ARC, THE JOURNAL OF THE SCHOOL

47
(2019)

OF RELIGIOUS STUDIES, MCGILL UNIVERSITY

ARC

THE JOURNAL OF THE SCHOOL OF RELIGIOUS STUDIES
MCGILL UNIVERSITY

Volume 47 : 2019

Editors
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Arc is an interdisciplinary, refereed journal published annually by the School of Religious Studies (formerly Faculty of Religious Studies), McGill University. Founded in 1973, the journal was restructured in 1990 into a formal scholarly journal. *Arc* combines the talents of professors and graduate students in offering space for scholarly discussions on various aspects of the academic study of religion – including method and theory in the study of religion – with focus in the following areas: philosophy of religion; social ethics; history of religion; comparative religion; studies of sacred texts; theology and interreligious dialogue. *Arc* has an international circulation, including Canada, the United States, Australia, India, the United Kingdom, New Zealand, South Africa, Kenya, Nigeria, Japan, China, the Philippines, Indonesia, Germany, Switzerland, Italy, Norway, Belgium, and the Netherlands.

Arc now incorporates Religious Traditions: A Journal in the Study of Religion (ISSN 0156-1650), first published in 1978 with Ian Kesarcodi-Watson (1938-84) and Arvind Sharma as its founding editors.

Arc is indexed in Religion Index One: Periodicals, published by the American Theological Library Association (ATLA), and is part of the ATLA Database available online at http://www.atla.com/.

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LCCN cn 82-30306; RSN 8276282; ISSN 0229-2807

Website: https://arcjournal.library.mcgill.ca/index
E-mail: arc.relgstud@mcgill.ca

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Silence as Resistance and Compliance: Contraception and Catholicism in the United States

Laurel Andrew, *Concordia University*

> *Discourses are not once and for all subservient to power or raised up against it, any more than silences are…Discourse transmits and produces power; it reinforces it, but also undermines and exposes it, renders it fragile and makes it possible to thwart it. In like manner, silence and secrecy are a shelter for power, anchoring its prohibitions; but they also loosen its holds and provide for relatively obscure areas of tolerance.* [1]
>
> – Michel Foucault

Being silenced and being silent can be very different experiences. While the former is typically represented as censorship, a tool of oppression, the latter can be a place of resistance. Silence can also be simultaneously liberating and oppressive. This ambiguity of silence is outlined in Michel Foucault's *History of Sexuality.* For Foucault, silence, which includes "the things one declines to say, or is forbidden to name, the discretion that is required between different speakers" is an essential component of discourse, and cannot be separated from the power relationships therein.[2] Silence is not "the absolute limit of discourse," but rather exists in relationship with the things that are

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[1] Michel Foucault, *The History of Sexuality Volume I: An Introduction*, trans. Robert Hurley (New York: Vintage-Random House, 1978), 100–101.
[2] Foucault, *History of Sexuality,* 27.

Arc – Journal of the School of Religious Studies, McGill University
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uttered.[3] Alongside discourse and power, silence, for Foucault, is non-binary, relational, contingent, and always shifting.[4] There are many kinds of silence, and each can be used in various ways to various ends.

This paper examines how Roman Catholic women in the United States engage silence as a form of resistance in their relationship with the Catholic Church, to manage their own fertility. This silence involves the use of proscribed methods of birth control and a corresponding rejection of the obligation to confess this impropriety to the Church. This paper suggests that utilizing discretion while contravening papal authority on contraceptives allows many American Catholic women private control over their own fertility and reproductive health, without provoking significant opposition or criticism from the Church. However, to participate in such a silence requires a certain amount of privilege among lay Catholics, including the ability to access birth control products and information outside of the purview of Catholic institutions, as well as the resources to afford such products. This privilege of privacy is becoming increasingly elusive to many women and their families seeking access to contraceptives, as Catholic hospitals increase in number and influence in the United States while maintaining restrictions on contraceptive provisions. Moreover, an increase in Catholic control of reproductive healthcare is related to this silent resistance, because, as the laity maintains a silence on birth control, the Catholic Church in turn remains free from public opposition. Therefore, while certain individuals may benefit from such a resistance, many others will be hindered in their access to contraceptive information and resources. This paper is a thought experiment which brings together Foucauldian ideas of power with questions of contraceptive access, reproductive justice, and Catholic health systems in the United States. As such, I do not engage all sides of an extremely complex, robust, and ongoing debate about reproductive health and care within Catholic theology, the American healthcare system, Catholic sexual ethics, and reproductive activism. Instead, I attempt to think through the idea of silence, and the freedom that it provides, as relative, and I suggest that the relationship between silence, power, and privilege merits discussion in the context of reproductive choices and Catholic women in the United States.

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[3] Foucault, *History of Sexuality,* 27.
[4] Foucault, *History of Sexuality,* 27, 94.

"Reproductive justice" – a term synthesizing the ideas of "reproductive rights" and "social justice" – was coined in 1994 by a group of Black women within the reproductive rights campaign,[5] and provides an overarching framework for this paper. This neologism was meant to highlight limitations within the existing language of "reproductive rights," which presented "individual choice" as separate from, and ignorant of, the socio-economic, racial, and political components embedded in access to choice.[6] Reproductive rights activist and scholar Loretta Ross, one of the individuals seminal to creating this term, explains that reproductive justice involves three intersections under the purview of human rights: "(1) the right to have a child under the conditions of one's choosing; (2) the right not to have a child using birth control, abortion, or abstinence; and (3) the right to parent children in safe and healthy environments free from violence by individuals or the state."[7] As part of its conceptualization within human rights more broadly, reproductive justice locates reproductive freedom as a necessity for equal participation in society, and positions reproductive health and care as a necessary component of community membership, because "human rights never exist independently of the needs of the common good."[8] The concept of reproductive justice is therefore beneficial for this paper because it provides a framework for discussing individual human rights in relationship with others, and for thinking about the relationship between silence, privilege, and contraceptive use as simultaneously helping some individual Catholic women, while harming others. The official Catholic position on contraception remains as it is outlined in the 1968 encyclical *Humanae vitae* (HV).[9] HV prohibits Catholics from using any form of birth control other than natural family planning, which involves limiting sexual intercourse to a woman's infertile period during her menstrual cycle, to reduce the likelihood of the couple conceiving.[10]

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[5] Loretta J. Ross, "Reproductive Justice as Intersectional Feminist Activism," *Souls* 19, no. 3 (2017): 290.

[6] Ross, "Reproductive Justice," 290. See also Loretta Ross and Rickie Solinger, *Reproductive Justice: An Introduction* (Oakland, CA: University of California Press, 2017), 16.

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[7] Ross, "Reproductive Justice," 290.

[8] Daniel C. Maguire, "Religion and Reproductive Policy," in *God Forbid: Religion and Sex in American Public Life,* ed. Kathleen M. Sands (Oxford University Press, 2000), 191.

[9] A strong debate persists today regarding the meanings, interpretations, and continued relevancy of *Humanae vitae* among scholars, lay Catholics, theologians, the Vatican, and others. For further reading about the controversy of this encyclical from its inception, see Mark. S. Massa, "Humanae Vitae in the United States" in *The American Catholic Revolution: How the Sixties Changed the Church Forever* (New York: Oxford University Press, 2010), 29–48. For more on this particular discussion within the Catholic news, see https://cruxnow.com/vatican/2018/07/at-50-fans-says-you-can-debate-ruling-in-humanae-vitae-but-not-its-relevance/. For an example of a more recent theological discussion of HV, see Tatha Wiley's "Humanae vitae, Sexual Ethics, and the Roman Catholic Church" in *The Embrace of Eros*, ed. Margaret D. Kamitsuka (Minneapolis: Fortress Press, 2010), 99–114.

However, national surveys in the United States show that despite this official papal injunction, most sexually active Catholic women of childbearing age use or have used artificial contraceptives or other proscribed methods of birth control. For example, a 2011 survey from the Guttmacher Institute found that only two percent of self-identified Catholic women in the United States use natural family planning as their only means of limiting births, while sixty-eight percent use highly effective methods of birth control, such as sterilization, the anovulant pill, or intrauterine devices.[11] Regardless of personal use, another national survey published that same year, featuring Catholics over the age of eighteen, found that sixty-six percent of American Catholics (male and female) felt that the decision to use contraceptives should be made by the individual and not be dictated by papal authority.[12] This percentage has remained remarkably unchanged since the same question was posed to American Catholics over eighteen in 1987, with sixty-two percent of Catholics affirming individual choice for birth control in place of Church authority.[13] More recently, a 2016 study from the Pew Research Center shows that forty-one percent of American Catholics consider artificial contraceptives to be morally acceptable, and forty-eight percent deem the decision to be outside of the realm of morality altogether.[14] Of the most devout Catholics in the United States (classified in this study as those who attend Mass at least one a week), forty-five percent feel that birth control is moral, while forty-two percent do not view it as a moral issue at all.[15] Thus, statistics show that the majority of lay Catholics in the United States approve and/or make use of officially prohibited methods of contraception.

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[10] Paul VI, *Humanae vitae,* encyclical letter, Vatican website, July 25, 1968, secs 14–16.

[11] Rachel K. Jones and Joerg Dreweke, *Countering Conventional Wisdom: New Evidence on Religion and Contraception* (New York: Guttmacher Institute, 2011), 4–5, http://www.guttmacher.org/sites/default/files/report_pdf/religion-and-contraceptive-use.pdf.

[12] William V. D'Antonio, Michele Dillon and Mary L. Gautier, *American Catholics in Transition* (Lanham, MD: Rowman & Littlefield, 2013), 77, 79.

[13] D'Antonio, Dillon and Gautier, *American Catholics in Transition,* 77, 79.

The idea that the use of birth control is compatible with the identity of a "good Catholic," despite being forbidden by papal authority,[16] is partly connected to the outcomes of the Second Vatican Council. Vatican II (1962–1965) was convened with the objective of modernizing and refreshing the Catholic Church and gave rise to a new focus on individual conscience and moral autonomy for lay Catholics. In such papal documents as *Dignitatis Humanae* (1965*) and Gaudium et Spes* (1965), the Catholic laity found a representation and affirmation of personal conscience in moral decision making and Church acceptance of lay knowledge, which was previously unrecognized by papal authority. This ideology produced a shift in self-understanding among the Catholic laity, who were now deemed more morally authoritative by the Vatican. Catholics began to judge certain moral issues for themselves, no longer troubling the clergy during confession, especially with decisions about birth control.[17]

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14. *Where the Public Stands on Religious Liberty vs. Nondiscrimination*, (Washington, DC: Pew Research Center, 2016), 26, https://www.pewforum.org/2016/09/28/4-very-few-americans-see-contraception-as-morally-wrong/.
15. "Where the Public Stands," Pew Research Center, 26.
16. D'Antonio, Dillon and Gautier, *American Catholics in Transition,* 158–9.
17. D'Antonio, Dillon and Gautier, *American Catholics in Transition,* 146. See also Leslie Tentler, *Catholics and Contraception: An American History* (Ithaca, NY: Cornell University Press, 2004), 228–9.

Although prevalent, the usage of contraceptives by Catholics remains discreet in the United States and is enacted in part by the laity through their rejection of the obligation to confess their use of birth control. Following Vatican II, the United States witnessed a decline in attendance in private confession by lay Catholics.[18] Attendance was noticeably lower in the United States by 1966, and by 1969 the sacrament of confession was considered to be "in a state of collapse" by many American priests.[19] Andrew Greeley's 1977 study of American Catholics showed that monthly confession declined dramatically from thirty-seven percent in 1963 to seventeen percent in 1974.[20] Low attendance at confession remains a point of concern for American Catholic clergy. In 2012, Cardinal Timothy Dolan, the then-president of the U.S. Conference of Catholic Bishops, warned his fellow bishops that this sacrament was in danger of disappearing altogether.[21] Moreover, citing the most recent Pew study (2015), which found that only forty-three percent of Catholics in the United States attend confession at least once a year,[22] the Catholic media outlet *Crux* shows that some

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18. Rosemary Radford Ruether, "Women in North American Catholicism," in *Encyclopedia of Women and Religion in North America*, ed. Rosemary Skinner Keller, Rosemary Radford Ruether, and Marie Cantlon (Bloomington, IN: Indiana University Press, 2006), 132.
19. Tentler, *Catholics and Contraception,* 244.
20. Andrew Greeley, *The American Catholic: A Social Portrait* (New York: Basic Books, 1977), quoted in D'Antonio, Dillon and Gautier, *American Catholics in Transition,* 74.
21. Timothy Dolan, "Presidential Address," *United States Conference of Bishops.* Address given at the USCCB General Assembly Fall meeting, November 12, 2012*,* http://www.usccb.org/about/leadership/usccb-general-assembly/2012-november-meeting/presidential-address-cardinal-dolan.cfm.
22. *U.S. Catholics Open to Non-Traditional Families* (Washington, DC: Pew Research Center, September 2015), https://www.pewforum.org/2015/09/02/u-s-catholics-open-to-non-traditional-families.

priests, such as those in Baltimore, have recently extended the hours for confession in hopes of accommodating Catholic's busy schedules.[23]

Not only did many Catholics stop attending confession in the wake of the Second Vatican Council, of those who did continue to confess regularly, historian Leslie Tentler notes that most "simply stopped mentioning birth control when they itemized their sins."[24] For example, in a survey conducted ten months after the release of *Humanae vitae*, only fourteen percent of priests reported being consulted on the morality of birth control by at least several lay people a week.[25] This trend continues in the United States today, as aforementioned, with decisions about birth control and reproductive healthcare deemed to be within the realm of individual conscience and authority, and therefore not required as a topic at confession.[26]

This relationship between confession and birth control marks a dramatic shift in how Catholics historically understood and approached confession of contraceptive use prior to Vatican II and can be understood as a resistance.[27] For example, Tentler's study

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23. Tim Swift, "Baltimore Priests Working to Reverse Decline in Confession in Novel Ways," *Crux: Taking the Catholic Pulse* (March 7, 2020), https://cruxnow.com/church-in-the-usa/2020/03/baltimore-priests-working-to-reverse-decline-in-confession-in-novel-ways/.

24. Tentler, *Catholics and Contraception,* 244.

25. Tentler, *Catholics and Contraception,* 267.

26. D'Antonio, Dillon and Gautier, *American Catholics in Transition,* 86–7.

27. This paper does not unpack the theological importance or history of confession in Catholicism. For information about the official Catholic teachings about confession, see "The Sacrament of Penance and Reconciliation" on the Vatican's website: https://www.vatican.va/archive/ccc_css/archive/catechism/p2s2c2a4.htm. For reading on the history of confession, see Annemarie S. Kidder, *Making Confession, Hearing Confession* (Collegeville, MN: Liturgical Press, 2010).

shows that sex was an important topic of confession from the 1930s to the 1950s. Not only were priests trained to ask intentional and pointed questions about marital sex during this time, but the laity themselves were likely to divulge their contraceptive use during confession, without much provocation.[28] Discussing the sin of contraception and other sexual improprieties was an important component of confession for laity and clergy at this time, because only the priest had the authority to absolve the penitent of her sins, and this could only occur in the honest detailing of her moral lapses, which the priest had to be ready to discover through certain lines of questioning, in order to provide the most effective pastoral care.[29] In *The History of Sexuality*, Foucault argues that confession has been traditionally centered around sexuality and sexual practices. Foucault traces the compulsion to bear witness against oneself in the name of redemption to the seventeenth century, when not just actions but also desires and thoughts became prioritized in the obligatory "self-examination" that the Catholic Church's Counter-Reformation imposed.[30] The act of confession itself instigated the process of turning sexuality into discourse.[31] By trading speech about sex for redemption, the Church was able to define certain sexual acts as sinful, and establish a means of governing sexual practices.[32] Foucault depicts confession as permeating Western cultural existence, and suggests that the act has become internalized as liberating for Western citizens; viewed as providing freedom from the burdens of secrecy.[33] However, Foucault reminds his readers that the *raison d'être* of confession was control over sexuality by creating a discourse around it, thereby regulating and governing it.[34] Foucault notes that confession does not occur in a vacuum, but with "the presence (or virtual presence) of a partner who is not simply the interlocutor but the authority who requires the confessions, prescribes and appreciates it, and intervenes in order to judge, punish, forgive, console, and reconcile."[35] According to Foucault, a confession is pulled from a person, forced and coerced, by the promise of salvation. In this power relationship, the person confessing is not an agent, though she is the one who speaks.

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[28] Tentler, *Catholics and Contraception,* 139.
[29] Tentler, *Catholics and Contraception,* 140.
[30] Foucault, *History of Sexuality,* 19.
[31] Foucault, *History of Sexuality,* 18–19.
[32] Foucault, *History of Sexuality,* 37.
[33] Foucault, *History of Sexuality,* 59–62.

Instead, she is constrained by her speech.[36] To refuse to speak in confession, where speech is expected, rejects the authority of the Catholic institution. The aforementioned decline in attendance, paired with the refusal to mention contraceptive use during confession, falls under what Keating labels "silent refusal," which is defined as "a mode of being silent that aims to resist…coercions to speak in the service of power."[37] Canon law requires that Catholics confess at least once a year, and confession is necessary to receive absolution, to be "reconciled with God and the Church."[38] To opt for silence instead of confessing one's sexual violations is to refuse the Church the opportunity to judge them: it is to reject the hierarchy's authority to provide redemption, and thereby control these sexual practices. This act of silence troubles the power relationship between the subject who confesses and the one who judges, because it rejects the role of the obedient subject which this relationship requires.[39] However, while this silence can thus be read as an act of resistance, it is not part of what Foucault calls the "great radical ruptures," which are "massive binary divisions" between networks, potentially significantly disrupting power relationships between the Catholic institution and lay Catholics.[40] This silent resistance instead simply makes the use of birth control invisible, reinforcing the belief that this use is deviant (and therefore something that must be kept secret). Thus, this silence reproduces the stigma attendant on utilizing artificial contraceptives for Catholics.

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[34] Foucault, *History of Sexuality,* 60.

[35] Foucault, *History of Sexuality,* 61–2.

[36] Foucault, *History of Sexuality,* 61–2.

[37] Christina Keating, "Resistant Silences," *Silence, Feminism, Power: Reflections at the Edges of Sound*, ed. Sheena Malhotra and Rowe A. Carrillo (Palgrave Macmillan, 2013), 26.

[38] cc. 960, 989, in *Code of Canon Law*, Vatican website, http://www.vatican.va/archive/cod-iuris-canonici/eng/documents/cic_lib4-cann959-997_en.html.

