The Tension Between Normativity and Plurality in Religious Dogmas and in Constitutional Principles

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June 23, 2014

Abstract

This essay briefly analyzes whether the tension between normativity and plurality in religious dogmas may shed a light in the similar tension also found in the dynamics of constitutional principles. The application of Gadamer’s hermeneutical theory to a transcendental theological framework is placed into conversation with Dworkin’s integrity of the law. This is undertaken through a comparison between the dynamics of conversation for religious dogmas as symbols of a tradition and the function of constitutional principles in the context of Ronald Dworkin’s theory of law as integrity.

Keywords: normativity, plurality, religious dogmas, constitutional principles, conversation.

1. Dogmas in Transcendental Theology

The great religious traditions derive from reflection on and meditation of transcendental revelation in myths, doctrines and practices. Faith and belief are fruits of the relativism of the divine coming into being through the experience of revelation. Revelation and faith are central in any theology. In a transcendental and
anthropological religious paradigm, dogmas are symbols of the experience of God’s self-communication that depend upon the mediation of faith and reason acting in the ordinary aspects of human life (Rahner).

In the anthropological-transcendental framework of theology, the objective aspect of revelation is certainly maintained, for the content of the experience of the divine is conveyed and informed by historically conditioned media. At the level of consciousness, revelation is perceived through action, narrowed by form.  

The anthropological aspect implies a “turn to the subject” of faith, which enables the notion of revelation as a common human experience. The intrinsic relationship between faith and revelation on one hand and other religious symbols such as dogmas, on the other, is totally dependent on the philosophical foundations of a theology.

Rahner’s transcendental theory is elaborated from Aquinas and Kant’s first-order metaphysical experience but redirected and reinterpreted to comprise human compulsory material existence. In this existence, everything is grace. Even dogmas are an instantiation of grace. Where there is the human, there is grace because God’s self-communication constitutes the very essence of any human life. Both dogmas and beliefs are symbols of this experience of God’s grace. Dogmas, in turn, are expressions of the confessional “content” of faith and as such they are necessarily perceived as relative and dynamic.

There are two aspects of this relativity of dogmas. First, because faith is neither knowing nor an ordinary instance of reasoning, dogmas and doctrines are derivative of revelation and faith, are relative in regard to the transcendent-absolute. In other
words whatever exists in the realm of time, space and consciousness, including thoughts, emotions, aspirations, values or faith, exists through action. However, because grace and nature are so bound together and self-consciousness so challenging, it is very difficult to discern between our orientation to being and to the union with God. Transcendentalism invaded theology as a means to expand our understanding of the reach of God’s presence as encompassing all that is perceived. God becomes the gravitational center of ordinary life, not only of the extraordinary. The relative leads toward the absolute.

Second, as in any other human response to revelation, dogmas are intrinsically understood through historical consciousness, since they are part of an integral human response to reality. Responses to reality in the realm of action necessarily imply dynamism, progress and change. As the human is inserted into history, historicity is a presupposition not only for the social and natural sciences but also for theology.6

Positivistic, rhetorical and dogmatic accounts of revelation and faith stress a condensation of experiences of the divine into statements of permanent truth in the form of objective knowledge contained in scriptures and other symbols of religion. A productive human participation in revelation is then excluded since all revelation occurs only in the past and the theological method, including its hermeneutics, is restrained by quasi-scientific techniques from the Enlightenment. Dogmas tend to rigidity. On the transcendental account, however, the height and depth of God’s self-communication will never fit the theological a priori because the mystery is dynamic and incommensurable with objective truth deriving from knowledge. God’s presence is surely glorified in Jesus, but never exhaustively understood by humans. It is rather
received and understood within an ongoing process of history.

Paradoxically, the notion that all revelation occurs only in the past indicates its very historicity. The strong input of revelation in any religious symbols is also historically conditioned in terms of their particularities of situations and circumstances in time, space and consciousness. This way, the symbolism of revelation refers back to the production of divine meaning through history itself, and never dissociated from it.

