>lt;sup>1</sup> William Robinson, "European Dimensions of the Abortion Debate," ... 274. He writes: "Protocol no.17 provided that 'Nothing in the Treaty on the European Union, or in the Treaties establishing the European Communities or in the Treaties or Acts modifying or supplementing those Treaties, shall affect the application in Ireland of Article 40.3.3 of the Constitution of Ireland".

<sup>&</sup>lt;sup>2</sup> William Robinson, "European Dimensions of the Abortion Debate,"...276.

seem at risk, the dilemma was apparent. The prescient warnings of some voices in 1983 had come to life. The Irish electorate found itself with a Constitutional amendment the wording of which, though meant to protect the unborn, in fact, left open the door to abortion. Before the June, 1992 Maastricht ratification vote, in an effort to re-establish the Irish stance on abortion, Taoiseach Albert Reynolds tried to amend Protocol no.17. The European Council refused and Reynolds resorted to seeking a "Solemn Declaration" from member states agreeing to a clarification of the Protocol after ratification. The Irish electorate ratified the Maastricht Treaty. A November, 1992 three-pronged Referendum amended Article 40.3.3 and the electorate voted for the rights to travel and to information "relating to services lawfully available in another state". On the so-called "substantive" issue of abortion the electorate voted 65.4% to 34.6% against the amended wording.<sup>3</sup>

<sup>3</sup> Dermot Keogh, Twentieth-Century Ireland, Nation and State, Gill and Macmillan, Dublin, 1994.372. The wording was as follows: It shall be unlawful to terminate the life of an unborn unless such termination is necessary to save the life, as distinct from the health, of the mother where there is an illness or disorder of the mother giving rise to a real and substantive risk to her life, not being a risk of self-destruction.

The Irish Catholic Bishops' Conference May 26,1992 Statement on the Maastricht Treaty reflects how complex the situation had become. Their statement contained eight subsections, four of which outlined the dilemma facing voters regarding the conflict the X-Case posed in voting for the Treaty. Yet the statement seems to lean toward a Yes vote on the basis that regardless of what happened with Maastricht, appropriate remedial steps still had to be taken in Ireland to protect the rights of the unborn. (Archives, Catholic Press and Information Office, Dublin.)

#### APPENDIX D

The State Broadcasting Service: Radio Telefis Eireann

This is not an attempt to trace the history of Broadcasting in the Republic of Ireland. Maurice Gorham offers the most thorough study of the early history of RTE in his *Forty Years of Irish Broadcasting*, 1 which describes in detail the early days of wireless transmissions, and the most famous use of it in the Easter Rising of 1916.2 More recently, in 1993, Eamonn Hall published a comprehensive study of telecommunication law in *Ireland*, *The Electronic Age*,3 and in 1996, Robert J. Savage published *Irish Television*, *The Political and Social Origins*.4 Of interest to this research is the awareness Hall and Savage offer of the rather unique form of public service Irish Broadcasting actually is.

Hall, a solicitor, gives a comprehensive review of the development of Telecommunication in Ireland, with an emphasis on the development of Communication Law in Ireland, beginning with the early Telegraph Acts and through to the development of Broadcasting Regulation, especially between 1953-1993. He reviews the ensuing privileges, powers and duties of the Government and of Telecom Eireann, other carriers, Cable and MMDS providers, Independent Radio and Television Providers and of Radio Telefis Eireann The value of Hall's work for those interested in the history of telecommunications law in the Republic of Ireland is clear. Of interest to this project is the awareness it offers of the long and rather complex history of a State struggling to develop regulations and statutes for technology with powerful social ramifications. The ongoing tension between the need for regulation and freedom is reflected in the history of telecommunications law in Ireland. Once broadcasting was established as a

<sup>1</sup> Maurice Gorham, Forty Years of Irish Broadcasting, The Talbot press Ltd., Dublin, 1967.

<sup>2</sup> Maurice Gorham, Forty Years... 2.

<sup>3</sup> Eamonn G. Hall, *The Electronic Age, Telecommunications in Ireland*, Oak Tree Press, Dublin. 1993.