While such a silence affords some individual women freedom in reproductive decisions through the subsequent minimization of conflict that anonymity guarantees, it paradoxically restricts the freedom of those who cannot wield the privilege of privacy. As noted above, this privilege requires the ability to afford and access birth control methods, as well as the ability to access to information outside of Catholic institutions. This latter is already tenuous for an increasing number of Catholics, as the face of American Catholicism continues to change by consequence of immigration. "Millennial Catholics," those born between 1980 and 1993 – a predominantly Hispanic demographic – are expected to become the majority within American Catholicism in the next three decades.[41] The Hispanic American Catholic population tends to have lower incomes than non-Hispanic American Catholics of the same age group.[42] As sociodemographic differences continue to alter American Catholicism, the privileged access to contraceptive information and resources that silent resistance requires becomes increasingly exclusive. Furthermore, increasing Catholic control of hospitals in the United States is making the availability of reproductive healthcare outside of Catholic institutions more elusive to all American women.[43] In 2016, MergerWatch, a nonprofit organization based out of New York which monitors religious-secular hospital consolidations, published a report tracking the increase in Catholic sponsored or affiliated hospitals in America from 2001 to 2016. This report found that Catholic hospitals were the only type of non-profit hospitals to achieve growth during this period, along with for-profit hospitals (increasing by about eight percent where other non-profit hospitals decreased by about thirty-eight percent).[44] According to this study, one in six hospital beds in the United States is in a Catholic hospital[45] – an increase from the one in nine beds found in 2011.[46]

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[39] Foucault, *History of Sexuality,* 85.
[40] Foucault, *History of Sexuality,* 96.
[41] D'Antonio, Dillon and Gautier, *American Catholics in Transition,* 140.
[42] D'Antonio, Dillon and Gautier, *American Catholics in Transition,* 141.

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43. This statement refers to access to contraceptive and abortion services only; it is not meant to diminish the importance or many benefits of Catholic hospitals within the US health care system more broadly. For a more comprehensive discussion around other medical, social, and religious issues that Catholic hospitals face, see A. Kutney-Lee, M.D. Mchugh, B.M Wall, and G.J. Melendez-Torres, "Distinct Enough? A National Examination of Catholic Hospital Affiliation and Patient Perceptions of Care," *Health Care Management Review* 39, no. 2 (2014): 134–44. See also Barbra Mann Wall, *American Catholic Hospitals: A Century of Changing Markets and Missions* (New Brunswick, NJ.: Rutgers University Press, 2011).

44. Lois Uttley and Christine Khaikin, "Growth of Catholic Hospitals and Health Systems: 2016 Update of the Miscarriage of Medicine Report," *American Civil Liberties Union* and *MergerWatch,* 2016, 2.

45. Uttley and Khaikin, "Growth," 4.

46. Lois Uttley, Sheila Reynertson, Lorraine Kenny and Louise Melling, "Miscarriage of Medicine: The Growth of Catholic Hospitals and the Threat to Reproductive Health Care," *American Civil Liberties Union* and *MergerWatch,* December 2013, 1.

This number has increased from one in nine beds in their 2011 findings. Proliferation of Catholic health institutions has real implications for women's access to certain reproductive care because Catholic hospitals in the United States adhere to Catholic rulings on sexuality and reproduction. Catholic affiliated hospitals are governed by the "Ethical and Religious Directives for Catholic Health Care Services," issued by the United States Conference of Catholic Bishops. These directives outline acceptable healthcare policy for Catholic organizations, and are aligned with Catholic religious tenets that exclude many reproductive technologies and health services, including contraceptive products and information, abortion access, sterilization, and fertility treatments.[47] For example, guideline forty-five of the directive states that an abortion is "never permitted" at a Catholic hospital, with no stipulation in the case that it might be necessary to save the mother's life. Guideline fifty-two states that "Catholic health institutions may not promote or condone contraceptive practices but should provide…instruction both about the Church's teaching on responsible parenthood and in methods of natural family planning."[48] These directives therefore ensure that not only are various reproductive medical services not to be provided, regardless of the patient's wishes, but that information about contraceptive procedures and resources is not to be discussed with the patient based on Catholic principles. The "Ethical and Religious Directives" are meant to be institutionally enforced and upheld regardless of the religious beliefs of the doctors or the patients at the hospital. The Catholic affiliation of the institution thus dictates what kind of reproductive health services will be available to female patients. While of course not all individual doctors and nurses employed at Catholic hospitals adhere to these guidelines without compromise, they remain in place to govern these institutions. A more significant consequence of these past hospital mergers is that, as of 2016, forty-six Catholic sponsored or affiliated hospitals have been designated as "sole community providers," an increase from thirty in 2013.[49] A sole community provider hospital is a hospital that is located geographically too far from other similar hospitals (at least thirty-five miles) to be considered one option among others for medical care.[50] Access to a non-Catholic hospital for members of the communities in these areas therefore requires not only resources, such as the means and ability to afford transportation to the next closest hospital, but also time, which becomes impossible for anyone experiencing an urgent care situation (such as being in labour).

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[47] Uttley and Khaikin, "Growth," 1.

[48] "Ethical and Religious Directives for Catholic Health Care Services," *United States Conference of Catholic Bishops,* Sixth Edition, June 2018, 18–19, http://www.usccb.org/about/doctrine/ethical-and-religious-directives/ /upload/ethical-religious-directives-catholic-health-service-sixth-edition-2016-06.pdf.

Finally, patients at these hospitals are not the only people impacted by the religious regulations of Catholic institutions regarding reproductive care. The Catholic Health Association states that over 500,000 full-time staff, and over 200,000 part-time employees, work in Catholic hospitals.[51] These employees, because they work for a Catholic institution, are differently represented under the Affordable Care Act (ACA), which generally requires employers to provide coverage for certain birth control methods. Originally, not-for-profit organizations, including Catholic hospitals, were not exempt from this requirement due to religious affiliation. However, in 2011 lawsuits on behalf of religious groups, including Catholics, began to be filed against the so-called ACA contraceptive mandate, arguing that forcing employers to provide contraceptive coverage to their employees infringed on religious freedom. Challenges to contraceptive insurance coverage in the ACA continue to surface in the United States and remain unresolved. The Trump administration has issued executive orders expanding religious and moral exemptions from this mandate, while some states respond in kind with lawsuits against these expansions. Most recently, in January of 2020, the Supreme Court agreed to consider whether employers will be allowed to opt out of insurance coverage for contraceptives based on religiosity. This is the second time the Supreme Court has addressed this issue since the ACA's creation, the first being the widely publicized *Zubik v. Burwell* in the spring of 2016, which questioned whether religious institutions must abide by the contraceptive mandate. This court case again argued that forcing employers to sign a document over to the insurer to provide coverage for contraceptives was an infringement of religious freedom for Catholic institutions. The ruling of this case, issued in May of 2016, sent the decision back to lower courts to be renegotiated. A decision in the renewed 2020 case has yet to be reached.

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[49] Uttley and Khaikin, "Growth," 5. This statement refers to contraceptive access and abortion services. It is not intended to elide the many other important and necessary medical services that such hospitals provide to underrepresented areas.

[50] Uttley and Khaikin, "Growth," 5.

[51] "U.S. Catholic Health Care," *Catholic Health Association of the United States,* (2020), http://www.chausa.org/ docs/default-source/default-document-library/the-strategic-profile-of-catholic-health-care-in-the-united-states_2020.pdf?sfvrsn=0.

Through a Foucauldian lens, power in silence is not a top-down structure, but a pervasive network that can be accessed from discrete points to obtain many different goals: silence is both a "shelter for power" and a means to undermine it.[52] This paper has used this idea of silence to examine how silent resistance may help individual women achieve their own reproductive goals, but ultimately serves to reinforce Catholic institutional control over contraception by not challenging the systemic denial of reproductive justice that such a restrictive policy creates. An axiom of reproductive justice is that all persons have the right to manage their own fertility as they see fit, but silent resistance in birth control use can obstruct, albeit often unintentionally, many other women from equal access to contraceptive options. Silent dissenters become implicated in the perpetuation of a system that limits certain reproductive and contraceptive choices and healthcare to millions of women in the United States, both Catholic and non-Catholic, as Catholic hospitals increase numerically. This increase can be seen as related to this silent resistance, which does not openly challenge the reproductive policies of the Catholic Church, thereby affording papal authority its own freedom from resistance and conflict. The conversations that are had, or not had, among American Catholics, laity and clergy alike, have real consequences for women and their families in the United States. An analysis of Catholic social teaching, sacramental theology, Catholic sexual ethics, a representation of the potential benefits of Catholic medical institutions and their increase in the United States, and, finally, an examination of the discourses about reproductive justice from Catholic theologians, scholars, and lay persons are important concerns that are beyond the scope of this paper. Examining such perspectives would contribute immensely to the ongoing discourses regarding reproductive health and care, Catholicism, and the United States, and I hope the reader will find suggestions in the footnotes that are helpful in beginning to think through these larger conversations, and in locating some of the silences of this paper through other resources. In the ongoing struggle for both reproductive justice and discourses regarding health and care in the United States, the words of Audre Lorde come to mind: "it is not difference which immobilizes us, but silence. And there are so many silences to be broken."[53]

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[52] Foucault, *History of Sexuality,* 101.

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[53] Audre Lorde, "The Transformation of Silence into Language and Action," *Sister Outsider: Essays and Speeches,* (Berkeley, CA: Crossing Press, 1984), 44.

A Modern Saint in the Making Auto-Hagiography and The Autobiography of Archbishop Archbishop Fulton J. Sheen, *Treasure in Clay*

Alexander Nachaj, *Concordia University*

Let it be said here at the beginning, that this is not my real autobiography. That was written twenty-one centuries ago, published and placarded in three languages, and made available to everyone in Western civilization.[1]

– Archbishop Fulton J. Sheen

The above lines appear on the first page of *Treasure in Clay*, the autobiography of American Archbishop and candidate for sainthood, Fulton J. Sheen. For those not familiar with Sheen, a few introductory remarks will be necessary. Born in El Paso, Illinois, Sheen was a devout Irish American Catholic who was ordained at age twenty-four before becoming a professor at the Catholic University of America (CUA) in Washington, DC, where he taught for some twenty-plus years. During that time he honed his skills as a charismatic lecturer, and also lent his voice weekly to the

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[1] Fulton Sheen, *Treasure in Clay* (New York: Image Books, 1982), 1.

Catholic Hour radio program, eventually becoming their most popular personality. In the early 1950s, after having been made director for the national Society for the Propagation of the Faith (SPOF), Sheen was approached by the National Council of Catholic Men (NCCM) to act as a host of a weekly television program. That initiative would culminate in *Life is Worth Living*, a half-hour prime-time television show where Sheen spoke about philosophical and political issues in a manner accessible to the average American. Watched by millions, he twice won an Emmy Award for Most Outstanding Television Personality. After his show was pulled off air at the peak of its popularity by Cardinal Francis J. Spellman, Sheen participated in the Vatican II sessions in Rome before being made diocesan Bishop at Rochester. After three tumultuous years he retired and sought to recoup some of his earlier television and radio fame, but without much success. He was made the titular Archbishop of Newport in 1969 and died in 1979 after a series of heart problems. Nearly twenty years later, the Archbishop Fulton J. Sheen Foundation officially launched his cause for canonization under the supervision of the Diocese of Rochester. He has since been named Venerable, and his cause is currently awaiting a date for potential beatification.[2]

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2. Sheen has had several potential dates set for his beautification, the most recent of which was Dec 21st, 2019. However, it was stalled by the Diocese of Rochester pending an investigation into several predatory priests who worked in the diocese during Sheen's tenure. While there is no suggestion of impropriety on his behalf, Rochester nevertheless urged for a review of his tenure. See "Beautification for Archbishop Sheen Postponed," *National Catholic Reporter,* Dec 3rd, 2019, http://www.ncronline.org/news/people/beautification-archbishop-sheen-postponed.

Despite being a priest who lived a recognizably devout life, there are several aspects about Sheen that make him an atypical candidate for sainthood. His mid-career celebrity, propelled by his work in television and radio, made him for a time the most recognizable – and popular – member of the Catholic Church in America. Within the Catholic tradition, however, celebrity functions as something of a paradox. On the one hand, celebrity – the composite of fame and charisma – is often the very vehicle which drives a candidate's acclaim and cause for canonization.[3] This is certainly the case with Sheen, whose enduring celebrity (due in no small part to the continuing appeal of his television programs) has continued to endear him to successive generations of Americans, many of whom hope to one day see him canonized. On the other hand, fame tends to be viewed with suspicion by the wider institutions of the Catholic Church, with charisma and gravitas often seen as things needing to be reared in, reconfigured, or disrupted.[4]

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3. Derek Krueger comments on this paradox, remarking "True saints seek anonymity, yet God wills their works to be 'shown forth' such that they can be known to the faithful" ("Hagiography as an Ascetic Practice in the Early Christian East," *Journal of Religion* 79, no. 2 [1999], 227).

4. While Aviad Kleinberg refers to the origins of the tradition in the language of celebrity – as he states, "Christianity began as a personality cult" surrounding the figure of Jesus – later examples of the Church's suspicion towards celebrity are numerous and continue into the modern era. See: Aviad Kleinberg, *Flesh Made Word: Saints' Stories and the Western Imagination*, (Cambridge: Harvard University Press, 2008), 9; Andrea Grauss "A Visit to Remember: Stigmata and Celebrity at the Turn of the Twentieth Century," *The Journal of the Social History Society* 14, no. 1 (2016): 55–72, and Natalie Heinich, "La Consommation de la Célébrité," *L'Année sociologique* 61, no. 1 (2011): 103–123.

Sheen was certainly aware of the complicating factors of sanctity interwoven with celebrity, as is evidenced by his longstanding practice of self-deprecation and humility whenever the subject of his fame and celebrity were raised in his presence. This awareness is also clearly communicated in his 1979 autobiography, *Treasure in Clay*. Here, Sheen distances himself from his celebrity in a clear and purposeful manner, spending only a handful of pages discussing the aspects of career for which he was most well-known. Instead, he draws the reader towards his career as a missionary and a mentor to fellow priests, while also drawing attention to aspects of his work which would normally be but footnotes in the context of his larger career. Of interest to the present discussion is the way Sheen's work finds itself both implicitly and explicitly indebted to the tropes, structure and expectations of *holy writing*, of hagiography – this is clear in the way the work dwells on moments of his piety, his suffering, and even his witnessing of the miraculous. Accordingly, I will be arguing that *Treasure in Clay* appears as a text that sits uncomfortably at the intersection of hagiography and biography; as a text that is better suited as being read as a novel form of document which I hereby refer to as *auto-hagiography*.[5]

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5. Among saints and those on the path towards canonization, Sheen is not alone in having composed an autobiography. Saint Augustine and Saint Therese of Lisieux both offer ancient examples of saints writing their own biographies which contributed to their saintly aura. Yet, neither the *Confessions* nor *Story of a Soul* can count as true vita in form or convention.

Auto-hagiography, I argue, differs from traditional hagiography in several manners. Historically, the vitae of holy men and women are products of their communities of devotees, the authors of these works often hailing from the same holy order or composed on commission.[6] Auto- hagiography, by contrast, reverses the model in that it is both the practice and product of intentionally composing a text to serve as one's own *vita* for future readers – and perhaps more implicitly, for potential causes of canonization.[7] Unlike traditional hagiography, which is explicit in its intentions and structures, auto-hagiography necessitates caution and subtlety. After all, while the pursuit of holiness is intended to be the aim of every God-fearing Catholic, sanctity is something which is recognized from without, a recognition declared by popular acclamation rather than personal admission.

While I am not arguing that Sheen sought to actively promote himself as a living saint, I do assert that his invocation of hagiographic tropes was a conscious and intentional choice. Sheen was an avid and well-documented perfectionist, someone who, throughout his career, actively and selectively controlled which elements of his life would be made public. He seems to have been all-too aware of how certain aspects of his

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6. Robert Bartlett, *Why Can the Dead Do Such Great Things? Saints and Worshippers from the Martyrs to the Reformation* (Princeton: Princeton University Press, 2013), 513–4.

7. It should be noted that there is an appendix in *Treasure in Clay* titled "Vita." This brief appendix reads more akin to curriculum vitae than biography, listing Sheen's many accomplishments and the honours he accrued over his lengthy career and busy life. This, however, was almost surely added by one his later editors prior to the text's publication.

life and fame could complicate his memory – both among Church insiders and the wider public.[8] Thus, in the same manner that Sheen acted as a gatekeeper of sorts to his public image during his life, in the twilight of his years[9] he composed a definitive "autobiography" which presented his life in a manner free from controversy and speculation.[10] The end result is that Sheen almost completely avoids the conventions of the modern autobiography, instead composing a text which selectively details his life in the uncomplicated and ultimately familiar manner of a classical hagiography. As such, I argue that a close reading of Sheen's autobiography reveals his attempts to mitigate the tension between his life as a celebrity and as a role model for fellow Christians, and, moreover, that by framing his life according to hagiographical tropes and expectations, he sought to firmly distance himself from the dangers of fame. This paper is thus an exploration of auto-hagiography, focusing on Sheen's autobiography, *Treasure in Clay*, as a case study. The structure and methodology of this paper will at times mirror that of a close reading. However, where it differs from other studies of biographical matter will be with my intent. I aim not to retrace or piece together an "authentic" or "complete" biography of Sheen – such pursuits are the work of biographers and/or devotees alike.[11] Rather, my purpose here is in examining some of the ways in which Sheen's autobiography can be viewed as a carefully crafted and tightly controlled narrative work of *auto-hagiography*, written expressly for the purpose of serving as *hagiography* for future readers. While the text contains numerous hagiographical tropes, I will focus on the three which I believe to be illustrative of his intentions, namely: the demarcation of childhood, the trials and tribulations of adulthood, and the prophetic calling. I hope to illustrate how Sheen, in implementing these conventions into his biographical narrative, sought to reshape the image of his life as free from blemish and devoid of vanity – the latter being a failing which has been frequently been ascribed to his person by detractors.[12] By examining the often apocryphal and contradictory passages from his autobiography, it is my intention to show that Sheen composed a novel document, one that tells not only of his life as he wished it to be viewed, but that also speaks to the precarious relationship between sanctity and celebrity, between religious men and the mythos surrounding them. Ultimately, it is my intention to demonstrate that a text such as this adds both a layer of depth and complication to the study of modern American sainthood.

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[8] In the opening chapter of *Treasure in Clay*, Sheen seems to comment on the dangers of celebrity and their possible route towards vanity and the perception of it, when he remarks that: "Generally, the more we accept popular estimates, the less time we spend on our knees examining conscience. The outer world becomes so full of limelight as to make us forget the light within. Praise often creates in us a false impression that we deserve it" (Sheen, *Treasure in Clay*, 6).

[9] *Treasure in Clay* was published posthumously.

[10] There was no shortage of controversy during his lifetime, and this includes speculations about warring factions in the American Catholic Church. Most of these speculations involved either Cardinal Francis J. Spellman or Sheen's tenure as Bishop of Rochester. Several of these will be discussed in some detail at a later point in this article.

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[11] In Ch. 1 Sheen touches upon the difficulties of composing an "authentic" autobiography, stating, "there are three pairs of eyes," each of which see a man's life under different light – there is the man in question, the eyes of others, and the eyes of God; any biographer will only be working with two out of the three (*Treasure in Clay*, 1).

