

Introductory Systematization

Why should we, as Christians, ponder the ethics of justice, when there are so many modern theories of justice which demonstrate a convincing level of quality? The subject of justice is a topic of great interest in current academic discussion, society and politics. Moreover it is easy to establish that outside Christian theology the subject of justice is treated in such a way, in every dimension, that it enjoys a worldwide acceptance among most social scientists, as well as with many non-western thinkers. It seems as if the philosophy of ethics has succeeded, since the end of the twentieth century, in handling the concerns of the Christian cardinal virtue of justice comprehensively, in a systematic theory and in distinctive ethical approaches, and in the process developing a generally acknowledged theory of society and culture. With the late modern reception of Immanuel Kant's doctrine of right in the form of modern theories of justice, it has already done enough, in a great many ways, to accommodate the actual core idea of Christian ethics, namely the need to protect the inalienable value of the human individual.

So we find ourselves, as Christian ethicists, faced with the question – Is it not superfluous to try to add something from the Christian angle to the Renaissance of universalist theories of justice brought about by modern ethics at the start of the 21st century, in hope of somehow going beyond it? The answer to this must be a resounding *No*, seeing that Christian ethics has a theoretical added value to offer to any 'freestanding theory of justice' – by reinforcing it epistemologically, placing it squarely in a lifeworld, reconstructing its *Weltanschauung* and reconnecting it theologically with an unconditional and non-negotiable core. The following discussion aims not just to establish its normativity on a surer basis, but also to make its ethicality universally plausible and uphold it in the face of all post-modern attempts at relativization. This is because the "hermeneutical re-adaptation of normative principles to

existing institutional structures or dominant moral convictions”¹ can and should be achieved not just by harking back to Hegel’s concept of ethicality and on the basis of a philosophical-normative freestanding social theory, but rather needs to be backed up by religious concepts of meaning which reveal justice as the unconditional core area of a comprehensive morality and of a reality which rises above it. As a result of this religious-existential dimension, then, the theory of justice becomes part of a *comprehensive Weltanschauung*² rather than remaining limited, as is the case with the classic theory of justice, to the political sphere.

Thus the starting hypothesis of the present study is that this “re-adaptation”, which is likewise aspired to from the angle of theological ethics, can very well be achieved through the systematic mutual implication of religious (particularly Christian and normative) moral theories with modern theories of justice. The research project proposed consists in deepening a modern and universal ethics of justice, by developing it further and reincorporating it in the lifeworld of the many people who are open to religious concerns.

This is because the process of *normative reconstruction* can be attempted not just on the basis of social theory, but also by being based on the terms of *Weltanschauung* and religious belief – without however becoming contingent, one-sided or dependent on a particular faith. A systematic integration with theological normativity on no account implies the reactionary endeavor to make the dominance of existing religious factors, in a quasi-repressive way, the actual datum and starting point of a theory of justice. What we are rather concerned with here is a dimension of meaning and an attempt at explanation involving a perspective of multiple worlds of significance. There is absolutely no intention, either, of depriving the theory of justice of its critical potential, acquired through a certain degree of abstraction from the plurality of lifeworlds.

The critical, anti-authoritarian and emancipatory liberation which we owe to the interactive, discursive, consensus-oriented generalizability of norms and to modern, freestanding contractual theory will be neither rolled back nor put in question by the at-

tempt to formulate a Christian and theological theory of justice. On the contrary, the criteria of modern ethics remain in force. Based on this, theological ethics too are subject to the requirement of consensus-capable generalizability, and above all individual human acceptance. Indeed they actually coincide with the formal claim to generalizability of a *modern* theological form of natural law and even that of a *post-modern* Christian moral theory, as we hope to demonstrate in what follows.

Likewise with reference to the material object of ethics there exist notable agreements. This in view of the fact that the deeper sense of Christian moral philosophy and moral theology correlates with modern discourse ethics, as well as with philosophical theories of ethics based on theory of justice, in seeking to take sufficient account of the extreme vulnerability and need of protection of the human person.³ Here philosophical ethics and theological ethics cohere in their formal goal and material objective to serve the good of the individual human being. This is not subject to any further consideration of means to an end, but is and remains their actual constitutive factor.