State-based operation, Hall describes the history of "hostility towards private enterprise" on the part of senior civil servants and government ministers. This hostility prevailed until the 1988 Radio and Television Act. This, ironically, was not the original feeling when the Lemass Government established the State television service,

Savage combed government letters, documents and private communications and pieced together the fascinating human interaction that took place in the birth of Irish television, especially the contributions of Leon O'Broin and Sean Lemass in the July 1959 government decision to go public and not private with the establishment of a television authority and television station. Savage concludes that this 1959 decision "... represented the conclusion of an ideological debate that had taken place within the restrictive economic confines of Ireland of the 1950's."5 Against the backdrop of a country burdened with years of economic stagnation and emigration the desire to have a public service was there but the concern was whether State administration of it would be profitable. Strong government forces as well as the Catholic Church had lobbied for going private. Savage concludes:

The final decision taken by the government did not give Ireland a true public service comparable to the British Broadcasting Corporation. However, in adopting a state-owned and -operated commercial public service, Ireland had retained a certain degree of dignity and independence. This would not have been the case if the operation of Ireland's television service had been taken on by an American, British, or European corporation...turning over the service exclusively to Gael-Linn would have surrendered it to a sectional, or minority, group that was interested in pursuing a cultural and political agenda that may have alienated a majority of viewers. The end result established a service that was by no means ideal...Given the limited options confronting the state, it would be difficult to define the outcome as anything less than a victory for Irish people.6

<sup>4</sup> Robert J. Savage, *Irish Television, The Political and Social Origins*, Cork University Press, Cork, Ireland, 1996.

<sup>5</sup> Robert J. Savage, Irish Television... 209

<sup>6</sup> Robert J. Savage, Irish Television... 109-210

From its inception the Irish State Broadcasting Service struggled with public/private tensions and choices regarding how its mass media would be structured and regulated. Until recently RTE has enjoyed a virtual monopoly in what is a relatively small market but in recent years been experiencing increased local competition for advertising. (The most recent additions have been Irish Language Channel, Teilifis na Gaeilge (1996) and a Canadian run Independent Commercial Station( tv3, September 20, 1998). 7 RTE depends on the revenue from licensing fees as well as on limited Advertising.

Even a cursory knowledge of the history of RTE programming reveals an impressive level of local creativity.8 An *Irish Times* editorial, announcing the advent of TV3 and the advertising competition it represents, gave RTE credit for not losing sight of "its duty to provide quality programming, to cater for minority interests and to reflect the cultural identity of all its viewers." But it also acknowledged RTE's "monopoly on national news and serious current affairs."9 Currently, the RTE Authority is the body which has editorial control over all the news and current affairs programs of the national broadcasting service.

It is this monopoly which has the power to construct social reality as well as to provide accessibility for all to quality public information. DCU Professor Farrell Corcoran, who has served as Chairman of the RTE Authority, holds up media mogul Silvio Berlusconi's referendum in Italy in 1995 as a cautionary tale 10 Corcoran concluded that "... the real issues of power, media, and democracy were transmuted into viewer fear of

<sup>7</sup> The Irish Times on the Internet, Saturday, September 19, 1998, "Switching on a New Station" Opinion Section. See also, "Push of a button will end nine years of waiting," Michael Foley in the same edition; related is the article "RTE loses first round but the show's not over." (Opinion) about RTE's legal action against Cable Management of Ireland's substitution of TV3 in the slot allocated to Network 2. On the same day, the Independent Radio and Television commission chairman Niall Stokes announced the possibility of three more radio stations in Dublin. "Dublin could have three more radio stations-Stokes", Michael Foley.

<sup>8</sup> Eamonn G. Hall, *The Electronic Age* ... Introduction.

<sup>9</sup> The Irish Times on the Internet, Saturday, September 19, 1998, OPINION "Switching on a New Station."

losing favourite sporting events, game shows and soap operas." With Rupert Murdoch waiting in the wings to take over Berlusconi's media empire, the choice before the Italian electorate was between "colonisation by Murdoch" or, what Corcoran describes as "refeudalisation "of the public sphere in Italy. For the Irish market the choice may not be as immediately dramatic as Italy's, but the pressures are there.

## The 1995 Green Paper on Broadcasting11

In the Republic a Green Paper is a discussion paper, put out to the public before a final, white paper is published. The 1995 Green Paper on Broadcasting is entitled, *Active or passive? Broadcasting in the future tense*. The headings of its chapters reveal the broad concerns facing those responsible for the future of broadcasting in the Republic and each chapter ends with discussion questions. 12 To date, there is no White Paper on Broadcasting resulting from this Green Paper.

One of the questions in the Chapter on Licence Fees and Other Sources of Revenue (183-187) relates to the above issue of the tension between economic and cultural pressures. At this time, RTE receives a Grant-in-Aid equivalent from the Government Exchequer. The legislation covering this does not stipulate to what purposes RTE may put the licence fees and this reflects the hands off approach by Government to the daily operational decisions of RTE. These licence fees are constituting less and less a percentage of RTE's annual funds, and so RTE must look to Advertising

<sup>10</sup> *The Irish Times*, Wednesday, July 26, 1995, "Press has power to construct our versions of social reality.", Farrell Corcoran.