[12] Biographers Thomas C. Reeves and Daniel P. Noonan have both made frequent allusions to perceptions of Sheen's vanity, noting that Sheen was highly attentive to his image, in the area of personal grooming (he was never less than impeccably groomed) as well as with what was being said about him by others. According to Reeves, when Sheen was asked by actress Loretta Young why he was always so well-dressed and coiffed, he replied, "We dress for God, we are his representatives" (*America's Bishop: The Life and Times of Fulton J. Sheen* [New York: Encounter Books, 2002], 137). See also, Daniel P. Noonan, *Missionary*

The Demarcated Child

The demarcation of children from their peers is a common convention in hagiographical literature. From the Gospel of Luke showcasing Jesus teaching in the temple, to the pious Dominic Savio breaking up fights in his schoolyard, hagiographers have sought to portray the noticeable *difference* inherent in their protagonists from an early age.[13] As Aviad Kleinberg remarks, "'Sanctity' implies separation, demarcation. When a thing is sanctified, it is separated from other things belonging to the same category."[14] In this case, it is a separation of the special from the mundane, where the protagonist's demarcated childhood reveals their chosen nature. In many cases – whether it be Christ himself or a nineteenth-century schoolboy – childhood is depicted as proof

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With a Mike: The Bishop Sheen Story (New York: Pageant Press, 1968).

[13] Donald Weinstein and Rudolph M. Bell*, Saints and Society* (Chicago: University of Chicago Press, 1983), 20.

[14] Kleinberg, *Flesh Made Word*, 1.

of God's miraculous presence in this world, and often signals the protagonist's future greatness and place in God's larger plans. Of course, just as there are saints with exceptional and pious childhoods, there are an equal number who are portrayed as being in conflict or opposition with the virtuous people they would become. Take, for example, Saint Jerome, whose hagiography contrasts his hot-tempered and licentious youth with his later years as an ascetic and powerful early apologist for the Church. Augustine, too, made no illusions about the distaste he held for chastity as a young man prior to his ultimate conversion to Christianity. Hagiographical stories such as these emphasize the transformative powers of the cross and serve to be contrasted with the future ascetic discipline and devoted life these figures later adopt. The trajectory of their personal transformation thus highlights their initial fallen state and hints at their future glorification and perfection through Christ and the Church.

In the case of Sheen's work, his narrative use of demarcation at childhood borders on the excessive (or perhaps, obsessive) and is deployed in a number of sometimes contradictory means in the first half of his autobiography. Right from the first pages Sheen avows that he was hardly a perfect child, and that he was someone who very much needed refinement in order to overcome his baser nature and better himself. When discussing his childhood, he refers to himself as clay in need of shaping, and emphasizes his parent's conviction that a strong education was to be the "determining mold" of his upbringing.[15] As Sheen recounts it, while of all his siblings enrolled at the local parochial school in Illinois, it was he, an unruly and troublesome youth, who was most in need of refinement. He remarks that he was once locked in a closet by a teacher as a disciplinary measure, and also that he once stole geraniums from the local grocery store and was harshly reprimanded for it afterwards.[16] He further avows to being no stranger to horsing around as a child, having on occasion broken windows on the family home when playing ball in the yard. In another instance he remarks that he never earned one word of praise from his parents,[17] and also that he constantly "struggled" to be a leader in class.

In Sheen's telling, he was indeed a ball of rough clay in need of refinement. However, for every instance where he highlights his unruly behavior, he follows with either an ambiguous or contradictory story that upends his own self-deprecating recollection. For example, Sheen states that he had difficulty spelling and couldn't figure out how to use the word "which" – however, when discussing his participation in a spelling contest, he avows that he lost "*first place*" rather than being eliminated in one of the initial rounds. In pointing out how he failed at a mathematics contest later on in high school, he recounts that he only stumbled when it came to a tie-breaking problem for the top marks in the class.[18] In examples such as these, Sheen seems to be attempting to portray his childhood as demarcated in both senses common to hagiographical literature – as the child in need of refinement, and as the exceptional child who was chosen for greater things.

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[15] Referring to education as his "determining mold" is hardly an understatement when reviewing his hefty academic credentials and lengthy tenure as a professor at the Catholic University of America.

[16] Sheen, *Treasure in Clay*, 17.

[17] Lest the readers think Sheen wishes to speak ill of his parents, he quickly concedes that his mother once explained that his father's lack of vocalized praise was due to his father not wishing to "spoil him" – he did, she asserts, speak of his son's accomplishments to their neighbours in secret (Sheen, *Treasure in Clay*, 10). Christopher Owen Lynch, however, sees through Sheen's tacit explanation for his parent's behaviour and suggests they were in fact "firm disciplinarians" (Lynch, *Selling Catholicism: Bishop Sheen and the Power of Television* [Lexington, KY: The University Press of Kentucky, 1998], 17). For instance, Sheen himself admits to having been hit by his father, but plays it down in a lighthearted manner by stating "there is nothing that develops character in a young boy like a pat on the back, provided it is given often enough, hard enough and low enough" (Sheen, *Treasure in Clay,* 16).

In this matter, Sheen's recollections of, and musings about, his childhood appear to be at odds with those of his teachers and peers – recounted by other biographers – who remember the young man as having been particularly bright and pious.[19] Indeed, the historical record (along with details from his own recollection) suggest that Sheen was an avid student and overachiever.[20] Not only was he the valedictorian of his high school class, he also won a national scholarship competition which would have allowed him to enter virtually any university of his choice – examples which point to the early academic potential carried by Sheen as a young man. However, under the advice of his debate coach (who also happened to be a local parish priest), Sheen declined his university scholarship in order to enter the Saint Paul seminary in Saint Paul, Minnesota. In doing so, Sheen effectively eschewed the prestige that entering a secular institution could have afforded his academic career in lieu of a humbler and ultimately more pious education.[21]

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[18] Sheen, *Treasure in Clay,* 14. Emphasis mine. Sheen further states that both he and his opponent had earned 100 per cent marks in the class up until this point (*Treasure in Clay*, 14).

[19] Kathleen L. Riley, *Fulton Sheen an American Catholic Response to the Twentieth Century* (New York: Alba House, 2004), 2; Reeves, *America's Bishop*, 12.

[20] Sheen, *Treasure in Clay*, 16; Lynch, *Selling Catholicism*, 17.

Sheen's clumsy attempts to paint himself as an underachieving, undeserving child while also being exceptionally devout can easily be read as serving hagiographical purposes.[22] As stated earlier, hagiographers have often extended the theme of demarcation beyond emphasizing sanctity, employing it as a wider trope to single out the uniqueness of their protagonist. In following suit, Sheen plays with some obvious symbolism. He emphasizes his rural, salt-of-the-earth upbringing – one which saw him digging fields and working with animals – while contrasting these things with the adoration he would acquire for his spiritual education at seminary and beyond.[23] Though he touches upon elements of his burgeoning scholasticism, structurally, Sheen

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21. Reeves, *America's Bishop*, 26; Riley, *Fulton Sheen*, 3.

22. In a study on Medieval sainthood, John Kitchen argues that hagiography is not necessarily history, but literature meant to promote the cult of the central figure first and foremost. I would argue that his observation continues to apply into the current era. See John Kitchen, *Saints Lives and the Rhetoric of Gender* (Oxford: Oxford University Press, 1998), 16.

23. Sheen, *Treasure in Clay*, 18, 20. While Sheen wears his rural upbringing as a badge of honour, it is no secret that he disdained farm work. By contrast, he remarks that he adored his classes on scriptures

appears to be more focused on depicting a mundane childhood upbringing, one that can be contrasted with his eventual recognition and celebrity. While his efforts are not entirely successful and are even at times contradictory, by attempting to paint his childhood as one that was both remarkable and unruly Sheen is allowing his narrative to more easily adhere to the hagiographical trope, while also showcasing his transformation and foreshadowing the trajectory his own life would take thanks to his devotion to Christ – and, in doing so, avoid sounding like a braggart by lingering too much on his accomplishments or piety.

The attention and significance Sheen brings to describing his demarcated childhood is also extended to his body. As when discussing his behaviour, Sheen calls attention to his body by focusing on two somewhat contradictory aspects. First, he highlights his youthful vigor and vitality by discussing his duties on the farm. He reminisces about how he "plowed corn, made hay… broke colts to harness, curried horses, cleaned their dirty stalls, [and] milked cows," among other responsibilities, highlighting that, though often unruly, he understood the importance of hard work and labour even as a youth.[24] He also offhandedly remarks that he enjoyed playing baseball in the yard.[25] These images of Sheen as a hardened country-boy serve to contrast with his later life, where he found himself performing "softer" duties as a priest, scholar and

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and moral theology at seminary, and would eventually pursue his education in that direction as far as it could take him.

[24] Sheen, *Treasure in Clay,* 18.

[25] Sheen, *Treasure in Clay*, 20.

academic – perhaps intoning to his readers that he carried some of this heartiness and humility with him even as he found himself becoming something of an aristocratic dandy through his fame.[26] However, even as Sheen highlights his constitution, he also claims to have been consistently sickly – and even tuberculotic – without realizing it. He recounts how some "thirty or forty years" after his childhood he was taken to a hospital after collapsing during his radio show. There, he was informed by a doctor about the true extent of his medical history, something he had apparently been unaware of as he suffered silently throughout the years.[27] On a similar note he also recounts how he developed and suffered from ulcers when he began seminary – one of which was so severe that it required he undergo surgery.[28]

Much like the act of singling out one's childhood, illness – and childhood illness in particular – is a consistent trope in hagiographical literature, with tuberculosis being one of the quintessential ravages of the body that the elect endure. Hardly relegated to medieval saints and those from the ancient world, modern saints and those on the path continue to be afflicted bodily ravages.[29] As Robert Orsi has remarked, for mid-century American Catholics, “pain [had] the prominent character of a sacrament,” and suffering revealed the almost “thrilling” mark of divine favour.[30] Ongoing textual reminders of suffering and illness in the lives of saints point to acts self-mortification, of disciplining the flesh to bow to the spirit.[31] The ongoing fascination with suffering being recounted through the bodies of the saints reflects the earlier, ancient suffering of the martyrs and Christ himself.[32] In other words, physical illness and injury form a bridge through the body, allowing for a more direct identification, emulation and ultimately connection with Jesus as the first and most emblematic of all sufferers, along with every holy model since.[33] As such, there are many examples of pious young men

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[26] There was and continues to be a fascination with Sheen's body and his rural origins, particularly among his fans and devout. His country-boy origins were notably emphasized in the 2011 documentary *Fulton Sheen: Servant of All*, as well as becoming the subject for a children's colouring book about Sheen's youth produced by the Diocese of Peoria.

[27] Sheen, *Treasure in Clay*, 9.

[28] Sheen, *Treasure in Clay*, 20.

[29] Among twentieth century saints and saintly men and women, numerous childhood sufferers come to mind. The Venerable Arcangelo Biasi, a confident to Saint Maximilian Kolbe, was born to a poor rural

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family and contracted tuberculosis yet managed to overcome his illness so that he could be ordained as a priest in 1922. The Blessed Chiara Badano – a devout Italian teenager currently on the road towards sainthood – developed a form of bone cancer, suffered for two years and then passed away in 1990. And perhaps most famously, the young Italian saint Maria Gemma Umberta Galgani (known more simply as “Gemma Galgani”), who passed away in 1903, perfectly epitomized the suffering child saint. Consistently sickly, she developed spinal meningitis as a teenager and later succumbed to tuberculosis at the age of 25.

[30] Robert A. Orsi, *Between Heaven and Earth: The Religious Worlds People Make and the Scholars who Study them* (Princeton: Princeton University Press, 2005), 22.

[31] Moments of suffering and ascetic discipline in hagiography inevitably serve as reminders of ideal Christian behaviour to the faithful. See Weinstein and Bell, *Saints and Society*, 85.

[32] In his suffering and death, Kleinberg remarks that Jesus became for future Christians the “ultimate, the one true model” (Kleinberg, *Flesh Made Word*, 15).

[33] According to Kleinberg, stories recounting the ongoing suffering of the saints and Christian martyrs serve as “memory and example” to the

and women in the twentieth century whose horrific and/or life-threatening ailments acted to collapse the space separating their era from the glorified Christian past, reminding the devout of the ongoing possibilities for elevation and the potential for sanctity that only suffering affords.[34] The almost ritual de-escalation of the body is in fact a reversal, placing the body and its ravages front and center in the narrative qualification of sainthood. The community of the saints is therefore very much a communion bound by pain and physicality, and Sheen subtly navigates his own narrative to point to these ancient precedents.[35]

Sheen also recounts one episode that mirrors a gospel story. Recounting his days as a doctoral student, he states that the most brilliant professor he had ever known, a certain Dr. Leon Noel, advised him to read the works of, and then meet, a recently published scholar named Dr. Alexander. After being invited for tea, Sheen discovered that Dr. Alexander had

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Christian community. He remarked that "each generation had the moral obligation… the martyrs must not be forgotten" (Kleinberg, *Flesh Made Word*, 24, 25). See also Orsi, *Between Heaven and Earth*, 24.

[34] During times when there are relatively few martyrs, Christians have historically found new ways to "change the present to make it more like the past" (Kleinberg, *Flesh Made Word*, 34).

[35] In the conclusion to his lengthy study on hagiography, David Williams ponders the question of ancient precedents being remade in the twenty-first century. As he remarks, "it is the essence of tradition to minimize change. Faith communities by the nature of their shared beliefs… are capable of transcending the differences that the historical process introduces without, however, needing to negate them" (David Williams, *Saints Alive: Word, Image, and the Enactment in the Lives of Saints* [Montreal & Kingston: McGill-Queen's University Press, 2010], 200).

actually set up a debate between himself and the plucky grad student in a massive auditorium in front of hundreds of students. Though Sheen avows that he was clearly out of his depth compared to the professor – as he states, he "did not yet have [his] doctorate" – he nevertheless accepted the debate and challenged the professor's views.[36] When Dr. Alexander responds by retorting that Sheen had failed to "read [his work] with any degree of intelligence," Sheen goes on to deconstruct the professor's work and elaborate on the flaws of its arguments in front of the audience.[37]

While this episode hints at the prowess of Sheen's scholastic mind and builds up to his eventual – and highly decorated – thesis defense and graduation, it is also a clear moment of auto-hagiography, mirroring the gospel episode where Jesus as a youth enters the temple with his parents and astonishes everyone when he sits among teachers listening and asking questions.[38] While Sheen is certainly older than Jesus was during the gospel event, the young scholar is nevertheless contrasted with the brilliant teachers he sought to emulate. Like Christ who revealed an uncanny intellect and awareness and was able to teach the teachers, Sheen not only matches the mind of the professor, but also seems to understand his own works better than the man himself. In this episode, Sheen thus seems to have found a way to depict a novel re-imagination of the Biblical story in a way that fit seamlessly into his own recollections.

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[36] Sheen, *Treasure in Clay,* 25.
[37] Sheen, *Treasure in Clay*, 26.
[38] For the story of Jesus teaching in the temple while still a child, see Luke 2:41–52.

As these stories of his upbringing convey, Sheen seems to be cautiously aware of the weight of his fame and the complications it could have, while simultaneously playing it up with a wink and a nod to his future success. For instance, in one story that provides a clear contrast with his later expertise in public speaking, he avows that he was unable to properly recite the rosary on stage at school because he was too nervous and uneasy under the public gaze.[39] In another, he tells us that as a young school boy he utterly lacked the chops to become an actor, even though he had "excellent training in Shakespeare" – ultimately arguing that the fault for inadequacy lay with him.[40] As such, he was only barely able to earn a role in the school play, and this was owing to the financial support his family was giving to the project. He even recounts that three of his more talented classmates later went on to become famous radio personalities – and perhaps there was a fourth talent at that school, "if the reader is charitable."[41]

It is unlikely that anyone reading *Treasure in Clay* would not be familiar with the much-celebrated television and radio career of the author.[42] However, Sheen depicts his early childhood as one of bumbling un-remarkability, without any explicit hint of the talents that would enable him to become adored by millions of fans as an Emmy Award-winning television personality and radio star. By his recollection, he was simply "one of the people" or an "every man" just like anyone else – he was not a man born to become a celebrity, but one enabled through happenstance or fate or God's miraculous power. Thus, his self-deprecation here can be read as serving to shield himself from the accusations of vanity and pride that came with his celebrity. By downplaying any latent talents, training or skills he might have acquired as a youth that would hint at his future success, Sheen is effectively suggesting to his readers that his transformation from performance-shy youth to star adored by millions had little to do with his own agency and was nothing short of miraculous – making himself, as a devout man, the site of God's transformative work in the world.

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[39] Sheen, *Treasure in Clay*, 16.

[40] Sheen, *Treasure in Clay*, 14.

[41] Sheen, *Treasure in Clay*, 12.

[42] While Sheen actively sought to distance himself from his television fame, it was through this celebrity that his fans came to know and adore him. It is thus no surprise that virtually all his obituaries (both religious and secular) open with mention of his celebrity alongside his career in the Church. A large collection of such clippings can be found in the archives of the Archbishop Fulton Sheen Museum in Peoria, Illinois.

The Trials and Tribulations of Adulthood

The ongoing theme of demarcation transforms into trials and tribulations, which become a defining element of the narrative recollection of his early career and adulthood, particularly at two notable moments. The first of these is during his tenure as a lecturer at the Catholic University of America in Washington, DC. The historical record suggests that, although Sheen was an enduring fixture at the university, he was frequently at odds with his peers and the administration, his willfulness and strong ideas causing him to butt heads more than once. In recounting his tenure, Sheen describes himself as having been branded an “outcast” almost immediately into his posting.[43] He suggests that he faced opposition among his fellow members of the Faculty of Theology after advocating for changes that would re-invigorate the faculty, but which were strongly opposed by his colleagues and the rector.[44] In another incident, the succeeding rector decided that all professors in the Faculty of Theology needed to have a Doctorate of Divinity under their name in order to continue teaching.[45] One of the popular professors, a certain John A. Ryan, did not have this credential, and a document circulated demanding that he be removed from his post. Sheen refused to sign it, feeling it was “unfair.” However, soon after he found

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43. Sheen, *Treasure in Clay*, 44.