Historicity of revelation is also relevant in another aspect of the transcendental paradigm: the universal, where transcendentalism is articulated as universality. The experience of the Love of God as revelatory is universally available. Religious questions are essentially universal. For Christians in particular, this signifies that their dogmas must bear universality because all human beings are a primary instance of God, regardless of cultural and religious localization. “Rahner saw the most basic human experiences _ the ability to know, to love and to make decisions _ as indicating an experience of God.” ⁷ God’s loving project culminating in the incarnation of Jesus Christ aims exactly for the salvation of all.⁸ Every human being has the opportunity to experience God. The plurality of religious manifestations spinning around Jesus is legitimated by the universality of his message.⁹ Besides that, God created all. Thus, all that exists shares a common unity through its source, self-realization and determination.¹⁰

This notion leads to a self-transcendence geared by the power of the absolute fullness of being. The fullness of being and the inner power of self-transcendence are to be understood as distinguished although present in the finite existence in such a
way that it can transform the being into something essentially different.

Therefore, the universality of revelation and the experience of God and all its consequences must assume an “inevitably pluralistic”\(^\text{11}\) characteristic, comprehending all religions and traditions indiscriminately (outward), individual interpretations of the symbols and experience (inward) and communal diversity (organic).

### 2. Conversation and Religious Dogmas

Different methods for interpreting religious experience stem from the actuality of the historicity and pluralism of religions. Among these methods, historical critical approaches and literary critical constructions\(^\text{12}\) offer a useful ground for a theology operating fundamentally upon the de-centered reality of post-modernity.

The tension between plurality and the normative nature of religious dogmas is the object of David Tracy’s hermeneutics of conversation, which is much influenced by Gadamer’s dialectical theory of language. Historical consciousness reinforces synchronic pluralism by demanding horizontal conversations among communities of faith, readers and scriptures,\(^\text{13}\) and within communities. For Roger Haight, inspired here by Karl Rahner, the foremost conversation is however endowed by God’s self-communication with human beings, which is revelation itself, an experience, assuming various forms in the collective (historical) and individual (existential) realms.\(^\text{14}\)

Basically, for Gadamer, the human does not exist apart from language. Hermeneutics is the understanding of being, and being so understood is language. Thus, the
experience of being is interpreted experience, and everything that can be understood is understood within and as language.\textsuperscript{15} The combination of these key pieces, namely the anthropological-transcendental theology of retrieval of Rahner and Haight, and the hermeneutics of conversation of Gadamer and Tracy, may provide a formulation of a broad picture for the complex dynamics of plurality and normativity of dogmas.

For religious dogmas, the actuality of what is in the past only exists through a dialectical relationship between the “horizon of the interpreter” and the “horizon of the tradition.” These dialectics may allow the functioning of dogmas as classics, in the manner they are used in the church. Such a possibility allows Paul Crowley to explore dogmas in the context of the plurality and unity of church.\textsuperscript{16}

Tracy explains conversation as the back-and-forth of questions and provisional answers by interpreter and tradition (text or other symbols) that allows for an appropriation of the tradition by the interpreter. The main idea is that an “authentic analogical language” would permit articulation of differences as genuinely different but also similar to what is already known, the basic requirement being the risk of dismissing present understandings in order to arrive at new formulations.\textsuperscript{17} For this reason, conversation is grounded in hope for enlightenment, freedom and emancipation. Ultimately, conversation reflects a desire to change for the better, transforming the self with questions and answers.\textsuperscript{18} And, it fosters all sorts of dialogues, including the interreligious.

This model calls into question the historicity of mutable religious conceptions that constitute religious traditions. Dogma as a symbol of faith \textsuperscript{19} reflects a transcendental
view of revelation that entails a condensation of the self-communication of God in revelation into principles of “relative adequacy.” A hermeneutics for the view of religious dogmas as classics (Gadamer, Crowley) aligns, in these terms, with the characteristic “turn to the subject” from anthropological theology because dogmas will be constantly redefined in the world through their conversations; the fusion of horizons.

Crowley’s suggestion of dogmas functioning as classics opens for discussion possibilities on the problem of plurality and unity. Briefly, three principles of the hermeneutics of dialogue set a basis for the transposing of dogmas as classics: a) the moment of application: any classic speaks to the interpreter in a contemporary context. The interpreter must apply the past norm by creating present meaning; b) historicity of understanding: every act of understanding contributes to a tradition of interpretation. History forcibly conditions understanding. The interpreter stands within the tradition of the text c) the authority of tradition: tradition is a “transmitting agent” of its own animate self-manifestation.