<sup>11</sup> The Ministry of Arts, Culture and the Gaeltacht has oversight responsibility for RTE. In 1995 the Minister was Michael D. Higgins of the Labour Party.

<sup>12</sup> The Chapters are: Media and the Public Sphere: Public Service Broadcasting and developing technologies; Broadcasting Structures; Organisation of RTE broadcasting services; Transmission; The Licence Fee and other sources of revenue for broadcasting; National, regional and local services; Irish Language and culture in broadcasting; Children as viewers; Educational broadcasting; News and Current Affairs; Quotas in Broadcasting; International Broadcasting; Issues of concentration of ownership and cross ownership.

and other sources of income for operating expenses. The question is: "Should television licence fee revenue constitute a minimum of 50% of the national broadcaster's revenue to protect the editorial independence of programme makers?" (184) And, "is it appropriate that the question of the timing and amount of a licence fee increase should be determined solely at the pleasure of the Government of the day?(184) There are similar questions coming out of the larger European and global contexts. Patterns of domination and dependency reflected by foreign capitalised and controlled companies are of serious concern. The larger policy entities which must regulate these are more sensitive to economic arguments than to cultural concerns of nations.(132) If there is to be "Television Without Frontiers" what happens to the cultural identities of individual states?(134) 13Ireland is caught in between Europe and the U.S. in terms of its commitment to the English language and the Green Paper wonders how this can be reconciled.(135) One of the more intriguing questions is will "the wealth of intelligence and imagination available for cultural production in Ireland find space for its voice to be heard?"(136) and, most seriously, "Can we break the cycle of cultural dependency endemic to many post-colonial societies with the right financial, technological and educational infrastructure and regulatory policies and unleash the creative intelligence of a younger generation?"(136)

The contradictions inherent in a world in which technology is changing the way we view time, space, history, and, indeed, our own needs and wants and allegiances throw up these unsettling but necessary questions and cannot help but prompt a country to review its own tradition, realising that what used to be "national sovereignty is becoming a leaky vessel for political autonomy." (129)

Chapter Three of the Green Paper is "Media and the Public Sphere."

<sup>13</sup> See also, Mary Kelly, Bill Rolston, "Broadcasting in Ireland: Issues of National Identity and Censorship," in *Irish Society, Sociological Perspectives*, Patrick Clancy, et. Al. (eds.) IPA, Dublin. 1995. 563-591.

14This very directly uses Habermas's concepts to question the issue of Public Sphere in Ireland. It states: "The ultimate goal of a healthy production sector in Ireland, particularly in broadcasting... is the cultivation of a healthy democratic public sphere." (143) The technological explosion has "...the potential to enlarge citizen choice, to provide opportunities for many different voices to be heard and to offer alternative wares to the public." (143) According to the Green Paper, the first dilemma...is "...how to reconcile the pressures that seek to make information merely a commodity with the need to retain its value as a public good." (143) The Paper goes on to say that "...in the tradition of Western European democratic theory and practice, modes of public communication are situated at the heart of the democratic process." (144)

What policies deepen and broaden democracy, promote citizenship rather than passive consumerism? Are viewers and listeners "...to be identified as passive and vulnerable or as an active, sturdy, independent, differentiated collection of publics?" (144-145)

In a direct reference to Habermas there is a description of the development of the public sphere in the late eighteenth and early nineteenth centuries followed by the characterisations of an "eroded public sphere," one which is depoliticised, consumer-oriented, narcissistic and alienated more and more from community. (145) The Green Paper is concerned that this erosion is deepening with global communication technologies under transnational control.

The question then becomes: "Can any media space be regarded as a public sphere if there is a problem of literacy or if the tabloid press is able to exert extreme commercial pressure on the quality press?" (146) This surfaces any number of questions related to the public service broadcasting model and its ability to stretch to meet the new needs, e.g., is a headline news service, without analysis and contextualisation, sufficient to "support

<sup>14</sup> On the suspicion that he may have had something to do with the writing of this chapter I e-mailed Professor Farrel Corcoran at DCU. He confirmed that he indeed had helped

citizens that are informed enough to participate in public decisions?" How broad is access to current affairs programming? Do spokespersons represent a wide variety of citizens and interest groups? Are there adequate historical perspectives? How do we avoid too much control of debate by media professionals and elite members of society? Is there a need for audience feed-back mechanisms so that the public service model itself can be evaluated.? (146)