44. According to Sheen, the rector of the university – Bishop Shahan – met with the faculty to discuss whether they should open undergraduate courses to complement their graduate offerings. Apparently there were few grad students, and, in Sheen’s own words, the faculty was “not sufficiently occupied and challenged.” Sheen proposed instead to expand their graduate offerings and seek prospective students and priests from across the country to come study. The immediate reaction was seemingly hostile by both his peers and the Bishop, resulting in a quick end to their meeting (Sheen *Treasure in Clay*, 43–44). While Sheen is overall sparse and selective with his details, other biographers provide a more detailed account of his tenure at the CUA – see Reeves, *America’s Bishop*, and Riley, *Fulton Sheen.*

45. This episode is likely more complex and nuanced – perhaps even embarrassing – than what Sheen is suggesting took place. The historical record shows that, while Sheen held a Doctorate of Sacred Theology, he never acquired a Doctorate of Divinity (DD). Despite this, Reeves notes that – at least for a period of time – a DD appeared on his resume, either through falsification or clerical error. Reeve’s conclusion is not that Sheen necessarily sought to mislead people of his credentials, but rather that he couldn’t bear also being singled out for having different credentials. See Reeves *America’s Bishop*, 66–69.

himself punished for his stance by having his classes suspended. To make matters worse, while Sheen swears that he stood by Ryan, a “rumour” circulated that Sheen had been the one to oppose Ryan and speak to the rector about removing him from his post. The end result saw Sheen feeling ostracized by his peers as well as the colleague he sought to defend.[46]

The second time in his life where he found himself surrounded on all fronts occurred in the twilight of his career during his largely disastrous tenure as the Diocesan Bishop of Rochester. Like many of the chapters in *Treasure in Clay*, the details here are sparse, and the historical record has considerably more to say than our narrator.[47] Rather than closely chronicle his event-filled three years in Rochester, Sheen fills the first half of this chapter with solipsistic musings about the nature of the priesthood, jokes about eating chicken, and praise for seminarians. We know from the historical record that he came in with big ideas from Vatican II and sought to implement many of those immediately. He renamed the chancery office the Pastoral Center, formed councils of priests and laypeople to share a voice in diocese governance and priest selection, appointed an urban vicar to address poverty in the city, and opened an ecumenical dialogue with the local Protestant divinity school.[48] He would also give joint talks with Rabbis and address crowds and synagogues.[49] Although many of his ideas bore fruit, even more did not, and it is only within one of the final pages that he cautiously avows he ran into some difficulties in Rochester. He mentions that his plan to reform the local Catholic press – which required months of planning before being summarily declined – failed owing to a simple technicality, and states it that "it had to be abandoned."[50] He had also planned to launch an emergency ambulance service for the city's poor, however when no hospital volunteered any medical staff, he states that his idea simply "proved to be more clay than gold."[51] Finally, in speaking of his plan to rent space in town where he could dedicate a small chapel to Mary, he states that "it was impossible to find [a place] to rent."[52]

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[46] Sheen details, in his often-grandiose fashion, the extent to which these rumours apparently spread. At some unspecified point Sheen’s name was floated to be the rector of the university, but he was blocked by Archbishop McNicholas, who stated that after what he did to Ryan he would “not let Sheen in charge of a doghouse.” The rumours flew so high up the chain of command that apparently even Cardinal Pacelli – the future Pius XII – asked Sheen for details of the situation during a meeting (Sheen, *Treasure in Clay*, 46–47).

[47] Thomas C. Reeves provides a detailed exposition of Sheen’s troubled time in Rochester, aptly titling his chapter in his biography of Sheen as “Exile.” See Reeves, *America’s Bishop*.

In virtually every case, it would seem, the fault for his failures lay elsewhere, owing to chance or circumstance. He does, nevertheless, avow that he "failed in the area of housing."[53] Though to simply state that his plan failed, effectively *fails* to tell the whole story of what transpired. According to the historical record, Sheen put together an ambitious plan to expand social housing for the city's poor by donating an older parish and all of its structures to a federal program.[54] In total, the donation would have provided several hundred housing units and alleviated the burden already placed on the federal program. While planning, Sheen spoke with Robert C. Weaver, the Secretary of Housing, who gave the plan his enthusiastic blessing.[55] On paper the plan seemed strong, and there had been talks by the priests of closing the parish since the 1950s due to its low attendance. However, while Sheen worked out the logistics and received permission from all the necessary boards and delegations – including from Rome itself – he failed to consult the people who frequented the parish. When he finally presented his plan, he discovered, "to [his] great surprise, there was opposition," coyly adding that protestors even chucked "pebbles" at his car.[56]

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[48] Lynch, *Selling Catholicism*, 28.
[49] Reeves, *America's Bishop*, 307.
[50] Sheen, *Treasure in Clay*, 178. Here, Sheen also remarks in an off-handed manner that once the plan was devised, it came up that the local press had an existing contract that locked them into previous obligations for two more years. That no one raised this earlier in the months of investigative work into the project points to a remarkable oversight.
[51] Sheen, *Treasure in Clay*, 178. Again, this was another plan that Sheen worked hard to implement without actually consulting any of the hospitals beforehand.
[52] Sheen, *Treasure in Clay*, 178.

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[53] Sheen, *Treasure in Clay*, 178.

[54] The land was valued at $680,000 and included a church, a rectory, and a school which would be demolished or refurbished as needed. See Daniel P. Noonan, *The Passion of Fulton Sheen* (New York: Dodd Mead, 1972), 163.

[55] *Treasure in Clay* includes verbatim a letter Sheen apparently wrote the Secretary. In his letter Sheen uses very Vatican II inspired language, declaring the Church's responsibility in the world and outlining his plan to provide a free gift of Church property to be used for housing for the poor. See Sheen, *Treasure in Clay*, 179.

[56] Sheen, *Treasure in Clay*, 180. See also Reeves, *America's Bishop*, 310–316, and Noonan, *The Passion of Fulton Sheen*, 163–164.

While Sheen downplays the reaction to his plan, the sense of betrayal felt by the parishioners was palpable and well-recorded.[57] During the initial phases of the project, one of his advisors had recommended Sheen open a discussion with the parishioners and take their feedback before going further, but Sheen refused to hear their voices.[58] Following that meeting rumours spread that the bishop was planning on giving away Church lands without consultation, and soon protests formed outside his office along with picket lines with parishioners begging Sheen to save the parish. Still, Sheen pressed ahead, but when he made his formal announcement he was met with boos rather than applause. A letter of protest was drafted and signed by 130 of his priests, declaring that the parish already served the poor through its outreach and sermons.[59] One outspoken critic went so far as to accuse Sheen of hypocrisy, stating that "If the bishop wants to make some grand gesture, he could move in with the poor and live among them. Then maybe he would be selling his books instead of giving away Church property."[60] One of his closest allies during the early months of his posting – a parish priest named Father Finks who was known for his social activism and earlier support of Sheen – turned against him, and led the call urging Sheen to backtrack.[61] Sheen eventually retracted his offer, but by then it was too late and he resigned shortly afterwards.

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[57] Reeves has observed – in what is perhaps a tragic irony – that many of the parishioners were more angered at not having been consulted than they were with the parish being donated. He surmises that had Sheen consulted with them during the planning phase, his plans would have most likely succeeded. Instead, Sheen was depicted as a controlling and ultimately heartless administration who ignored the voices of the people he sought to serve. See Reeves, *America's Bishop*, 320.

[58] Reeves, *America's Bishop*, 316.

[59] Lynch, *Selling Catholicism*, 30.

[60] Although Sheen donated his salary from his years on television, he was nevertheless known to have lived a remarkably affluent life in New York City prior to arriving in Rochester. It did not help that the members

It is understandable that Sheen would rather not revisit the pain and utter failure of Rochester in his memoirs – particularly as the tragedy of his administration may not have painted the most flattering image of himself. Nevertheless, Sheen does find the means of inverting his failures to serve an auto-hagiographical purpose. Regarding the sum of his failures in Rochester, Sheen makes a curious observation, referring to his plans as "clay vessels that broke in my hands as they did in the hands of the potter whom Jeremiah visited."[62] In drawing a comparison between himself and that episode from the book of

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of the parish were among the city's poorest inhabitants, with many coming from Rochester's minority black and Hispanic communities. See Noonan, *The Passion of Fulton Sheen*, 166, and Reeves, *America's Bishop*, 316.

[61] Finks – one of the first priests appointed by Sheen after he became Bishop – was deeply involved with the civil rights movement as a member of Freedom, Integration, God, Honor, Today (FIGHT), a group which opposed income disparity and corporate greed. Led by Finks, FIGHT called out and chastised Eastman Kodak for discriminatory hiring practices in the city. Sheen sided with Finks, and this cost him the support of much of the local city business council. See Reeves, *America's Bishop*, 301, 316; Lynch, *Selling Catholicism,* 29.

[62] Sheen, *Treasure in Clay*, 180–181. In this excerpt, Sheen is referring to several passages from Jeremiah 18. In the Biblical story, Jeremiah is sent by God to visit a potter. There, the prophet witnesses how the craftsman can tear down and remake his pots when they do not fit his expectations. God then informs Jeremiah that he does the same thing to kingdoms when its people refuse to listen to listen.

Jeremiah, it would appear that Sheen is suggesting that in the same manner that the people of Israel were not ready to follow God's plans, neither were the people of Rochester with his. Such a comparison puts Sheen on a similar playing field as the prophets of old, of tireless men sent by God to turn an often-rebellious people around. That the prophets and their work met failure just as often as success is surely how Sheen hopes that this episode will be remembered. In this case, though Sheen was unsuccessful in enacting his plans at Rochester, he was nevertheless successful and obedient in attempting to implement them. After all, if his actions were directly influenced by the Church's reform attempts through Vatican II, Sheen was effectively attempting to get his parishioners to follow these same God-ordained reforms – but to no avail.

Sheen, ever the perfectionist, also further absolves himself of his failures at Rochester by remarking that "a wrong impression would be created by dwelling on failures which were generally outside the general practice of episcopal administration."[63] It is an interesting statement, as it at once suggests these failures were outside of his control, but also that the initiatives themselves were outside of the norm – hinting at his ambition and innovation. It follows that he doesn't want his readers to linger on his failures there or wonder whether he still bore any hard feelings with what happened in Rochester. By dismissing his failures with a quick turn of phrase, it not only tells his readers that he does not wish to cast blame, but also that the whole matter was much more trivial than it was perhaps made out to be.[64] Instead, similarly to how he depicted himself during the chapter discussing his tenure at the CUA, Sheen is eager to linger on the positive and present himself as something of an ambitious, innovative outsider – as a man who wasn't afraid to challenge the existing order if the order could be re-arranged for the greater good. Indeed, when considering the historical record, there is no reason to believe that Sheen arrived in Rochester with anything other than optimism and a head filled with good ideas and interesting initiatives he planned to implement. He had, after all, participated in Vatican II and his appointment was at the time considered to be the first diocese in America that would attempt to live up to the reforms of the council. That he came to Rochester with all the promise of Vatican II – of the Church's plans to throw open the doors and air out its ancient institutions – and it resulted in failure is telling of the aftermath of that council. It also lends itself quite handily to being read under a hagiographical lens.

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[63] Sheen, *Treasure in Clay*, 181.

Opposition to saints is a benchmark element of hagiographical narratives. In storytelling, opposition creates conflict and conflict drives the narrative forward, encouraging the reader to root for the protagonist. People are captivated by stories that grip us and move us and cause us to hold on hoping even when the ending may be foreshadowed before us. The travesty of justice and unjust opposition, so commonly found in the stories of saints, can be traced to the gospels, where Jesus as an innocent man suffers the greatest injustice – a betrayal by one of his closest companions followed by martyrdom at the hands of the people he came to save.[65] In the hagiographical tradition, opposition serves to highlight how the saints have been singled out from their peers for a higher purpose – one which they might not understand, but that is ultimately demanded by God. If we take into account Sheen's recollection of events within *Treasure in Clay* and the historical record of his time at Rochester, the subtle picture that appears to be painted is that Sheen was not only a prophet figure fighting to turn the eyes of the people back towards God's plan, but also, by his failure, someone who experienced a certain allegorical martyrdom.

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[64] As mentioned previously, Sheen's time in Rochester has been unanimously referred to as a failure by biographers and commentators. See Reeves, *America's Bishop*; Lynch, *Selling Catholicism*; Noonan, *The Passion of Fulton Sheen.*

Martyrdom is the true marker of any saint, as it is by sharing in the suffering of Christ that saints can attain true identification with their saviour – there is no greater form of emulation than to shed their blood for the Church. The gospels were thrilling and extended passion narratives that necessitated in the culmination of Christ's sacrifice on the cross, and the earliest hagiographies also recounted the lives of the martyrs under Roman rule, emphasizing their glorious suffering as the ultimate Christian ideal and mark of sanctity.[66] Although martyrdom remained a consistent trope in the lives of medieval saints and those during the Age of Exploration, martyrdom became more difficult in modern times – particularly for saintly lives spent almost entirely in industrialized, peaceful nations such as the United States.[67] While the relevancy of martyrdom in the modern world might be a question best left to theologians, we can nevertheless see a restructuring of the ancient act into a more allegorical interpretation in the life of Sheen.

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[65] The Gospel of Luke, more than the other canonical gospels, presents Jesus' death as a tragedy of justice, particularly evidenced by the difficulty Pontius Pilate had in reaching his decision condemning Jesus to death and then afterwards washing his hands of the matter.

[66] Kleinberg, *Flesh Made Word*, 13. See also Orsi, *Between Heaven and Earth*, 22.

In the mirroring of his life with that of Christ, Sheen frequently alludes to his own suffering in a cryptic manner. In the opening chapter while discussing his biography, he refers to enigmatic "scars" that he endured and carried with him.[68] Later, in a chapter entitled "Things Left Unsaid," Sheen remarks that Christians are shaped through three purifications: crosses, cups and tensions – each one pointing towards Christ's martyrdom. The crosses are the burdens placed on us that we did not deserve, but that we are forced to carry; the cups are those burdens handed to us that we cannot pass; and the tensions are those that "come within the Church."[69] When asked by Mike Wallace on *Sixty Minutes* why he was never offered a cardinal's hat, he replied that he would have gladly moved up within the Church but that he refused to "pay the price" demanded of him. [70] He remarks that it was "God Who made certain people throw stones at me" and that "the curious would like me to open healed wounds; the media, in particular, would relish a chapter which would pass judgement on others."[71] As to the specifics of all these trials, Sheen is conspicuously silent, as "any discussion of conflicts within the Church diminishes the conte of the Christ… as the hand excessively rubbing the eye diminishes vision."[72] While Sheen is silent on the matter, the historical record along with his own omissions on the subject suggest that his posting at Rochester and his feud with Cardinal Spellman wounded him deeply.

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[67] This is not to suggest that martyrdom did not happen in the twentieth century; several twentieth century saints experienced martyrdom, not the least of which was Maximillian Kolbe, the polish priest who suffered and died at Auschwitz during the Second World War.

[68] Sheen, *Treasure in Clay*, 3.

[69] Sheen, *Treasure in Clay*, 309–310. Here, Sheen clearly references Jesus in the garden of Gethsemane, and his approaching passion. See also Luke 22.

[70] Noonan, *The Passion of Fulton Sheen*, 67.

Sheen's relationship with Spellman over the years seems to have had two sides. Publicly the two men put on a pleasant face and spoke politely of one another. They were, on the one hand, America's most powerful Catholics, and the other, her most popular. In New York, Sheen was feted as the successor to the Cardinal for a time and saw his career flourish. However, all that initial goodwill seems to have crumbled shortly after Sheen's program hit its peak. Between 1950 and 1966 Sheen acted as the national director for the Society of the Propagation of Faith, and this placed Sheen in yet another position under Spellman's direct authority. Where Sheen's natural charisma lent itself well to his fundraising efforts – he managed to secure $200 million in sixteen years, double what the rest of the world had raised during that same period – this success opened the door for Spellman to dip into society funds for his other "pet charities."[73] In 1957, Spellman used the

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[71] Sheen, *Treasure in Clay*, 314; 310.
[72] Sheen, *Treasure in Clay*, 312.
[73] Lynch, *Selling Catholicism*, 22.

Society to distribute a surplus of milk donated by the federal government. After the milk was distributed, Spellman decided it would be appropriate for the Society to give up a cash equivalent for the milk. He insisted that he had paid the government for the surplus and that a refund from the Society was only natural. Sheen refused, knowing that Spellman received the milk for free, and, accordingly, that the Society owed him nothing. Neither man budged, and in the end Pope Pius XII had to personally intervene – settling the "Milk Incident" in Sheen's favour and trapping Spellman in a lie. This would mark the first and only time Sheen could claim a victory over his superior, and Spellman, for his part, would have none of it. Giving a lecture at Dunwoodie Seminary in New York, Spellman told the assembled priests that Sheen was the most disobedient priest in America.[74] Sheen's show was soon taken off the air, and he was removed as director for the Society for the Propagation of Faith. Then, one year before his death, Spellman had Sheen assigned to Rochester.

In *American Bishop*: *The Life and Times of Fulton J. Sheen*, Biographer Thomas C. Reeves entitles his chapter about Sheen's time at Rochester "Exile," and remarks that while Sheen put on a strong face, after his resignation he seemed to many to be a "broken man."[75] For his part, two-time biographer Daniel P. Noonan notes that "few saw Sheen's appointment as a promotion," and he questions whether Sheen was being

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[74] Noonan, *The Passion of Fulton Sheen*, 82.

[75] Rochester has been referred to as a "Diocesan Siberia" owing to its relative remoteness and cold weather. After Sheen's resignation, Reeves remarks that he had the appearance of a "broken man" (Reeves, *America's Bishop*, 321).

"kicked upstate" on Spellman's behalf.[76] In his second work on Sheen, Noonan refers to Sheen's posting in Rochester as his personal "Calvary" – again drawing a comparison to Christ's martyrdom.[77] Considering Sheen's cautious approach to his trials and tribulations – and also how these have been viewed by his biographers – the picture of his later life and career is one that seems to mirror the betrayal and abandonment of Jesus before the cross. In light of this, one might ask "what could be considered more quintessential for a martyr than to carry their cross and suffer in silence?" If anything, this episode demonstrates that Sheen was obedient until the very end, carrying his own "cup" as it was handed to him without refutation.[78] And so it seems, then, that despite all of Sheen's accusations of vanity, yearning for success, and insecurities about his status, there was evidently something about his character which he was unwilling to give up, and whether he intended it or not, he came to identify with Christ in a very personal way through his own quiet suffering.

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76. Noonan, *The Passion of Fulton Sheen*, 161. Even if their relationship was not as strained as sources suggest, in all of *Treasure in Clay* Spellman is mentioned by name less than a handful of times – despite having a personal and working relationship with Sheen of over twenty years – and the Cardinal's face was also conveniently cropped out of a publicity photo of Sheen that was used to grace the cover of his 2004 critical biography by Kathleen L. Riley. The original photo can be viewed in the photograph section of Noonan's *The Passion of Fulton Sheen*.

77. Noonan, *The Passion of Fulton Sheen*, 161.

78. See note 65.

The Prophetic Calling

The third major element of hagiography that I will be addressing in this paper is that of the central figure's prophetic calling. In hagiographical literature, the protagonist's destiny is often made evident to the character and reader alike through moments of anointing and prophecy. In *Treasure in Clay*, Sheen is twice made the focus of such moments. These not only act to single him out from his peers, they also foreshadow the fact that he has been chosen for God's plan. The first occasion occurred while Sheen was still a boy. According to Sheen, one Sunday after Mass while he was serving as an altar boy, Bishop Spalding asked him to help carry a wine cruet. Sheen promptly and unceremoniously fumbled and dropped the item on the floor, comparing the apparent catastrophe to "atomic explosion." Although Sheen feared he would be punished, Spalding instead surprised him by coming over and kneeling by his side. In an apparent non-sequitur, he asked Sheen: "Young man, where are you going to school when you get big?"[79] Sheen's rather coy answer was that he envisioned attending the Spalding Institute – a local high school the priest had been instrumental in founding.[80] Unperturbed by this sycophantic response, Spalding changes course and asks Sheen whether he had ever heard of Louvain, to which he replied he had not. In response, Spalding told Sheen – in what he explicitly refers to as a "prophecy" – to "go home and tell your mother that I said when you get big you are to go to Louvain, and someday you will be just as I am" – signaling that Sheen would too one day become a priest and a bishop of some renown.[81] The "prophecy" was later fulfilled: in 1919 Sheen would be admitted to the University of Louvain to complete his doctorate (and then again in 1921 for his post-doctoral *agregé*), and in 1951 would be consecrated as a Bishop.[82] The second moment occurred during his troubled tenure at the CUA. I previously discussed how early in his tenure, Sheen was branded an "outcast" and reprimanded by the rector for proposing reforms which no one viewed favourably and which would have increased the faculty's workload. Following this event, Sheen remarks that he spent a week or two feeling insecure before the rector called him to his office. There, rather than receive a fresh series of reprimands, the rector apparently had Sheen follow him to his room where he put on his cassock, zucchetto, and other ceremonial regalia. Then, according to Sheen, the rector said to him "'Kneel down, young man.' I knelt before him and he put his hands on my head and said: 'Young man, this university has not received into its ranks in recent years anyone who is destined to shed more light and luster upon it than yourself. God bless you.'"[83] Whether such an event took place or not is irrelevant. After Sheen's tenure at the CUA, he would go on to achieve national fame with his television series and be recognized across America. The placing of the rector's hands on his head can thus be seen as a process of anointing, whereby Sheen the outcast is further demarcated by his superior. As such, the story highlights to the reader than while Sheen was ostracized, the highest authority at the university nevertheless took his side in private, ultimately showcasing that he was in the right all along and was destined to continue to be in the right even when opposed.