Although classics tend to be received as “normative” and “historical,” they need interpreters willing to face their provocation in the horizon of the tradition, in order to continue to exist. Dogmas then serve as “monuments of a tradition”, expressions of it. They share of the historicity and normativity of the tradition, bringing commitment to the validity of truth of religious texts. However, their application is always essentially informed by contemporaneity since they operate through dialogues between the subject’s horizon and the tradition’s horizon, what is safeguarded by a commitment to
the “search” for a new truth arising from the depths of the teleology of the text.

The historically-conditioned and reflexively self-conscious meditation of the interpreter on the strange aspects of the text result in the “fusion of the horizons.” The exchanges between these horizons lead to new understandings, which coincide with emerge from the arrival at a new horizon. Thereafter, a particular dogma may be understood anew, and therefore differently.

The continuity of a religious tradition through conversation illuminates the constant tension between a plurality of understanding and the normativity of dogmas and the possibility of plurality in understanding dogmas by fostering a unity of truth through diversity of interpretations.

3. Constitutional Principles and Religious Dogmas

Constitutional principles and religious dogmas share some essential characteristics: a) both are basic statements of faith expressing core values or ideals of a tradition (religions) or society (law); b) they have historically served as ethical elements for unification of communities and societies; c) they originate from radical transformations in a group of people who intend to set new patterns for living, in both individual and collective aspects; d) for this reason they reflect and inform collective and individual identities with something which is believed to have a greater significance than what an exclusively individual interpretation provides; e) they are generalizations or abstract concepts that require concrete faithful responses from those living under their reach; f) their main internal systematic function is to sustain and
organize a system of doctrines, rules, beliefs, practices, rituals and behaviors that
work in more particular levels; g) they are deeply historically conditioned; h) they are
normative, sometimes finalistic, projections for the future interacting in the present,
originated from crucial moments of the past; i) they are relative, thus they may be
complementary, partial, conflictive, ambiguous and even contingent and changeable
in time.

The intention here is not to equate constitutional principles with religious dogmas
at all. Rather, a brief analysis on the main characteristics of the principles is a crucial
prerequisite for any understanding of hermeneutical theories that articulate these
categories. 24

Members of a political community, envisioning and aiming a better life, 25 accept a
general commitment to obey core rules containing stipulations shared by all. 26 A
compromise for the normativity of the principles tolerated by each member supports
the stabilization. There is a bilateral exchange in this compromising of character to the
content of the principles. And, the principles act in the individual. Each member [of
the society has a voice in the shaping and the evolution of meaning (interpretation) of
the principles. These principles are acknowledged as dynamic sources of legal
tradition in constant development, rendered living through ongoing interpretation. In
the field of law, pluralism, in the form of diversity is a strongly desired and nurtured
element of democracy. Law as integrity 27 not only allows, but also fosters political
participation by fostering conflicts among individuals. Ronald Dworkin’s integrity
theory is an interpretative theory of the law that counterbalances conventionalism or
traditionalism with the pragmatism of a forward-looking agenda,\textsuperscript{28} in the favor of legitimacy of the law through democracy.

The question between constitutional continuity and change is a question of interpretation of constitutional principles, and much like the question of doctrinal or dogmatic evolution or change, is a matter of the interpretation of them as symbols.

The American Constitution is a resilient project, purposely partial and incomplete. Its foundational values, such as freedom, bear highly informative roles in fundamental rights and state organization and have drastically been reinterpreted by society through judicial review through the centuries. Let’s briefly analyze an example of change:

During the socially vibrant period post Second World War, Brown vs. Board of Education would symbolically inaugurate a new constitutional citizenship paradigm overcoming the model represented by the Civil Rights Act of 1866 and the Fourteenth Amendment (1868). The Constitution evolved from the assurance of slavery, considered implicit in its original text though explicitly endorsed in Dred Scott v. Sandford,\textsuperscript{29} to an understanding that we were “separate but equal,”\textsuperscript{30} after the Fourteenth Amendment in 1868, until the formal end of slavery. In Brown, the Supreme Court realized that the law of equality is also the law of inequality because principles (or dogmas) are adopted or enhanced at critical moments in the country’s history, in order to promote political and economical compromises palatable to the most powerful groups of society.\textsuperscript{31} The court may have envisioned that interpretation and application are never dissociated and that law is an attempt to compromise contending
and social forces and interests articulated in terms of values, principles (or dogmas) and doctrines, over a pluralistic background where the actuality of diversity prevails.