The starting point for the present study, however – for all that it is undertaken in a spirit of self-critical awareness – is the reasoned suspicion that this liberating potential of modern theories of justice must not only first be made compatible with the concerns of a Christian and theological ethic;⁴ it can also be reinforced and further developed by a specifically Christian re-adaptation. To many who are not at home in the Christian faith, or who equate Christianity with its given temporal and historical rootedness in a church, this may seem a strange idea. Above all for Catholic Christians, coming from a tradition of the law of reason, but who like their Protestant sisters and brothers are convinced of the trans-temporal correctness of a fundamental biblical orientation, there is no contradiction between general norms based on a theory of justice and ethically generalizable commands of genuine humanity in the spirit of Jesus Christ. This is already owing to the imperative of fundamental theological non-contradiction between reason and faith. But it has also been confirmed historically in the develop-

ment of modern social ethics and political ethics of an occidental provenance. These have always been characterized by a concern for human rights, and aimed above all at the legal-ethical protection of the human individual. Central to the message of Jesus Christ two thousand years ago, and central to the love of God, is no other entity than each single human individual.

At the same time there remain differences of method between Christian ethics and secular political philosophy. So for example the question needs to be addressed whether the normative ethics of justice can be freestanding or not, and to what extent religious certainties like the existence of God should be allowed to play a role. For Kant the postulate of the existence of God also presumed a logical precondition of ethical argument,⁵ because he saw an unconditioned originating cause as essential for the existence of the ethically good. In modern and post-modern ethics, on the other hand, this logical linkage is rarely any longer seen as a necessity of moral thought. Even in Christian theological ethics since the seventies of the last century there have been different views on this issue, ranging from a theonomous to an autonomous justification of morals.⁶

But it still makes a decisive difference whether ethical systems are in principle open to the transcendent or not, whether they recognize God as a personal and loving counterpart to human beings or pass over this area in silence. This is because the reference to a transcendent God gives justice an extended dimension of understanding, which will be the subject of the present investigation.

Equally crucial is the question of the acceptance of the hermeneutical significance of religion, its motivating force and plausibility in a lifeworld context. In theological ethics this realm is definitely not assigned to the area (difficult for reason to penetrate) of the *lifeworld*⁷ but rather belongs to the theologically accessible sphere of reflection on the content of faith.

It should however at the same time be made clear to the advocates of theology that faith alone, even for Christian ethics, is not sufficient in methodological terms for the establishment of norms. The linguistic games, tendencies of thought, assumptions of faith

and dogmatic premises of theology are just too different as compared with secular post-modern lifeworlds and world views. So in any approach to Christian ethics it is advisable to aim for a basis in normative justification – one in which individual acceptance and rationality play such a large part for the identification of justice that Christian morality remains convincing and justifiable even in post-modern terms. This presupposes that the levels of hermeneutics and normativity will not be confused, and it presupposes likewise an art of weighing up rival ethical goods in the light of the concrete affectivity of the persons concerned which has been a matter of concern in Christian moral theology.

In Christianity there exists a long tradition of differentiation between the hermeneutics of faith and a rationally justifiable universal normativity which was already the actual basis, in Catholic ethical argument, for the decision in scholasticism to focus on natural law and the law of reason.⁸ For a large part of philosophical ethics the difference between religious hermeneutics and universal normativity could only be resolved through the post-metaphysical abstraction of normative theory from lifeworld and *Weltanschauung*. This distinction remains valid in academic theological circles but is still subject to a logical linkage. By contrast with secular moral theories, it is in fact the claim of a Christian theological approach to ethics that the methodological abstraction from contextual contingency and religious situationality need not be at the expense of theological insights and the demands of moral law, but should rather be carried out in commensurability, logical compatibility and harmony with biblical hermeneutical morality and the Christian theological tradition.

To that extent the basic theoretical hypothesis of this study exhibits a counterfactual momentum in relation to the prevailing form of occidental philosophical ethics. Christian-theological ethics consciously rests in a tradition in which a universal theory of justice is not arrived at just through abstraction from the given religious lifeworld. On the contrary, Christian justice needs the context of the lifeworld in order to be rendered dynamic, flexible and complete.⁹ This should however be in a form capable of gener-

alization, one that remains open-ended in inter-cultural and inter-religious terms, and may even show traces of modernity or post-modernity – as we will proceed to explain in what follows.