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[79] Sheen, *Treasure in Clay*, 12; Lynch, *Selling Catholicism*, 15.

[80] Bishop Spalding oversaw the founding of numerous schools and had a role to play in the establishment of the Catholic University of America. Sheen would indeed attend the Spalding Institute in Peoria and later the CUA (Lynch, 16). See also Jay Dolan, *In Search of American Catholicism: A History of Religion and Culture in Tension* (Oxford University Press: New York, 2002).

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[81] Sheen, *Treasure in Clay*, 12; Riley, *Fulton Sheen*, 2.

[82] It has also been observed that childhood encounters with holy figures who serve as models for the protagonist are a common element of hagiography (Weinstein and Bell, *Saints and Society*, 56).

[83] Sheen, *Treasure in Clay*, 44.

Prophecy is rarely inconsequential in the lives of saints. As a narrative trope, it foreshadows where the story will go, and also places a certain importance on the character receiving the prophecy. In the Gospels, notably that of Matthew, the reader is presented with all the myriad ways in which Jesus fulfilled prophecies, while also being presented with the events which would foreshadow his eventual crucifixion. The same convention continues into the Acts of the Apostles and the larger tradition of hagiographical literature as a whole, where pivotal narrative moments – such as impending martyrdom – are suggested to the reader or broadcast to the saint through a vision, dream or other revelation. Of course, the importance of prophecy as a hagiographical trope also extends beyond the narrative realm and serves as a means of highlighting the chosen nature of the protagonist and their part in God's master plan. In this case, Sheen's prophecy not only proposes a future career within the Church (where he would attain the rank of Archbishop, exceeding Spalding's expectations), but also singles him out as a person *chosen* to have their life's trajectory prophesied for him. In doing so, Sheen paints himself as having something in common with both the apostles and saints before him – as someone who God had a carefully constructed plan for that the world would see come to fruition.

While Sheen is quite keen on incorporating hagiographical tropes and conventions into his autobiography, he nevertheless departs from classic hagiographic conventions in a manner that is simultaneously rather subtle yet somewhat blunt. Hagiographical authors generally allow the prophecy to remain implicit, counting on the knowledge and expectations of their reader to fill in the blanks and connect the dots to the Biblical parallels. Sheen, however, *explicitly* labels Spalding's speech as "prophecy." That Sheen chooses to bluntly state the trope he is deploying suggests two possible scenarios. The first is that he did not entirely trust his readers to make this connection without his guidance. The second is that he simply wanted to emphasize this point and the miracles which occurred in his surroundings. If it is the former, this hints at an author who likes to be in control and wants to leave little to chance, who wants to hold his reader's hands and ensure that they do not deviate from the message being imparted – nor the hagiographical elements within.

Conclusions

In this paper I have sought to outline three aspects of Sheen's *Treasure in Clay* which are heavily indebted to – and in some cases directly mirror – hagiographical tropes and conventions, rather than purely biographical ones. Though Sheen never explicitly states that he intends for his work to be read as hagiography or act for the promotion of his cause, Sheen's indebtedness to the genre is evident in the manner in which he deploys these tropes – and in the fact that he deploys them at all. As Robert Bartlett has remarked, hagiography is a genre built on trope, convention, and expectation.[84] All works of the genre follow a structure first charted out in the gospels and reproduced faithfully throughout history, from Antiquity to the present day. Importantly, while hagiography recounts the lives and actions of individuals, hagiography is not biography. As narrative works, hagiographies record and recount the stories of lives deemed to be sacred and worth remembering.[85] While these works certainly contain biographical elements of the individuals in question, unlike the modern biography which seeks to illuminate the nature and historical truth of the figure in question, hagiography is concerned instead with expounding upon truths of a largely spiritual nature. In doing so, they often avoid the wholesale chronicling of the central figure's life from birth to death.[86] While both birth and death bookend the story of the saint, it is much more pressing that the stories offered

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84. Bartlett remarks just as one generation of saints might take inspiration from the previous, so too does hagiography owe itself to past examples (Bartlett, *Why Can the Dead Do Such Great Things,* 511).

85. Eric Brook observes that one sometimes overlooked element of hagiography is its function to preserve and perpetuate Christian *memory* from one generation to the next. See Brook, "Writing the Holy Image: The Relationship between Hagiography and Iconography," *International Journal of the Image* 1, no. 1 (2011), 13.

86. It should also be noted that unlike most autobiographies, Sheen's *Treasure in Clay* contains an account of both his birth *and* his death,

are thematically cohesive and present the image of the saint as they are intended to be conveyed.[87] In this manner, with reference to its stylistic choices, use of tropes and structure, Sheen's autobiography is firmly a work of auto-hagiography.

Aviad Kleinberg once remarked that Athanasius' *Life of Anthony* was "a sermon masquerading as biography,"[88] essentially arguing that all hagiography serves a purpose other than chronicling the life of its central figure. Like the traditional hagiography upon which it is based, *Treasure in Clay* serves the larger purpose of acting as a definitive and carefully selected *vita* for the would-be saint. Sheen's recollections of his childhood and the special emphasis he places upon his demarcation bear the marks of a tall tale when placed alongside the historical record, but they nevertheless serve the hagiographer's purpose of singling him out to the reader as a child born for higher purposes. Equally so, the trials and tribulations he underwent through his workplace clashes give the impression of Sheen being a man set apart, surrounded on all sides and unjustly punished all for his obedience to God's will. The two moments of prophecy and anointing in the text, while possibly apocryphal, are nevertheless spelled out for the reader as significant moments not only in Sheen's life, but also

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owing to its insertion by an editor as the manuscript was being prepared for publication (Bartlett, *Why Can the Dead Do Such Great Things*, 518).

[87] On this note, *Treasure in Clay* is not organized purely chronologically. The first chapter opens with an essay espousing Sheen's own unworthiness as a biographer – much in the vein of classical authors – and mid-way through the book shifts to being organized by topic rather than the period of his life (Bartlett, *Why Can the Dead Do Such Great Things*, 518).

[88] Kleinberg, *Flesh Made Word*, 152.

in God's plan for this chosen individual. Taken together, these three conventions make it clear that this text is less interested in historical biography then it is in following the cues and conventions of hagiography – conventions which his Catholic readers would already be intimately familiar with.

Unfortunately, due to the nature of this brief study, I was not able to touch upon other aspects of the text that support my central thesis. In *Treasure in Clay* there remain numerous elements of auto-hagiography waiting be explored in future studies, such as: his focus on ascetic disciplines; the ongoing emphasis on his humility and obedience to Church hierarchy and orthodoxy; the telling of his numerous (and typically successful) attempts as a convert-maker and missionary in the vein of the apostles. However, in considering the three tropes I have examined, I believe I have demonstrated that Sheen's text can be seen as a continuation and adaptation of this historic and religiously significant genre. Of course, as previously stated, there are two main differences between Sheen's work and other hagiographies. The first is that the composition of hagiography traditionally takes place after the death of the would-be saint, and is composed by a separate author, such as a member of their ecclesiastical community, parish, or even a third-party employed on behalf of a benefactor or foundation for the support of their cause for canonization. The second is that these texts typically serve to promote the would-be saint to audiences wider than their original community. Again, while Sheen took the unusual and novel step of composing a biographical work that could act as his *vita*, I do not assert that his intentions were to promote his own cause, but rather that this can be viewed as an extension of his perfectionist desire to control his image.

Ultimately, the study of auto-hagiography is much indebted to the study of hagiography, and this case shines a light on a text largely overlooked by academia outside of a handful of critical biographers and this very same researcher. As *Treasure in Clay* is a decidedly modern work, it should be of interest to researchers examining the broader making of would-be saints in the contemporary era, and of this era of American Catholicism in particular.[89] I might venture that it is a sign of change in the category of modern saint-making, one which allows the ancient precedent of third-party authorship to be subverted and chronicled by the would-be saint themselves.[90] Indeed, authors of hagiography have historically tended to self-deprecate themselves or subdue the marks of their own authorship, in order to distance themselves from the narrative and direct attention to the saint rather than themselves. As such, it poses interesting questions about agency that deserve to be further explored when the narrator is the would-be saint themselves. In the case of Sheen, we can witness intersections between religion and celebrity, and also the complications that celebrity brings to figures of religious importance.

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[89] The possibility of performing similar studies may in fact readily lend it itself to examining the work of other modern American Catholics authors, such as Dorothy Day and Thomas Merton.

[90] See Krueger, *Hagiography*, 221.

In God's Own Image: Race, Politics and Millennialism in the Nation of Islam and Christian Identity Movement

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Amid a family visit to Concord State Prison, a large correctional facility located thirty-five minutes outside of Boston, Philbert Little began to tell his brother about a growing religious movement he had joined. He called his religion the "Nation of Islam" (NOI), and he claimed it was the "natural religion for the black man."[1] Philbert's younger brother Malcolm was not especially receptive to Philbert's proselytizing at the time. While Malcolm's fellow inmates had nicknamed him "Satan" on account of his antireligious attitude and blasphemous rhetoric, something about his brother's effort to convert Malcolm stuck in his mind. Soon after Malcolm's transfer to a more modern facility in Norfolk, Massachusetts, his older brother Reginald, another recent convert to the NOI, relayed the NOI's theology to Malcolm. Reginald told Malcolm that God was not a spiritual

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[1] Malcolm X and Alex Haley, *The Autobiography of Malcolm X* (New York: Ballantine Books, 1999), 158.

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Volume 47 (2019) 58–96

being, but a man whose real identity is Allah. His chosen people are the African diaspora, and he embodied a human form in order to awaken African Americans to their true identity. In addition to conveying God's embodied nature and the hidden identity of the Black man to Malcolm, Reginald informed his brother of his religion's demonology. "The white man is the devil," Reginald told Malcolm; and all Whites knew of this secret demonic identity.[2]

Malcolm reflected on his life, visiting memories of the White people he had known and White America's effect on him. White supremacists from the Black Legion were responsible for his family's multiple relocations, and, in all likelihood, the murder of his father. White state employees broke up his family and institutionalized his mother, while the White students and teachers at his school hurled slurs at him.[3] The depravity, perversion, and evil of White people became a truth in his memory. This was Malcolm's first serious step toward conversion.[4] As he educated himself, studying every book he could in his prison's library, his dedication to the NOI grew. Eventually Malcolm succeeded in establishing a correspondence with the leader of the NOI, Elijah Muhammad (1897–1975).[5] Upon his release from prison Malcom joined the NOI – quickly coming its most renowned and popular minister – and also adopted the letter "X" to represent the African name taken from him by slavery.[6] His conversion to the Nation – beginning with the acceptance of his new identity as a member of Allah’s chosen and his adoption of the Nation’s doctrinal beliefs and behavioral regulations – corresponded with a psychological change in Malcolm. Cornel West posits that this change represents a *psychic conversion* extending beyond the standard effects of adopting a new religious identity: Malcom’s conversion helped him acquire a new socio-religious history, provided new meaning for his life’s trials, and, in doing so, gave him the freedom to view himself independently of how White society viewed him.[7]

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[2] Malcolm X and Haley, *The Autobiography*, 156–164.
[3] Malcolm X and Haley, *The Autobiography*, 4–30.
[4] Malcolm X and Haley, *The Autobiography*, 122–123.
[5] Malcolm X and Haley, *The Autobiography*, 172.

Belief in a hidden identity can represent a source of power – especially in the face of political oppression – and this is as true for the NOI as it is for other racialized theologies. Even amongst populations that face no oppression on account of race, racialized theologies help establish new sources of historical meaning for adherents. White-exclusive new religious movements also possess the aptitude for constructing racialized myths that mark them as God’s chosen and provide a new sense of meaning in response to changing social contexts. The Christian Identity movement, like the NOI, is a twentieth century American new religious movement that prioritizes belief in a racialized mythology laden with millennialist motifs. These theologies strongly affect adherents’ sense of meaning and identity, and often precipitate their participation in various political activities, some of which exist on the radical fringes of American society. Both movements promote a racial separatism that often corresponds with a belief in the impending apocalypse and is justified through their interpretation of established scriptures (i.e., the Qur’an and the Bible).

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[6] Malcolm X and Haley, *The Autobiography*, 203.

[7] Cornel West, “Malcolm X and Black Rage,” in *Malcolm X: In Our Own Image*, ed. Joe Wood (New York: St. Martin’s Press, 1992), 48–49.

The present work will explore the racialized mythologies central to the NOI and Christian Identity through a comparative analysis of the histories, functions, and implications of these myths, with special attention paid to the millennialist beliefs of each. I argue that these mythologies represent a reconstruction of the social dynamics of racial dominance, a reconstruction founded upon the revelation of a hidden identity that serves to edify adherents to their true religious positionality with respect to God/Allah. Due to the powerful influence of millennialism within both movements, these reconstructed identities and their accompanying theologies encourage and enable potentially radical political rhetoric and action. Moreover, this rhetoric and action manifests in stark difference between the two movements, displaying asymmetrical relationships to political power. I conclude by considering the political manifestations of both movements in relation to their use of violence, offering a reflection on the relationship between violence and social positionality.[8]

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8. For the purposes of this paper, I rely in part on the comparative methodology proposed by Caroline Walker Bynum in her 2014 article, “Avoiding the Tyranny of Morphology; or, Why Compare?” Bynum’s methodology acknowledges the problematic tendencies of comparative analysis within the study of religion and offers a methodology to help establish more substantive conclusions. Instead of direct comparison,

While both are homegrown American theologies from twentieth century new religious movements, the polarity of racial power between Identity Christians and NOI adherents indicates that, although these groups exist within the same national context, they occupy entirely different social realities.[9] The legal, economic, and social institutions of the United States offer different forms of citizenship to Black and White Americans. Bolstered by the invisible institution of White supremacy, this tiered citizenship is regularly reinforced in a wide variety of ways, including discriminatory hiring and employment practices, inequitable housing and lending practices, exposure to higher levels of state surveillance and violence, and a paucity of effective political representation. However obvious it may seem, it is critical to articulate that the racialized theologies compared below are not equitably created. They come from different populations in different socio-cultural contexts with disparate degrees of political power and agency.

Millennialism

As the religious current of millennialism weighs so heavily within the respective theologies of Christian Identity

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Bynum suggests that comparative work should explore "the ways in which each phenomenon is embedded in, and raises questions about, its own cultural context. As a mathematician might say, A:B::A':B,' The comparison is not between A and A' but between the two relationships" (Bynum, "Avoiding the Tyranny of Morphology; or, Why Compare?" in *History of Religions* [Berkeley: University of Chicago Press, 2014], 354).

[9] This will be discussed in detail in the analysis section of this article.

and the NOI, a brief examination of this current is necessary for the analysis that follows. Within its most narrow Christian context, millennialism refers to the biblical millennium, when Jesus will return to usher in and reign over a utopic community of the faithful (i.e., the millennial kingdom) for a thousand-year period. More generally, millennialism is the belief in a collective, total, and final transformation of society that will usher in a post-historical epoch of peace and prosperity. In addition to its finality, this transformation is also understood to be imminent, and many who subscribe to millennialist beliefs interpret incidents of societal upheaval – such as war, famine, or widespread political unrest – as signs of the approaching end times. Millennialism is often used interchangeably with "millenarianism," and both terms ultimately derive from the aforementioned Christian context.[10] However, the former often carries a greater religious connotation than the latter, as millenarianism can just as aptly describe secular beliefs and movements, such as Marxism.[11]

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[10] Catherine Wessinger, "Catastrophic Millennialism," in *Encyclopedia of Millennialism*, ed. Catherine Wessinger (Loyola University New Orleans, 2017), http://people.loyno.edu/~wessing/law/Encyclopedia/2.catastrophic.html. For more on millennialism, see also: Catherine Wessinger, "Millennialism with and Without the Mayhem," in *Millemmium, Messiahs, and Mayhem: Contemporary Apocalyptic Movements*, ed. Thomas Robbins and Susan J. Palmer (New York: Routledge, 1997), 47–52; Catherine Wessinger, ed. *The Oxford Handbook of Millennialism* (Oxford: Oxford University Press, 2011).

[11] For a brief examination of millenarian thought in Marxism, see David T. Byrne, "The Victory of the Proletariat is Inevitable: The Millenarian Nature of Marxism" *Kritike* 5, no. 2 (December 2011): 59–67.

Millennialism in the twentieth century United States often takes the form of what Catherine Wessinger calls “catastrophic millennialism,” which centralizes the apocalyptic event(s) that will signal the coming millennium. According to Wessinger, catastrophic millennialism utilizes a deeply pessimistic view of human nature and society, seeing humans as “so evil and corrupt that the old order has to be destroyed violently to make way for the perfected millennial kingdom.”[12] This belief entwines with a dualistic worldview that posits reality in terms good versus evil, the elect versus the reprobate, us versus them. The faithful are stuck in this conflict until the collective apotheosis of the apocalypse rewards their faith and punishes their opponents. Despite its pessimism, catastrophic millennialism appeals to “the perennial human desire to achieve permanent well-being that is at the heart of the religious quest.”[13] It promises not only a transcendence of life’s suffering, but also helps explain why that suffering persists for the elect. Catastrophic millennialism thus provides a lens to justify a myriad of tribulations – natural disasters, political upheavals, calamities that befall the specific millennial group, all can be explained as components of a larger cosmic narrative.

Protestant fundamentalists are perhaps the largest and most visible group of catastrophic millennialists in the United States. Despite their political proximity to the American far-right, Christian Identity adherents outright reject the catastrophic millennialism of fundamentalists. Specifically, they eschew any interpretation of events that suggests a timeline for the apocalypse, and, moreover, reject how the dispensationalism of fundamentalists centralizes the history of the Jewish people in the fulfillment of Christian eschatology.[14] While Identity Christians and fundamentalists are thus both aptly described as premillennialists due to their belief that Jesus will arrive at some time during the apocalypse prior to the millennial kingdom, many Identity Christians reject the existence of a rapture prior to the apocalypse and instead contend that the apocalypse is already at hand and that they are living through it.[15] As this project will explore in the next section, Identity Christians utilize a virulently anti-Semitic interpretation of sacred history that relegates the Jewish people to enemies of the elect and it is this racialized reading of the apocalypse and sacred history that ultimately makes the millennialism of Christian fundamentalists and Identity Christians irreconcilable.