32 The court may have glimpsed that the interpretation of “what is” necessarily implies the interpretation of “what is not.” Thus, it could have anticipated the notion that nothing can escape the reach of interpretation, which is a central concept in the plurality of language of Heidegger and Tracy.33

This leads to a crucial observation: what the constitutional text enforces is not equality, but equality in the eyes of the law.34 In other words, what is at stake is a reading of equality. Equality is a principle deriving from the ideal of freedom. As an ideal, equality informs law as an endless project sustained by faith and aspiration. Our desire for it will never expire. Who could attest for equality in a public educational system that offers reduced opportunities in central districts where African-Americans and Latino communities predominate, in contrast with the general abundance of resources of largely white suburban districts? Equality is an aspiration. Inevitably, when there is any legal interpretation attempting to satisfy one aspect of equality, others will pass imperceptibly or illegitimately. This creates internal and external conflicts of interpretation. While protecting equality to a certain degree, the law maintains and even fosters inequality in other forms. More particularly, citizenship is an agenda about what all citizens enjoy by virtue of being a citizen in given time and space circumstances, but on the other hand it also justifies all attitudes of the state toward non-citizens. Legal principles simultaneously nurture and are fed by conflicts.

In Gadamer’s hermeneutics, the idea that every moment of understanding has
also a negative dialectical moment entailed in it comports that the equality of the law is also its own inequality. Understanding is not unlimited. There is a partial area that will not be encompassed, especially in a pluralistic universe of feasible meanings.

How can one interpret equality or citizenship in a manner that will support our core values of freedom and equality in an exceedingly pluralistic American society? The problem is very similar in religion: How do we find a hermeneutics of doctrine that encompasses and fits pluralism satisfactorily while sustaining the communal flame of belonging to a constant tradition?

Dworkin faces the tension between the necessity of legal legitimation, which is what predominantly maintains a “constitutional tradition” alive, and the moral reading of constitutional principles, a mechanism for constitutional change. His theory, “law as integrity,” is an interpretative theory relying on coherent and rational changes. To explain integrity, Dworkin proposes an exercise of creative interpretation called “the chain novel of the law.” The principle of integrity instructs judges to identify legal statements “on the assumption that they were all created by a single author.” In the chain novel of the law, judges shall interpret past decisions and rules in order to create, with their best effort, a new coherent and integral chapter for the ongoing story. Judges are compared to writers. Each new chapter is created by means of creative interpretation deriving from the reading of the vast reach of the legal system forming the previous chapters of the story. Integrity is a horizontal consistency, not a vertical. It does not trust the authority of tradition, unlike Gadamer’s notion of authority, which is basically vertical. The past is only relevant to the level allowed by
contemporary *foci*. The chain novel of the law receives historical elements only for the imposition of purpose over the tradition. Through creative imagination Dworkin opens up legal interpretation for dialogues with other forms of interpretation: “Since all creative interpretation shares this feature, and therefore has a normative aspect or component, we profit from comparing law with other forms or occasions of interpretation.”\(^3^6\)

For the arduous task of interpreting all instances of the law, Dworkin creates the abstract figure of a judge (Hercules) whose super-human capabilities will always provide the best interpretation possible for legal problems based on the most coherent concepts of justice and equality expressed by a given community.\(^3^7\) This figure understands the legal system as entirely integral, coherent and unique.\(^3^8\) His most crucial role is precisely to decide hard cases involving constitutional principles. In doing so, he will have to find currents of meaning rather than a single exhaustive theme. These layers of meaning could be understood as elements in Gadamer’s horizon of the interpreter. In order to maintain the chain novel of the law, every new judicial decision (the new chapter of the novel) shall reflect as much as possible the ideal decision that the judge Hercules would profess in the case.

The new chapter could be compared to the result of the fusion of horizons. Law as integrity is decisive for the maintenance of legitimacy in a similar way that Gadamer perceives the principle of authority of tradition as a natural protection. However, processes of the fusion of horizons and of the new chapter of the chain novel will definitely not occur in similar ways, even because the principle of authority of
tradition admits a vertical authority, whereas the new chapter entails a horizontal one.