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[12] Wessinger, “Catastrophic Millennialism,” para. 2.

[13] Wessinger, “Catastrophic Millennialism,” para. 1.

It is the racialization of Christian Identity’s catastrophic millennialism that obliges the thematic connection between the millennialism of a far-right Christian group and the millennialism of the ostensibly Muslim NOI. However, the NOI draws upon an idiosyncratic sacred history that inverts the dynamics of racial dominance under White supremacism. As this paper will explore below, while the morphology of the

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[14] Michael Barkun, “Racist Apocalypse: Millennialism on the Far Right,” *American Studies* 31, No. 2 (Fall 1990): 125.

[15] Michael Barkun, *Religion and the Racist Right: The Origins of the Christian Identity Movement* (Chapel Hill, NC: University of North Carolina Press, 1996), 213.

NOI and Christian Identity's millennialism overlap in their explicit racialization, how this racialization operates, the function it serves, and the political action it inspires, is far from equivalent. What both communicate, however, is an enduring concern about the relationship between religious and racial identity in the United States and how the dynamics of race can factor into a religious group's ultimate concerns; that is, their eschatology.

The Christian Identity Movement and Its Antecedents

The foundational concern present in Christian Identity's foremost antecedent, British-Israelism, is the forgotten, or "hidden," lineage of the Ten Lost Tribes of Israel. According to biblical account, Israel split into two kingdoms after the reign of Solomon, with the northern kingdom containing ten of the twelve tribes of Jacob, and the southern kingdom comprising the remaining two. Around 150 years before the razing of the First Temple in Jerusalem, the Assyrians conquered the entirety of the northern kingdom, exiling its inhabitants.[16] While the destruction and subsequent exile of the southern kingdom at the hands of Nebuchadnezzar eventually saw the return of the tribes of Judah and Benjamin to Jerusalem, the ten tribes of the northern kingdom were "lost" after the Assyrian Exile.[17]

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[16] In the ancient Near East the Neo-Assyrian empire would frequently deport and resettle subject populations to prevent rebellion and reconfigure newly annexed territories.

The first indisputable British-Israelist, Richard Brothers (1757–1824), began to have millennialist visions in 1791, and by 1793 began to incorporate the narrative of the Ten Lost Tribes into his millennialist worldview. More specifically, Brothers contended that "most Jews were hidden among existing European, and particularly British peoples, unaware of their exalted biblical lineage,"[18] and, moreover, that he had been chosen by God to reveal this hidden identity and thereby precipitate the return of the Lost Tribes to Israel. While Brothers never achieved much of a following in his lifetime – he was declared insane in 1795 and institutionalized until 1806, by which point he had lost most of the followers he had – what is of interest to the present discussion is his idea of a "hidden Israel" dispersed among exclusively White populations, as this forms the central motif of British-Israelism. In other words, while Brothers is correctly identified as the first British-Israelist due to his role in constructing the movement's central motif, it would be another thirty-four years before anyone attempted to give the idea of a hidden Israel the historical and theological legitimacy it needed to make British-Israelism an established movement.

The first pseudo-historical justification for the idea of a hidden Israel comes from John Wilson (1799–1871) in his influential work, *Lectures on Our Israelitish Origin*, where he claims to have "discovered the true origins of the nations of Northern Europe."[19] As Barkun explains, "this work, together with Wilson's lectures and the periodicals he edited, brought the British-Israel message to a large middle-class audience. The *Lectures* depended less on the interpretation of biblical prophecy than on Wilson's attempt to demonstrate empirically that the lost tribes had in fact migrated from the Near East to Europe."[20] Wilson's attempt at empirical demonstration relied heavily on poorly done philology,[21] through which, Barkun explains, Wilson came to draw a sharp distinction between

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[17] Leonard Zeskind, *The "Christian Identity" Movement: Analyzing Its Theological Rationalization for Racist and Anti-Semitic Violence* (Atlanta: Nation Council of the Churches of Christ in the USA), 16–17.

[18] Barkun, *Religion and the Racist Right*, 6.

> the southern kingdom of Judah, from which Jews were deemed to have sprung, and the northern kingdom of Israel, the ancestors of the British and other European peoples. Hence, Jews bore only those divine promises God had given to the few tribes that dwelt in Judah, while the bulk of the prophecies were inherited by descendants of the tribes that dwelt in Israel – preeminently the tribe of Ephraim, which populated the British Isles. In addition, Wilson was skeptical of Jewish claims to undiluted descent from biblical ancestors. Patterns of intermarriage […] had intermixed Judah's descendants with […] 'the worst of the Gentiles,' [causing them to inherit] the Gentiles curse, which could only be lifted with the acceptance of Jesus. Thus Wilson's attitude toward the Jews was both fraternal and patronizing.[22]

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[19] Barkun, *Religion and the Racist* Right, 6–8.
[20] Barkun, *Religion and the Racist Right,* 7.
[21] Barkun, *Religion and the Racist Right,* 7.
[22] Barkun, *Religion and the Racist* Right, 7–8.

As the above quotation makes clear, the anti-Semitic implications of British-Israelism were present from its outset. However, it is widely acknowledged that there were a few additional figures – namely, Reuben H. Sawyer (1866–1962), William J. Cameron (1878–1955), and Howard Rand (1889–1991) – who shifted the movement towards something entirely new, openly vitriolic, and potentially dangerous: Christian Identity.[23]

While British-Israelist organizations in the nineteenth-century United States often styled themselves as Anglo-Israelist, this alternative moniker was relatively short-lived, eventually being replaced by the more encompassing category of Christian Identity. According to Danny W. Davis, what Identity Christianity adds to British-Israelism and distinguishes it as a separate movement are five doctrinal beliefs related to a racialized reading of the biblical creation story. The first of these establishes that there are two types of human beings that are distinguished by paternity. The first type, “Adamites,” descended from the line of Adam and Eve through their son Seth and represented God’s chosen – that is to say, White, Anglo-Saxon, Aryans. The second type, the “pre-Adamites,” were present thousands of years before Adam and Eve and were tainted due to race-mixing. The second doctrinal belief posits that the pre-Adamites were satanic Jews, created by the Devil himself. Following from this, the third belief holds that the serpent in the garden was not actually a reptile, but a humanoid who is either in league with the Devil or the Devil himself. The serpent then seduced Eve, constituting the Original Sin and resulting in the birth of Cain. Drawing from the first three, the fourth doctrinal belief establishes that there are two "seedlines" of humanity, one proceeding from Adam and Eve, the other from Eve and Satan through Cain. This latter line – which is dedicated to thwarting God's plan for eternity – feeds into the fifth and final doctrinal belief, which posits that Cain's propensity for evil was passed down to his descendants.[24] These emerging beliefs were in part the product of work conducted by Dominick M'Causland (1806–1873), Alexander Winchell (1824–1891), David Davidson (1884–1956), and Sydney (Ellen) Bristowe (1862–1952), work which incorporated investigative techniques ranging from biblical analysis and linguistics to archeology and pyramidology.[25] However suspect these techniques were in establishing their conclusions, these projects helped cement what little established orthodoxy Christian Identity enjoys. These doctrines oblige a radically alternative reading of Genesis, one which not only explicitly racializes the narrative, but also implies that the Original Sin in the Garden was not disobedience to God as is traditionally understood, but rather interracial sexual relations. Of course, the most shocking product of these doctrines is that the Jewish people are not only satanic, but literally and biologically descended from Satan.

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[23] Barkun, *Religion and the Racist Right*, 31–38. Sawyer was the leader of the Ku Klux Klan in Oregon in the early 1920s, Cameron was an editor, publisher, and personal press secretary for Henry Ford, and Rand was a lawyer who founded one of the most influential British-Israel organizations in the United States, the Anglo-Saxon Federation of America.

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[24] Danny W. Davis, *Phinehas Priesthood: Violent Vanguard of the Christian Identity Movement* (Westport, CT: Praegar, 2010), 17.

[25] Davis, *Phinehas Priesthood*, 17.

This theory of satanic Jewish origins aligned with prevailing anti-Semitic conspiracy theories in the early to middle twentieth century, which saw the Jews as wholly other from White Christians, thus serving to provide a theological justification for far-right suspicions of a Jewish world conspiracy. The origin of some of these suspicions derive from the czarist forgery *The Protocols of the Elders of Zion*, a work which recounts a meeting between Jewish elders to discuss economic and political strategies for global domination.[26] Cameron – along with his employer Henry Ford and a slew of his contemporaries and far right successors – interpreted the document as authentic. Ann Burlein reports that during his editorship at Ford's small newspaper, *The Dearborn Independent*, Cameron wrote articles which "linked the biblical hermeneutics of British Israelism to popular notions of Jewish conspiracy for world domination popularized in the *Protocols of the Elders of Zion*."[27] This blend of theological and secular anti-Semitism, coupled with catastrophic millennialism, is what provides the inspiration for the political acts taken up by Identity Christians.

The seedline theory of Christian Identity helps establish the specific character of Identity Christianity's catastrophic millennialism, as the contrast between the elect and reprobate is not one of orthodoxy or correct religious practice, but of biology. The "us versus them" framing that accompanies catastrophic millennialism is reconstituted in Identity Christianity to interpret all human history as a cosmic racial conflict between God's chosen Aryans and Satan's children. Only after the completion of the timeless cosmic battle between God and Satan can the chosen of God enjoy the exclusively Aryan millennium. Extending to the political realm, Identity Christians seek methods of resistance to counter the Zionist Occupied Government (ZOG), which hides within the political and economic systems of the United States. These governmental forces are in league with Satan to eliminate the White race and culture.[28] It is within this context that Identity Christians distrust centralized governments and privilege adherence to God's law, even at the expense of civil law.[29] While this attitude does not inherently necessitate open hostility or violence, Christian Identity's millennialist sympathies often inspire political actions that include communal reclusion from society, the stockpiling of weapons to protect themselves during the apocalypse, and even armed resistance against the governmental forces they view as in league with Satan. However, Identity Christians generally do not see themselves as agents of the Christian millennium, but rather as witnesses to its inception. While some Identity Christian groups have perpetrated acts of terrorism in a real-world enactment of the cosmic conflict against their satanic opponents, it is common for Identity Christians to react to signs of the approaching millennium by a physical withdrawal and separation from society, rather than committing direct acts of political violence. Like many groups of Christian millennialists before them, Identity Christians are assured of their own eventual victory, as God is on their side. The satanic institutions in politics, economics, or culture are assumed to be in a state of decadence and ripe for collapse. The goal for many Identity Christians therefore is not to fight the collapse but to avoid its calamitous effects in hopes that they can cultivate a Christian Identity community that will survive the apocalypse and enjoy the millennium.

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[26] Barkun, *Religion and the Racist Right*, 34.

[27] Ann Burlein, *Lift High the Cross: Where White Supremacy and the Christian Right Converge* (Durham: Duke University Press, 2002) 39.

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[28] Michael Barkun, "Millenarians and Violence: The Case of the Christian Identity Movement" in *Millennium, Messiahs, and Mayhem: Contemporary Apocalyptic Groups*, ed. Thomas Robbins and Susan J. Parker (New York: Routledge, 1997), 252.

[29] James A. Aho, *The Politics of Righteousness: Idaho Christian Patriotism* (Seattle: University of Washington Press, 1995), 13–15. See also Robert H. Churchill, *To Shake Their Guns in the Tyrant's Face: Libertarian Political Violence and the Origins of the Militia Movement* (Ann Arbor, MI: University of Michigan Press), 168–170.

The Nation of Islam and Its Antecedents

The early history of the NOI contains a number of gaps, as much of our knowledge about its founder – Wallace Fard – comes from a series of declassified FBI surveillance files that are fraught with contradictions and exaggerations. The FBI never uncovered a verifiable birth certificate for Fard,[30] and, according to arrest records from 1918, 1926, and 1933, in Los Angeles and Detroit, Fard gave conflicting accounts of his age, race, and background.[31] His racial ambiguity, which permitted him to pass as anyone from a half-White New Zealander to a light-skinned Indian, facilitated the viability of these fabrications.[32] The FBI's investigation deescalated after Fard disappeared without a trace in the spring of 1933, as expending the resources to track him became less and less financially justifiable.[33] Fard's potential inauthenticity does not register in any of Elijah Muhammad's public statements about the NOI founder, and ultimately, Fard's murky background and possible past involvement in criminal activities did not plainly influence the NOI's theological development – in fact, for the NOI's followers, his mysterious past and apparent

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[30] Fard claimed to have been born in Mecca in 1877, but an interview with one of his possible aliases, Wallace D. Ford, contradicts this. In an interview with the California State Authorities, Ford reports his birth as occurring in 1891 in Portland, Oregon. Elijah Muhammad, however, believed in Fard's Meccan origins, using this identity as legitimating connection between Fard and traditional Islam.

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31. Dawn-Marie Gibson, *A History of the Nation of Islam: Race, Islam, and the Quest for Freedom* (Santa Barbara, CA: Praeger, 2012), 24–25.
32. Herbert Berg, *Elijah Muhammad* (London: Oneworld Publications, 2013), 19.
33. Gibson, *History of the Nation*, 21–24. I list Gibson's 1933 date despite historical disagreement over when Fard disappeared. Gibson's source for the date of Fard's disappearance comes from a 1942 FBI interview with Elijah Muhammad, in which Muhammad divulged that his relationship with Fard effectively ended when Detroit Police "forced him to leave the city" in May 1933. In *The Black Muslims in America*, C. Eric Lincoln cites June 1934 as the date of Fard's disappearance, and Berg typically lists 1934, often without specifying a month. Both sources did not have the benefit of the FBI's case file on Fard, relying instead on less exact sources. Berg typically uses Muhammad's *History of the Nation of Islam*, printed in 1993, almost two decades after Muhammad's death. Lincoln's date comes from an article by Erdmann Doane Beynon entitled "The Voodoo Cult among Negro Migrants in Detroit" *American Journal of Sociology* 43, no. 6 (May 1938): 894–907.

disappearance would strengthen the belief that Fard was Allah, who only temporarily assumed a human form.[34]

Introduced by Fard, the NOI’s foundational beliefs have antecedents in two important organizations. Dawn-Marie Gibson suggests that Fard was involved in Marcus Garvey’s Universal Negro Improvement Association (UNIA) under the name George Farr, which would help explain the strong Black nationalist elements and Pan-Africanist leanings within the NOI’s theology and politics. The NOI’s emphasis on economic empowerment also finds a precursor in the UNIA.[35] The most apparent influence on Fard was Noble Drew Ali (1886–1929) and his Moorish Science Temple of America (MSTA).[36] Ali promoted a racially inspired identity revelation comparable to the proclamations Muhammad would later espouse, and not unlike messages from Christian Identity figures, which aimed to get their White audience to apprehend their hidden Israelite origins.

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[34] See Berg, *Elijah Muhammad*, 19–20, and Martha Lee, *The Nation of Islam: An American Millenarian Movement* (Syracuse, NY: Syracuse University Press, 1996), 35. Ford was imprisoned in 1926 for the sale of narcotics, but there is no absolute certainty that Ford and Fard are the same person.

[35] Gibson, *History of the Nation*, 25; Berg, *Elijah Muhammad*, 13.

[36] Noble Drew Ali was born Timothy Drew in North Carolina and spent most of his childhood in the South. His foray into religious organization began in 1913 with the establishment of his Canaanite Temple in Newark, New Jersey. The Temple split in 1916, and in 1925 Ali migrated to Chicago and established the headquarters of the Moorish Holy Science Temple, which was subsequently renamed the MSTA. He later founded temples in Philadelphia, Pittsburgh, and Detroit. Shortly before his death, he was accused of the murder of a rival from the MSTA (to which Berg feels he was falsely accused). His own death is a significant mystery – accounts range from murder by the hands of local law enforcement, to death by natural causes. See Gibson, *History of the Nation*, 23.

Ali's message to African Americans asked them to realize their true dual heritage of race and religion, which he believed to be Moor and Islam, respectively.[37] This message relocated African Americans in their own history, and gave a narrative to Black civilization and religion prior to the horrific existential and material consequences of chattel slavery.[38] Ali and the MSTA represent the first attempt at a reimagining of African American religio-racial identity, which would develop a deeper history and cosmology under the NOI.[39]

Fard did not found the NOI claiming to be the living embodiment of Allah. It was his eventual successor, Elijah

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[37] Emily Suzanne Clark, "Noble Drew Ali's 'Clean and Pure Nation': The Moorish Science Temple, Identity, and Healing," *Nova Religio: The Journal of Alternative and Emergent Religions* 16, no. 3 (2013): 32.

[38] Herbet Berg, "Mythmaking in the African American Muslim Context: The Moorish Science Temple, the Nation of Islam, and the American Society of Muslims," *Journal of the American Academy of Religion* 73, no. 3 (September 2005): 686.

[39] Ali relied on his own scripture for the theological instruction of his followers, and evidence suggests that *The Holy Koran of the Moorish Science Temple of America* (commonly called *Circle 7 Koran*) was plagiarized from two previous texts. Emily Suzanne Clark splits the *Circle 7 Koran*'s plagiarism into halves, with "the first half [originating] from *The Aquarian Gospel*, a Theosophical text from the first decade of the twentieth century that recounted Jesus' experiences in Egypt, India, and Europe and filled in the years of his life left unaccounted for in the New Testament." The second half of the *Circle 7 Koran* offers rules for everyday life and familial relations, ripping passages from a 1925 Rosicrucian text, *Unto Thee I Grant*. See Clark, "Noble Drew Ali's 'Clean and Pure Nation,'" 30; 35.

Muhammad (then Elijah Poole), who, after hearing Fard speak only twice, declared him the living God. Fard hastily accepted the designation, and immediately began presenting himself as a messianic figure at the next NOI meeting. This event exemplified a lasting tenet of the Nation's doctrine: the belief in the material presence of Allah. This belief contradicts Christian doctrine that God is a spiritual being, but also has two significant implications for NOI adherents. The first implication is a greater acceptance of Fard as the embodied Allah with Elijah Muhammad as his prophet. The second and, for the purposes of this analysis, more important implication, is the focus on materiality over otherworldly salvation.[40] An embodied material God enacts a material mission to awaken Black people to their status as Allah's chosen on earth, giving meaning to their history of suffering in the Americas and preparing them for their millenarian destiny.

Beyond providing meaning to the oppression of African Americans, the NOI's early doctrine offered a theological explanation for the wickedness of White people, composed of a largely novel cosmology. The NOI taught Blacks were the original inhabitants of the planet, coming to earth around 60 trillion years ago. In this prehistory, all Black persons belonged to the tribe of Shabazz and lived on the enormous planet that was the predecessor of earth. During this time, a massive explosion divided the planet into the present-day earth and moon and the tribe of Shabazz settled in the Nile

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[40] Lee, *Millenarian Movement*, 32–39.

Valley, living without strife or oppression until the creation of the White race.[41]

Martha Lee, paraphrasing from Muhammad's *The Message to the Blackman in America*, recounts the events that ended the tribe of Shabazz's epoch of social harmony, beginning 6,600 years ago:

> The tribe's civilization at Mecca was disrupted […] with the birth of Yakub, a boy destined to 'break peace, kill and destroy his own people with a made enemy.' While playing with steel, Yakub was said to have discovered the principle that unlike attracts and like repels; this idea he transferred to the social realm, determining that to have absolute power over his people, he would have to create an 'unlike man.'[42]

During a period of social dissatisfaction, Yakub began preaching controversial messages that created unrest and led to his deportation to the island of Pelan (or Patmos) in the Aegean Sea. Following the exile of Yakub and his followers, Yakub began conducting experiments to selectively breed the colour out of the skin of Black people. As his subjects became paler after each successive generation, their physical, psychological, and moral strength also diminished. By the time he concluded his experiments, he had created an immoral race of "devils," who caused strife wherever they went prior to being exiled to Europe. All attempts at reform and conversion of the White race, once undertaken by Moses himself, failed, and eventually their evil led them to commit atrocities all over the globe.[43]

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[41] Lee, *Millenarian Movement*, 39. It is worthy of mention that Malcolm X describes the events of NOI's cosmology a little differently on page 168 of his autobiography. Malcolm X contends the tribe of Shabazz, which never existed on earth's planetary precursor, was the creation of a Black scientist.

[42] Lee, *Millenarian Movement*, 39.

Muhammad preached that Black people were living in a liminal period toward the end of a prophesized six-thousand-year period of White dominance, the end of which was said to have begun in 1914. To enact this Black millennial period – which Muhammad theorized as the "Fall of America" – Blacks had to discover their true history and identity. Once free from the White supremacism responsible for all social conflict, Black communities could establish a tranquil society and resume their rightful dominion over the earth as Allah's chosen.[44] Muhammad's millennialism originates from many of the same biblical sources Christian millennialists use to support their ideology. Combining Old Testament prophecies with events from the Book of Revelation and the Qur'an, Muhammad produced curiously modern interpretations of ancient prophecy, such as the signal for the Fall of America. Taken from a one of Ezekial's prophecies, the mechanism for America's demise was an enormous air battle between a giant aircraft (dubbed the Mother of Planes), which was a half mile long and a half mile wide, and the demonic White nations.[45]

Reminiscent of the follies of the nineteenth and twentieth century Christian millennialists of the British-Israel and Christian Identity movements, Muhammad made the mistake of interpreting the social upheaval around him as signs of an imminent millennium. He predicted 1965 and 1966 as the years that would mark the end of White dominance and usher the Fall of America. As those years came and went, White dominance showed no signs of a forthcoming collapse, and Muhammad's unrealized millenarian visions proved to be a disappointment to faithful adherents of the NOI. Without specific millenarian stipulations, the NOI lost much of its urgency in the early to middle 1970s. Coupled with the slowly improving conditions for Blacks in the wake of the Civil Rights movement, arguments for racial separation fell upon less responsive ears.[46]

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[43] Lee, *Millenarian Movement*, 39–41.
[44] Berg, *Elijah Muhammad and Islam*, 120–121.
[45] Lee, *Millenarian Movement*, 47–48.

Analysis

Racialized cosmologies reside at the center of both the NOI and Christian Identity, providing the foundation for their respective theologies. The theologies of both religious movements highlight newly interpreted accounts of creation, history, and apocalypse on lines of race, often exemplifying analogous characteristics. Within their own religious contexts, the NOI and Christian Identity's racialized theologies preform the same four interconnected functions: (1) the revelation of a hidden identity of divine chosenness; (2) the demonization of a different race/people as the enemy of the chosen; (3) the response to the chosen's past and present social conditions; (4) the production of millennial aspirations. These functions serve as potential inspiration for the various political manifestations of the NOI and Christian Identity movement, but do not dictate the shape or nature of such manifestation. The hidden identities purported in both mythologies make explicit claims of chosenness, denoting an elevated spiritual proximity to God/Allah. Identity Christians, beginning with their British-Israelist forbearers, replaced the biblical Jews with themselves as God’s chosen people, thus giving themselves a privileged status while relying on the same written sources for religious authority. The NOI’s theology, however, relies largely on its own mythology, although Muhammad was quick to justify its inferences using the authority of biblical and Qur’anic passages.[47] Despite the inventiveness of Muhammad’s racialized account of creation and its inconsistency with the Qur’an, Muhammad and his converts saw themselves as Muslims, and incorporated a surprising amount of traditions from Sunni Islam.[48]

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[46] Lee, *Millenarian Movement*, 64–70.

The mythologies of Christian Identity and the NOI also identify an adversary to the chosen people, who often, due to their satanic paternity, are fated to perpetual conflict with the chosen until the coming of a Black or White millennium. Race becomes a metric of ethical fortitude, creating a biologically essentialist conception of morality. The NOI’s cosmology exemplifies this pattern more explicitly than Christian Identity’s, as Yakub’s selective breeding illustrated a direct correlation between lack of skin pigmentation and moral depravity. In the NOI’s sacred history, the introduction of

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[47] Lee, *Millenarian Movement*, 46.

[48] Curtis IV, *Black Muslim Religion*, 10–14.

Whiteness coincides with the introduction of social unrest and oppression. The myth of Yakub depicts White people as corrupt and irredeemable sowers of discord and identifies them as the objects of Allah's judgment.[49] Muhammad phrases his view of Whites with succinct clarity, "[t]he white race is not, and never will be, the chosen people of Allah (God). They are the chosen people of their father Yakub, the devil."[50] There is no hope for brotherhood between the White and Black races, as they are ontologically adversarial: "One is created an enemy against the other, and since the righteous are more powerful than the wicked, Allah, the God of righteousness set a time of reckoning for the enemy (the white man) of the righteous."[51]

The modern site of religious struggle is the Black effort to convert and unify under Islam and White efforts to prevent them. Through Islam, there exists a facilitator of transnational brotherhood among nonwhites. To Muhammad, "[Islam] is the only unifying religion known and tried by the races and nations of the earth," adding, "[t]his the white race knows."[52] Their knowledge of this explains their vilification of Islam, as they hope to retain their earthly domination through a spiritual and political division of nonwhites. For believers, the NOI's identification of Whites as devils speaks to the social reality of their oppression as Blacks under White supremacy in America. It also gives theological justification to feelings of social isolation in a world that was eighty-five percent nonwhite. As with most theological matters in Identity Christianity, there is much variation in the emphasis, nature, and clarity they give to their identification of Jews as the cosmic enemy of White northern Europeans. As James Aho notes, Christian Identity does not agree on a single definition of "Jew," and many do not consider Jewish identity to pertain to race or ethnicity at all, but rather just adherence to a specific creed.[53] Despite Aho's problematizing of Christian Identity's usage of the word "Jew," he alleges its usage in Identity historiography identifies Jews as the architects of world history, who seek to oppress the White race through their power in government, economics, and media.[54] The identification of the Jews as an ontological adversary to White people forms the basis of Identity theology's dualism, aiding in the perception of their own positionality within God's holy army.[55]

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[49] Lee, *Millenarian Movement*, 40–41.

[50] Elijah Muhammad, *Message to the Blackman in America* (Phoenix: Secretarius MEMPS, 2011), Apple Books, 373, ch. 62. As the page numbers between the electronic and print versions vary considerably, all references to this work will include chapter numbers to help readers of the print book locate the quotations referenced.

[51] Muhammad, *Message to the Blackman*, 717, ch. 120.

[52] Muhammad, *Message to the Blackman*, 367, ch. 61.

With the articulation of a revelation of a hidden racial identity indicative of divine chosenness – an identity which has an ontological opposite in a race of satanic paternity – the NOI and Christian Identity's racialized theologies set up a framework for believers to explain real and perceived sites of oppression. Within these frameworks, any potential social or personal ill is sourced back to the root of all evil – i.e., Jews for Christian Identity, and Whites for the NOI – providing sites of injustice with extra-historical meanings beyond their social ramifications. The power of Muhammad's creation mythology resides in its construction of a Black theodicy, which acknowledged the lived experience of Black Americans to a greater degree than Black Protestant denominations.[56] As Edward E. Curtis explains, Elijah Muhammad offered

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[53] Aho, *Politics of Righteousness*, 92–93.
[54] Aho, *Politics of Righteousness*, 264–265.
[55] Davis, *Phinehas Priesthood*, 25.

> a story grounded in a mythological view of history that explained the fall of black civilization, the Middle Passage from Africa to the Americas, and the practice of Christian religion among slaves and their descendants. This narrative assured African Americans that they were good by nature and had been the victims of an evil plot. While blacks may have been powerless to prevent the unfolding of this history, Elijah Muhammad said that God had not abandoned them. It was their destiny as the chosen race, the original man, to be offered salvation, to regain this former status as rulers of the earth.[57]

Muhammad's story resonated with disheartened African Americans in the industrial Northeast and Midwest, many of whom had moved from the South during the Great Migration to escape racial violence and find better employment. His narrative not only provides an explanation for the history of genocide and slavery, but also a reason for why White America continues their legacy of racial violence and austerity.[58] In *Message to the Blackman in America,* Muhammad often cites

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56. Curtis IV, *Black Muslim Religion*, 11.
57. Curtis IV, *Black Muslim Religion*, 11.
58. Gibson, *History of the Nation*, 14–15.

Whites' natural propensity for discord, claiming that Whites cannot even keep peace amongst themselves. The theology of the NOI responded to its social context by offering the hope that one day racial power structures would invert, and Allah would administer racial and economic justice for the crimes White Americans continue to inflict on African Americans.[59]

Unlike the NOI's theology, Christian Identity does not have to provide a racial theodicy to explain divine chosenness within the context of an oppressive social history. White Americans already occupy the privileged location of America's racial hierarchy, and Identity theology serves to (re)affirm the spiritual and political power of this location against those who question or attempt to subvert White supremacy. However, the privileged status of Whiteness does not comprehensively protect White Americans from other forms of social distress – specifically, economic distress. The economic impacts of globalization have disproportionally affected the rural working-class White men that make up the bulk of Christian Identity's demographics. From the mid-twentieth century onward, the corporatization of farming under multinational food suppliers and the squeezing out of small businesses in the emerging "Walmart economy" disrupted the livelihoods of Christian Identity's base. An invisible enemy stripped away what Identity Christians believed to be their birthright: private land ownership.[60] Many Christian Identity figures characterize this process as the operation of satanic or

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[59] Muhammad, *Message to the Blackman*, 618, ch. 104.

[60] Michael Kimmel, *Angry White Men: American Masculinity at the End of an Era* (New York: Nations Books, 2013), 244–248.

"Babylonian" economics built on usury, and take this as evidence of a global Jewish banking conspiracy.[61] The connection of modern economic practices to scriptural Babylonian economics is no accident within the context of Identity's mythology. Given the eternal nature of the divine conflict, it follows that "ungodly" economic abuses would have biblical antecedents, and that the same party would impose these abuses throughout history. Rural White farmers, burdened by the farm crisis of the 1980s, saw the parasitism of a worldwide banking conspiracy as a suitable explanation for their economic woes.[62] Christian Identity's fixation on the evils of debt and interest stood out from other far-right Christian groups' typical defense of the economic status quo.[63]

Beyond responses to socio-economic conditions, the NOI and Christian Identity offer curiously akin responses to specific subjects of twentieth century gender politics, such as birth control and abortion. Both movements cite the progression of gender politics as indication of a genocidal conspiracy against their race. Muhammad, who previously made little comment on women's issues, characterized birth control in *Message to the Blackman in America* as a plot by Whites to eliminate the Black race in a fashion reminiscent of Yakub's creation of the White race.[64] Genocidal conspiracy theories related to birth control became a consistent feature of the NOI's chief publication, *Muhammad Speaks*, in the 1960s and early 1970s.[65] Likewise, birth control is held to be facilitator of "white genocide" in Christian Identity thought. After *Roe v. Wade*, however, birth control took a discursive backseat to abortion in its significance to the genocidal campaign against the White race. Identity groups – such as The Order and the Church of Israel – emphasize abortion as essential to ZOG's goal of White racial and cultural extermination, and, for many Identity believers, the legalization of abortion confirms the idea that Jewish genocidal efforts materialized through governmental policies.[66]

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[61] Barkun, *Religion and the Racist Right*, 204–205.
[62] Churchill, *In the Tyrant's Face*, 179.
[63] Zeskind, *The "Christian Identity" Movement*, 41.
[64] Berg, *Elijah Muhammad*, 93. In *Message to the Blackman,* Muhammad directly connects American birth control with Yakub. See 201–202, ch. 35.

The NOI and Christianity Identity's conspiratorial responses to changing social conditions irrevocably tie into the millennialist ideologies present in both movements. While the chosen's degree of agency in grappling with the approaching millennium varies between the two, the belief in a millenarian end to a racialized cosmic conflict produces similar aspirations in both groups.[67] These aspirations carry myth and doctrine across the threshold from individual belief to political action, and lead to the production of a separatist political ideology that aims to prepare the chosen for the imminent millennium. The differences in the political action these aspirations produce serve to contextualize the socio-economic position of both groups' adherents and widen the relational understanding of the role of both movements' myths and doctrines in their adherents' social lives.

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[65] Lee, *Millenarian Movement*, 61–67.

[66] Abby Ferber, *White Man Falling: Race, Gender, and White Supremacy* (Lanham: Rowman and Littlefield Publishers, 1998), 120–122. Ferber notes elsewhere the degree to which the entertainment industry contributes to Jewish conspiracy as a conveyor of acceptable social practice. For additional information about the Order, the Church of Israel, and other Christian Identity groups that have emphasized abortion as a part of "white genocide," see Leonard Zeskind, *Blood and Politics: The History of the White Nationalist Movement from the Margins to the Mainstream* (New York: Farrar, Straus and Giroux, 2009).

[67] While the NOI and Identity Christians see some role for themselves in the coming millennium, this role does not formulate a direct cause and

Both Christian Identity and the NOI propose separatism as their core millennialist aspiration, a social yearning consistent with their divinized beliefs in racial purity. This separatist aspiration functions in a similar manner for both groups: as a means of both protection and preparation. As previously stated, Muhammad had little evidence to believe the reconciliation and betterment of race relations between White and Black Americans was even a remote possibility. Some NOI members proselytized Islam as a protection against racism, with racial separation being the principal guarantee. NOI conversion narratives echoed this idea of protection, often highlighting themes of escape from the various evils the NOI attributed to White society.[68] However, even if material justifications did not serve as a proper explanation for the necessity of separatism, Muhammad's description of Judgment Day and the Fall of America most certainly did. Adherents had to prepare for the approaching Black millennium lest they find themselves without a nation, community, or even identity.

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effect relationship between human agency and divine products. In other words, millennial agency ultimately resides with God/Allah.

[68] Curtis, *Black Muslim Religion*, 24–29.

Muhammad advocated self-sufficiency largely because he perceived African Americans as “dependent on the slave-master.”[69] Particularly, he saw Black economics as dependent on Whites, as they manufacture and produce “everything.”[70] However, the NOI’s primary form of millennialist preparation is entangled with the first of the aforementioned functions of their theology: the revelation of a chosen identity. Education was therefore the primary political project of the NOI, as evidenced by Fard’s founding of the University of Islam.

Despite all of the NOI’s separatist rhetoric, the only active separation Muhammad and his followers practiced already existed within the environment they were located. Muhammad asked for land and support from the U.S. government but never seriously drew up plans for this separate society. Muhammad’s son Wallace confirmed in 1980 that Muhammad knew his demands would never be met; regardless, the request for a separate state would serve as effective motivation for his audience.[71] The millennialism manifest within the NOI’s practice stopped well short of political mass movement, and referred strongly to a personal code of the ethics – a moral separation from Whiteness. The socio-political position of African Americans prohibited any realistic political action in Muhammad and the NOI forming their own country, no matter the size of the movement or the sincerity of their religious convictions. This realization makes doctrinal emphasis on political separation insignificant in comparison to education on religious and behavioral issues. The relative political inaction accompanying the NOI's separatist ideology juxtaposes strongly with Christian Identity's various political expressions. Both refer back to the same millennialist separatist instinct, but Christian Identity takes a more active role in turning its separatist aspirations into a reality. Multiple groups with strong Identity ties attempted to establish their own sovereign territory and protect it through violent means. Perhaps the most militarized of these groups, James Ellison's The Covenant, The Sword and the Arm of the Lord (CSA), established a 224-acre community in the Ozarks of northern Arkansas, called Zarephath-Horeb, in 1976.[72] The original goal of their separatism was to provide the means of protection necessary to survive the imminent Tribulation, but the CSA grew increasingly more antagonistic over time, seeing themselves at war with the outside world.

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[69] Curtis, *Black Muslim Religion*, 110. This is a major motif in *Message to the Blackman* and can be found throughout the text.
[70] Curtis, *Black Muslim Religion*, 437.
[71] Lee, *Millenarian Movement*, 90.

However, organized Christian Identity communities like Zarephath-Horeb have not – historically or contemporarily – acted as the primary vehicles of right-wing militancy and violence. Rather, violence emanating from these communities tends to come from militias, terrorist cells, and "lone wolf" actors. Terrorist groups with heavy Christian Identity ties – such as the Phinehas Priesthood, Posse Comitatus, and The Order – have focused on waging an active war against the U.S. government, accompanied with similar schemata. All three groups also claim that their existence is legitimated by the incongruity between the United States law and their interpretation of God's law. The militant political expressions of the aforementioned terrorist groups refer to an important theological context of Christian Identity's millennialism. Many Identity Christians deny the presence of a rapture of righteous Christians and promote the idea that the world has already entered the apocalypse.[73] This theological position orients the protective necessity of survivalist and separatist political ideologies for Ellison's CSA, and also helps explain how and why God's chosen suffer under their present economic and political positions.

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[72] Barkun, *Religion and the Racist Right*, 216.

It would be ahistorical to claim that the theology of British-Israelism that fostered Christian Identity necessitated the extremism of ardent adherents like James Ellison of the CSA. Adherents such as Ellison are recent examples of a biblical interpretation dating back to the late eighteenth century; however, the racism and justifications for extrajudicial action interwoven within Christian Identity's ideology predate their extremist political manifestations of the late twentieth century. It would be a mistake to label the progression of Christian Identity as an *ex post facto* excuse for political violence. Ultimately, it is this violence which brought Christian Identity to the attention of federal authorities and the American public. There is absolutely no equivalent in the history of the NOI. Despite the labeling of Whites as satanic, it was not for the NOI or its adherents to exact justice against their oppressors; that was God's prerogative. For all the labeling of the NOI – and specifically Elijah Muhammad and Malcolm X – as violent and requiring government surveillance and infiltration, the NOI exercised its political strength via solidarity, not violence. This discrepancy between the NOI and Christian Identity is more than curious. If their respective theologies are so instrumental to their political expressions, why would one sanction violence and the other not? How could similar forms of millennialist thought inspire dissimilar millennialist action?