Integrity is described as the complex, coherent and dynamic web of rational connections of creative interpretations of the legal system by judges, seen through the prism of the material continuity of the law. Dworkin fosters a rational and logical evolutionary narrative of the law, supported by creative interpretation. Needless to say, the personal interpretative style of the interpreter is maintained—which Dworkin’s underscores with “Hercules” persona. Part of the richness of the classics lies in the fact that they must be able to speak individually to each reader as though they were an individual proposal for a conversation. A conversation is a dialogical phenomenon that obviously embodies subjective strata. From this perspective, constitutional principles could be considered classics for they allow for subjective questions and answers. Take, for example, the personal implications from the right of free speech or the right to vote. Also, and more fundamentally, judicial interpretation is of course never purely objective.

In further analyses, integrity works through a set of personal questions, not answers, because each real judge would interpret the law and the case differently, although the ideal judge Hercules serves as an abstract guide. In this sense, integrity protects constitutional legitimacy as a process, which is perceived in a way similar to the way symbols of faith and revelation evolve through interpretive processes in the religious context. An example of this would be the mediation of Jesus as a center of gravity in Christianity throughout history.

A most relevant point in the theory of law as integrity is that each judge must
interpret the entire novel before attempting to write a new chapter that will be added to the chain. This means that, ideally, they should interpret the entire set of jurisprudence, customs and traditions, besides all written norms. In this case, the judge is an interpreter entering an infinite dialogue between the entire legal system and totally immersed in the historicity of the understandings.\(^{40}\)

Although Dworkin does not explicitly articulate categories of dialogues or conversations in his theory, it is implicit that the ideal decision is always the result of a back-and-forth interaction between the judge and the legal system and the judge and the particular case, whose results are close or perhaps similar to Gadamer’s “fusion of horizons.”\(^ {41}\) Even though the judge Hercules is unreal, real judges must undertake the broadest interpretative task possible; they must taste the entire system, a huge horizon. The openness of such effort and the vastness of its grounds seem to shape a hermeneutical experience comparable to the challenge plurality imposes upon religion: the endeavor for grasping a normative reality within the pluralism evident with a communion of faith. When the judge consciously mediates the “history of the effects of past meanings on the current act of understanding,”\(^ {42}\) she is articulating diversity and plurality with legal legitimacy, for the sake of democracy. The role of “integrity” in Dworkin’s theory is that of a counterweight operating against a perception of legal plurality as a dissipating force, seen as a possible threat to unity in the Constitution and the entire law. Nonetheless, integrity is only possible through a “conversation” of the all-inclusive system (jurisprudence, customs, legislation, unwritten norms, constitutional principles and rules) with the interpreter, among them,
in relation to the concrete case at hand. Only then may any decision be designed.

The three principles of the hermeneutics of dialogue guiding the transposing of dogmas as classics in Crowley/Gadamer are also found in the interpretative theory of “law as integrity”: a) the moment of application: any principles speaks to the interpreter in a contemporary context and the interpreter must interpret the past norms by creating present meaning; b) historicity of understanding: every act of understanding contributes to a tradition of interpretation (the chain novel of the law), and the judge stands within the tradition of the text; and c) the authority of tradition: tradition is a “transmitting agent” animated by integrity.

This way, in a concrete case, those constitutional principles involved in hard cases could then function as classics, allowing judges to search for their meaning in particular, tangible, actual circumstances within a given community that belongs to the infinitude and dynamism of the entire legal system. The dialecticism embodied in the dynamics of the “normative” and the “historical,” so relevant in Gadamer’s and Tracy’s accounts of language, is a natural constant in the conflictive context of constitutional interpretation.

But how do we arrive at the best interpretation? How do we prevent one discourse from ideologically and socially excluding another, as in the question of equality and its corollaries? Here, Tracy would perhaps indicate the impossibility of ultimately clear well-defined resolutions (relative adequacy), considering that all understanding is necessarily linguistic-dependent, which causes any real-life interpreter to act biased. No interpretation is free from the interpreter’s horizon and no
interpreter is free from her own place in history and consciousness.

Dworkin, in turn, also admits that no legal interpretation will ever be definite. It will always assume a provisory nature since the constitutional narrative will never end. Classics resist definitive interpretations. In the United States, it is in the unwritten constitutional principles (maintained by common law practices) where the most prominent and fast constitutional changes occur. Later on, if submitted to severe formal procedures and material discussion, such interpretations may eventually modify the written text. This way, interpretations of the unwritten constitution are of great informative and transformative value for the written constitution, revealing another peculiar and internal dialogue between customary and written principles.44 This internal conversation between written and unwritten constitutional principles may reflect some aspects of the dynamics of internal conflicts of interpretation of religious dogmas.

Concepts of a classic text must also include resistance in time, socio-cultural pervasion and even political foundation. Any notion of the classic shall reaffirm its great role of transmitting a tradition and providing for the drawing of “horizons into focus around it to the degree that it is engaged by interpreters through dialogue with it.”45 The set of interpretations of the classics denotes their inescapable charge of idealism.

How might Gadamer’s hermeneutical theory shed light on what we are saying here about the interpretation of the law within a Dworkian framework? Religious classics and dogmas are characteristically and ineluctably universal, but a constitution may be
at its best universal only within the community, if this is not ontologically flawed. The term universal shall refer to humanity at its totality. Universality within a group of people may be, at the most, considered as communion. Although constitutional principles are necessarily shaped out of the most fundamental values and ideals of a society, they are definitely not paradigms for the whole humanity, but only for a particular group. The universality of the classics and of dogmas rests on the fact that they are responses of faith, to utmost fundamental questions of human unique existence and the nature of ultimate reality. Modern constitutions, on the other hand, although condensed from and justified by core socio-political values that unit a people, are definitely not responses to questions of ultimate reality, nor of utmost aspects of human existence. Rather, they are paradigms that unify a particular society around a solid shared plan for a better, freer, more equal, more just life. Constitutions are clearly not elaborated for the whole humanity, unlike religious symbols.

In sum, religious dogmas or principles contain generalizations for furtherance of life and bear other similarities with constitutional principles, but a) their understanding spectrum goes much beyond the latter, in order to include the transcendental aspects of life and the nature of ultimate reality; b) although they may be informed with human core values, they are symbols of God’s self communication developed in a particular community of faith towards the entire world (universality). Scriptures have served as a kind of general code of great flexibility for all or almost all cultures. Constitutions, on the other hand, are a modern political phenomenon happening mainly in western
societies, where they tend to laity. This is of course not saying that constitutional principles must be necessarily deprived of the significance of the experience of God. Yet, the grounds upon which conversations of the principles occur are not illuminated by religious faith or universality. Therefore, conversations that include symbols of the presence of God and sustained by metaphysical presuppositions are materially different from secular conversations with constitutions or constitutional principles even if the dialogue involves religious matters.

The very concept of what a classic text is indicates forbearance in time, sociocultural pervasion and even political foundation. Any notion of the classics shall not divorce itself from the great role of transmitting a tradition and providing for “horizons into focus around it to the degree that it is engaged by interpreters through dialogue with it.”

4. Conclusion

According to Gadamer, the classic must speak something particular to each reader. Only that which speaks individually is valued as a classic. The “classical” element is the constant rising above the vicissitudes of changing times and changing tastes. It is as a “timeless present” interacting with all eras. Classics within a language are not truly universal. Historically detached readings of classics are quite impossible. So, although constitutional principles unify and maintain precious dialogues in society, they are not universal in the sense that religious dogmas may assume when understood as classics.

Constitutional principles certainly have historical, relative, authoritative and plural characteristics, like religious dogmas. However, they seem to lack universality, which
should be counted as an important element for the transposition of principles as classics.

Moreover, there are structural differences between the understanding and the handling of the tension between normativity and plurality in the conversational mode applied for religious symbols by Tracy and Dworkin’s theory of “law as integrity.”

One difference is the fact that Tracy articulates the matrix of conversation directly through the many possibilities offered by dialectics, while Dworkin uses other elements such as coherence and rationality, in order to organize the dialects of his hermeneutical theory of integrity of law.

Another difference is that Tracy relies on the search for truth as a philosophical paradigm supporting his method whereas Dworkin organizes his integrity of law for purposes of fulfillment of justice, which is a question that goes beyond the tension between normativity and plurality. These philosophical and methodological differences seem also justified by the essential concepts adopted for religious dogmas and constitutional principles, above mentioned.

Nevertheless, “law as integrity”, through the “novel chain of the law” is indeed an interpretative theory suggesting a mechanism similar to a colossal, counter-factual and ideal conversation among all the immeasurable elements of a legal system (the interpreter and the concrete circumstances of a concrete case) in every application of the law. Not only is the writing of a new chapter of the chain novel of law the fruit of what resembles a conversation involving the judge, but so also is the entire phenomenon of law, including the Constitution.
In the end, the interpretation of a religious classic, such as the Bible or a secular “non-classic” such as the Constitution, should help in determining what we are or, at least, what we plan to become at this point in history. In this regard, both accounts converge, although the authority of tradition (Gadamer) works vertically and integrity (Dworkin) horizontally: all meaning reached through the interaction between the interpreter and the symbol, or principle, or any other vehicle involved in a tradition, will necessarily point back to our own actuality as a fruit of the mysterious exchanges between the individual and the collective and the past, the present and the future.
1. Action is an immanent feature or condition of material existence: “Action in its most general sense refers to existence, in this case human existence. Human existence is action. But action denotes a human existence always in act; it is a dynamic existing.” See Haight, Dynamics of Theology 7-8.


3. A symbol is that which discloses something else other than itself and also participates in it.


5. For Roger Haight, in the same transcendental line, faith does not occur apart from “pure reason” (logical explanations), but beyond reason, with autonomous validity, as “self-transcending implicit reasoning.” This is a position that refers back to Newman and Tillich, for whom the human spirit is always self-conscious and reasonable, Roger Haight, Dynamics of Theology (New York: Orbis, 2001), 40 – 42.

6. Haight, Dynamics of Theology, 56, 62, 63-64.


9. Haight, Dynamics of Theology, 85.


11. Haight, Dynamics of Theology, 56, 209.

12. Other relevant existential (Tillich) and sociological constructions (South American liberation theologies of Gutierrez, Boff and Segundo) are different results of an abiding embrace of the historicity of faith by Christian theology.

13. And other religious symbols such as language, figures of language, concepts, interpretations, myths, saints and prophets.

14. Haight, Dynamics of Theology, 81 - 84.


16. Ibid., 109.

17. Tracy, Plurality and Ambiguity, 92 – 93.

18. Ibid., 16.


20. Tracy, Plurality and Ambiguity 22, 61.


22. Ibid., 123.

23. For interdisciplinary and methodological purposes, religious dogmas and constitutional principles will be addressed as elements or categories of equal or at least
similar functions in their particular contexts. The teleology of such approximation rests on the formulation of a possibility for an interdisciplinary dialogue. Later, at the end of this article, I will briefly examine this approximation on the basis of their essential differences and some implications stemming out of them.

24. This assumption is intended to carry the minimum charge of pragmatism possible.


26. In this article, I adopt the concept of law as integrity (later explained) as outlined by Ronald Dworkin, because of the approximation of horizons made possible between this philosophical framework and the transcendentalist-theological theology of Rahner and Haight, taken through the conversation in plurality of David Tracy and Gadamer.


32. Tracy, *Plurality and Ambiguity,* 52.

33. Lincoln, in a Springfield speech on June 26, 1857: “They did not mean to assert the obvious untruth, that all were then actually enjoying ... equality, nor yet, that they were about to confer it immediately upon them.... They meant simply to declare the right, so that the enforcement of it might follow as fast as circumstances should permit.” See Mary F. Berry, “Lincoln and Civil Rights for Blacks”, in *Journal of the Abraham Lincoln Association,* vol. 2 issue 1, 46 – 57 (1980).

34. Dorkin, *Law’s Empire,* 228 – 232, 237. A hermeneutical alternative for constitutional principles that could offer insights on the question of religious dogmas is Jack Balkins’ “constitutional framework.” He interprets the American Constitution as a story manifested in the drama of the American people, leading to a never-reachable redemption. The redemption is the never-ending realization of American core ideals such as freedom and equality. Its main problems, however, derive from the methodological risk of articulating faith in the constitution as similar to the theological element, abruptly transposed to the context of legal philosophy and political science studies, deprived of a satisfactory preliminary preparation. See Jack Balkin, *Constitutional Redemption: Political Faith in an Unjust World* (Cambridge, MA: Harvard Univ. Press, 2001).

35. Ibid., 228.

36. Ibid., 225-232.

37. Ibid., 174, 401.

38. Ibid., 239.


40. Crowley, 117-118.

41. Ibid., 130 – 131.
42. Ibid., 131.
43. Tracy qualifies a “good interpretation” as “relative adequacy” because of its necessary inconstancies and unpredictability of results. Tracy, *Plurality and Ambiguity*, 22, 61.
46. The American Constitution, which effects dates of 1789, is considered the first modern constitution. For more about the American Constitution history, see Amar, *America’s Constitution: A Biography* (New York, Random House, 2005).
47. This assumption is free from any charge of pragmatism as a future-oriented approach.
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