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[73] Barkun, *Religion and the Racist Right*, 213.

Violent action relies on more than the beliefs and motivations of the actor; far more so, it relies on the actor's agency within their political reality. Violence also relies on the tools available to the actor. As Hannah Arendt wrote in *On Violence*, "[v]iolence is by nature instrumental."[74] And indeed, the instruments at the disposal of the NOI and Christian Identity reflect the dissimilarity in violence: rural Identity Christians have greater access to weapons and bomb making materials – specifically the ammonium nitrate commonly found in fertilizer – than the urban believers of the NOI. However, the answer to the discrepancy in violence is not a matter of pure instrumentality.[75] Violence connotes a relationship, which supplies it with a persistent political element. Moreover, the political power of the actors directs the possibility and structure of their violence. To quote Arendt further, “politically speaking, it is insufficient to say that power and violence are not the same. Power and violence are opposites; where the one rules absolutely, the other is absent. Violence appears where power is in jeopardy, but left to its own course it ends in power’s disappearance.”[76] Violence is not necessary when power is total; violence becomes a substitution for power when power struggles to maintain itself. The prevalence of violence amongst Identity Christians would suggest a reduction of their political power, or at least a widespread impression of that reduction. It would also explain their positioning as victims of and resisters to a growing satanic governmental force (i.e. ZOG).

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[74] Hannah Arendt, *On Violence* (New York: Harcourt, Inc., 1970), 51.

[75] Weapons and explosives laws are also much looser in sparsely populated areas, allowing binary explosives – such as Tannerite – to be available for purchase at gun shows to use on private property without the interference of city ordinances.

Identity Christians in the rural United States certainly had reasons to feel a reduction of their power. While the criminality of many Identity groups was at its peak, rural America was suffering through a farm crisis that often saw the price of their commodities fall below their cost of production. Zeskind recalls in connection to the formulation of the Posse Comitatus, “[b]etween 1982 and 1985 the market value of farm acreage fell by an astonishing $146 billion, an amount equal to the combined assets of IBM, General Electric, Dow Chemical, and several other major corporations at that time… Approximately 625,000 family farm operations were lost between 1981 and 1988.”[77] Intersecting the agronomic crisis with the changing social landscape in the decades preceding it, it was not a stretch to stress the threat of feminism, cosmopolitanism, and the growing acceptance of interracial relationships to a group constituted principally of rural White farmers, who for decades were able to live and espouse regressive racial and gender politics. Changes in immigrant classification and preference under the quota system after the Immigration and Nationality Act of 1965 brought a greater number of Asian immigrants to the Western United States. The elimination of the Bracero Program in 1964 also unintentionally increased undocumented immigration from Latin America.[78] These socio-economic factors do not create cause-effect relationships on the beliefs of Identity Christians and how they express those beliefs politically, but they do provide a context of power in which those expressions take place. Millenarian Identity believers could point to any of these factors as evidence of ZOG's growing prevalence and the initiation of the end times. Even mainstream political and media narratives describe shifting views on traditional gender roles as an effeminization of society, and changes in immigration and U.S. demographics as a "crisis" or an "invasion."[79]

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[76] Arendt, *On Violence*, 56.

[77] Zeskind, *Blood and Politics*, 73.

Northern urban Blacks, regardless of whether they were native northerners or migrants from the south, never possessed the social and political power Whites in the city or country enjoyed. Members of the NOI did not concern themselves with holding fast to the little power they already had, but rather with constructing new assemblies of power. The reclamation of a hidden identity allows for a new structure of power to emerge, located in the solidarity of a geographically and politically concentrated religious movement. The solidarity and concentration provided physical safety as well as a spiritual and psychological protection from layers of social oppression within American society. The racialism of NOI theology provides an explanation for a racially defined social position that is analogous to Christian Identity, but the NOI's description of their oppression is not a matter of pure perception or a product of a devolving political position. Unlike Identity's interpretations of interracial sex, abortion, and eugenics as a conspiracy to corrupt or destroy the White race, Muhammad's concerns over eugenics, especially in the form of compulsory sterilization that he mentioned in *Message to the Blackman*, were based in verifiable experience. In the state of North Carolina alone, a reported five thousand of the 7,686 state-sanctioned sterilizations performed were performed on African Americans.[80] (While North Carolina concedes only thirty-eight percent of the 7,686 as African American, they acknowledge a disturbing ninety percent acceptance rate of petitions for compulsory sterilization.[81]

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[78] Douglas S. Massey and Karen A. Pren, "Unintended Consequences of US Immigration Policy: Explaining the Post-1965 Surge from Latin America," *Population and Development Review* 38, no. 1 (March 2012): 1–5. The Immigration and Nationality Act of 1965 actually had little effect on immigration from Central and South America, as "before 1965 there were no numerical limits at all on immigration from Latin America or the Caribbean, only qualitative restrictions" (Massey and Pren, "Unintended Consequences," 1).

[79] Massey and Pren, "Unintended Consequences," 7.

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[80] Angela Y. Davis, *Women, Race & Class* (New York: Vintage Books, 1983), 217.
[81] NC General Assembly (18 Dec 2008), *House Select Committee on the Compensation for Victims of the Eugenics Sterilization Program*, 11.

Conclusion

The effort to compare and evaluate the theologies of the NOI and Christian Identity cannot rest solely on the comparison and evaluation of morphological commonalities or analogous rhetoric and motifs. While these similarities are certainly intriguing, they simply do not capture the full picture. However, when these theologies are measured within the scope of their disparate political realities, the activations and movements of power that inform and motivate them become clearer, and this, in turn, can help scholars of religion come to a better understanding of the relationship between ardent religious conviction and political action. Within the review of power within the NOI and Christian Identity, we find a possible reason as to why the NOI was largely peaceful and law-abiding, despite its use of conventionally vitriolic language in its racialized theology and its customary implementation of millenarian ideas. In turn, we also see a possible explanation for the permissiveness of violence within Christian Identity, as White Christians enjoy a social license that affords them the privilege to espouse, threaten, and enact violence on theological biases with the expectation of desirable ends. The gradual diminishment of White supremacy's power provides the underlying context in which Identity Christians can (and feel 'called' to) justify acts of violence and terrorism.

Religiosity and Violence Reconsidered: Shiʻi *Ulama* Responses to Modernization and the 1906 Constitutional Revolution[1]

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In the late nineteenth and early twentieth century, the two major religious leaders of Twelver Shiʻi Islam in Iran – Akhund Mullah Mohammad Kazim Khurasani (1839–1911)[2] and Sheikh Fazlullah Nuri (1843–1909) – opposed each other over what would prove to be one of the most vital moments of modern Iranian history, a moment which led the country to change from despotism to constitutionalism, and, accordingly, had vast sociopolitical implications for the Iranian state and society.[3] Their conflict, which became public, is preserved in the standpoints they took toward the 1906 Constitutional Revolution. Interestingly, this conflict arose despite the fact that both scholars came from the same school of thought (Usuli Twelver Shiʻism[4]) and studied Islamic jurisprudence

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[1] I would like to extend a special thanks to the reviewers and editors of *Arc* for their considerable help in revising this paper.

[2] A. Hairi, "AḴŪND ḴORĀSĀNĪ," in *Encyclopædia Iranica*, online edition, http://iranica online.org/articles/akund-molla-mohammad-kazem-korasani.

[3] Vanessa Martin, "NURI, FAŻL-ALLĀH," in *Encyclopædia Iranica*, online edition, http://www.iranicaonline.org/articles/nuri-fazl-allah.

[4] The Usulis are the majority Twelver group, while the Akhbaris form a small minority.

Arc – Journal of the School of Religious Studies, McGill University
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under the same *marja'-i taqlid* (revered teacher and source of emulation), Ayatollah Sayyid Hasan Shirazi.

His preliminary support notwithstanding, Shaikh Nuri argued consistently against the Constitution from the moment its executive decree (*Farman-i Mashruṭih*) was approved by Muzaffar ad-Din Shah Qajar on August 5th, 1906.[5] After Muzaffar ad-Din's death, his successor – Muhammad Ali Shah Qajar – abolished the Constitution and bombarded the parliament in 1908. This led to a division between the pro-constitutionalists and those who sought to see constitutionalism terminated, in both the *ulama* (body of recognized scholars) and Iranian society at large. While Nuri's support of the Shah decriminalized the extensive use of violence and the murder of many constitutionalists, Akhund Khurasani – along with two other grand Najaf Ayatollahs, Shaikh Abdullah Mazandarani and Mirza Hossein Khalili Tehrani – supported the new parliament (*Majlis*) and tried to nullify Nuri's acts through their pro-constitutionalist *fatwas*.

Broadly, this article aims to explore this history as a means of examining the relationship between Usuli Twelver jurisprudence and patterns of violence that occurred during this time. In more precise language, it aims to provide an answer to the following question: Given that Nuri and Khurasani both purported to share the same general intention, that of guiding society to act in accordance with the Usuli Twelver Shi'i understanding of Islam, what can we make of the fact that Nuri's *fatwas* appear to legitimize, incite, and perhaps even *instrumentalize* violence, whereas Khurasani appears to be much more cautious and prudential about issuing any *fatwas* that may legitimize or incite violence? While Nuri (a traditionalist) and Khurasani (a moderate) were both influential *mujtahids,* their competing *fatwas* make it clear that they had different understandings of how their influence and authority should be wielded. This article will argue for the value in exploring their different positions through the theoretical lens provided by Robert M. Cover, a constitutional legal scholar whose career was dedicated to interrogating the complex relationship between jurisprudence and violence.[6]

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[5] Even before the formation of the first *Majlis*, Nuri regretted supporting Bihbahani and Tabatabai, the two major pro-constitution clerics, as he became disillusioned with the outcome of their movement for both personal and religious reasons. For further discussion see Mangol Bayat, *Iran's First Revolution: Shiism and the Constitutional Revolution of 1905–1909* (New York: Oxford University Press, 1991), 134.

While it might seem incongruent to accuse Nuri of inciting violence when his *fatwas* did not explicitly condone or call for violence, Cover helps us make this leap by providing a theoretical lens which clarifies how "on one level judges may appear to be, and may in fact be, offering their understanding of the normative world to their intended audience. But on another level, they are engaging a violent mechanism through which a substantial part of their audience loses its capacity to think autonomously."[7] While

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[6] While the present discussion will primarily rely on Cover's essay, "Violence and the Word," in *On Violence*, ed. Bruce Lawrence and Aisha Karim (Durham, NC: Duke University Press, 2007), I refer readers to *Narrative, Violence and the Law: The Essays of Robert Cover*, ed. Martha Minow, Michael Ryan, and Austin Sarat (Ann Arbor, MI: University of Michigan Press, 1995), to get a more robust sense of Cover's overall project. While Cover's work does not speak to the Iranian context specifically, I nevertheless hope to demonstrate the value his theoretical insights can bring to the particular line of inquiry being pursued. A similar approach can be seen in Mansour Bonakdarian's "A World Born through the Chamber of a Revolver: Revolutionary Violence, Culture and Modernity in Iran, 1906-1911," where he utilizes studies of violence in the French and Irish contexts to inform and "reinforc[e] [his] broader inquiries and conclusions." See "A World Born through the Chamber of a Revolver: Revolutionary Violence, Culture and Modernity in Iran, 1906-1911," *Comparative Studies of South Asia, Africa and the Middle East* 25, no. 2 (2005): 318.

[7] Cover, "Violence and the Word," 302.

Khurasani's prudential approach seems to demonstrate an acute awareness of this fact, Nuri's *fatwas* indicate that he was either ignorant of it, or – more damningly – that he was willing to use his authority as a *mujtahid* to incite his followers to engage in violent acts, despite the fact that his actions went against the example set by Khurasani, who then held the position of *marja'-i taqlid*, which literally means the most learned source of emulation – a position expressly created by the Usuli *ulama* to guard against the threat of human error that naturally accompanies the use of reason in *fiqh* (Islamic jurisprudence). In other words, it will ultimately be asserted that the violence condoned by Nuri's *fatwas* is not a true reflection of some character of Twelver Shi'i doctrine or jurisprudence specifically, but is, rather, a reflection of the violence inherent in all judicial interpretation (as will be explained below), and, more specifically, of Nuri's misuse of the judicial authority bestowed on him as a *mujtahid* – something that clearly comes into focus when we compare his response to Khurasani's via the theoretical lens provided by Cover.

As Khaled Abou El Fadi notes in *Rebellion and Violence in Islamic Law*, "Muslim juristic discourses incorporate the rules of Islamic law, but also engage in a rhetorical dynamic through which the jurists adjudicate, advocate, protest and aspire for certain goals. […] Therefore, it is necessary to contextualize these discourses within certain historical events, and to examine these discourses in light of a historical continuum."[8] Following El Fadi's lead, this paper will thus begin with an examination of the history of Twelver Shi'ism in Iran, to provide the historical context necessary for understanding the Usuli *ulama* – specifically, why it has adopted the particular hierarchical structure it has, and how this relates to the Usuli stance on administering jurisprudential advice. This historical overview will be followed by a discussion of Nuri and Khurasani's competing *fatwas*, while the final section will map out the specific ways in which Cover's work helps bring the violence of Nuri's response into focus. However, before moving on, it will first be pertinent to spend a bit more time introducing the theory of jurisprudential violence that will provide the theoretical framework of this piece.

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[8] Khaled Abou El Fadi, *Rebellion and Violence in Islamic Law* (New York: Cambridge University Press, 2001), 2–3.

Cover's overall project is adequately described as an exploration into the peculiar positionality of judges, a positionality which requires them to both condemn and limit violence while simultaneously instantiating it. As Cover puts it:

> Legal interpretation takes place in a field of pain and death. This is true in several senses: A judge articulates her understanding of a text, and as a result, somebody loses his freedom, his property, his children, even his life. Interpretations in law also constitute justifications for violence which has already occurred, or which is about to occur. When interpreters have finished their work, they frequently leave behind victims whose lives have been torn apart by these organized social practices of violence. Neither legal interpretation nor the violence it occasions may be properly understood apart from one another.[9]

While it may appear that Cover is critical of this state of affairs, it must be clarified that this is not the case. He is, rather, simply noting that the practice of interpreting and administering the law is never simply a mental or spiritual act – as all law presides over societies of embodied persons, "a legal world is built only to the extent that there are commitments which place bodies on the line;" put differently, legal interpretation "depends on the practice of violence for its efficacy."[10]

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[9] Cover, "Violence and the Word," 293.

While Cover does acknowledge that there is an important distinction to be made between "interpretations which occasion violence" and "the violent acts they occasion" – that is to say, between the legitimization/authorization of violence and the actual committing of the violent act – he nevertheless asserts that, as "the judicial word is a mandate for the deeds of others,"[11] we must resist the temptation to conceptually divorce these interpretive acts from the violent acts they authorize. Accordingly, he argues that legal interpretation should be understood as one of the many possible means by which people can overcome the general revulsion towards violence that marks normal human psychology. As he states, for most people,

> evolutionary, psychological, cultural, and moral considerations inhibit the infliction of pain on other people. […] Because legal interpretation is as a practice incomplete without violence […] it must be related in a strong way to the cues that operate to bypass or supress the psycho-social mechanisms that usually inhibit people's actions causing pain and death. […] In order to understand the violence of a judge's interpretive act, we must also understand the way in which it is transformed into a violent deed despite general resistance to such deeds; in order to comprehend the meaning of the violent deed, we must also understand in what way the judge's act authorizes and legitimizes it.[12]

As this quotation suggests, Cover is thus insistent that an integral part of legal interpretation is "an understanding of what others will do with such a judicial utterance" – an understanding which requires that attention be paid to something he calls "secondary rules."[13]

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[10] Cover, "Violence and the Word," 300.

[11] Cover, "Violence and the Word," 299.

[12] Cover, "Violence and the Word," 300.

Secondary rules refer to the rules and principles which both prescribe and describe the relationship between the interpretive acts of judges and the actions which may reasonably be expected to follow from them.[14] As Cover puts it, "secondary rules and principles provide the template for transforming language into action, word into deed."[15] While prescriptive secondary rules "purport to set the norms for what those relations ought to be," descriptive secondary rules purport to provide "an accurate prediction" of what the terms of cooperation between a judge and other social actors actually will be. While Cover is writing with the American legal system in mind – and is therefore admittedly thinking of the secondary rules that govern, for example, the relationship between a judge and an executioner – I nevertheless maintain that this concept can be fruitfully adapted and applied to the Iranian context under study. Here, prescriptive secondary rules refer to the series of distinctions created by the Usuli *ulama* to ensure that their use of *ijtihad* (independent reasoning) did not contradict Shi'i doctrine surrounding the authority of the Hidden Imam – distinctions which, as will be discussed below, clearly define what the relationship between interpreters and other social actors ought to be. What I would like to refer to as the descriptive secondary rules of this context diverge a bit more radically from Cover's schema, and refer to the environment of despotism and rebellion that marks this history, an environment which was already permeated with violence, and which, accordingly, provided an "accurate prediction" of what the terms of cooperation between legal interpretations and the actions of other social actors actually would be.[16] Taken together, I argue that these secondary rules made it readily apparent that if a *mujtahid* provided an interpretation that strongly condemned something, this condemnation had a high likelihood of being – to use Cover's words – "transformed into a violent deed." As asserted above, while Khurasani's response seems to demonstrate an acute awareness of these secondary rules and the import of attending to them to reduce unnecessary (and therefore scripturally illegitimate) violence, Nuri's response does not.

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[13] Cover, "Violence and the Word," 299. It will be important to note that Cover did not coin this phrase himself, but rather borrowed it from H. L. A. Hart.

[14] Cover, "Violence and the Word," 299.

[15] Cover, "Violence and the Word," 299.

Twelver Shiʿism

We shall begin our historical overview with an examination of the defining characteristics of Twelver Shiʿism. According to Abdulaziz Sachedina, Iranian Muslims follow a particular branch of Shiʿi Islam – Twelver Shiʿism – which believes "in the appearance of a messianic savior from among the descendants of Muhammad."[17] It is this key concept of the "Savior Imam, the Mahdi (divinely guided)" that is at the heart and foundation of Twelver Shi'ism.[18] For Twelvers, the Saviour Imam is thus understood as being the charismatic figure who will succeed the Prophet and establish an ideal Islamic society, a role which was first assigned to the Prophet's son-in-law and cousin, Ali, and then

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16. Cover, "Violence and the Word," 299. For more on the general atmosphere of violence marking this historical period, see Bonakdarian, "A World Born Through the Chamber," where he states that violence in this environment "ranged from premeditated acts of violence to spontaneous, random, defensive, punitive, accidental […] retaliatory […] and intimidating or terror-inspiring violence (319–320).
17. Abdulaziz Abdulhussein Sachedina, *Islamic Messianism: The Idea of Mahdi in Twelver Shiʿism* (Albany: State University of New York Press, 1981), 5–6.
18. Sachedina, *Islamic Messianism*, 6.

to the male descendants of Muhammad born through the union of Ali and Muhammad’s daughter, Fatima. Ali and his direct descendants are thus viewed as the “rightful'” heirs of the messianic leadership, and it is believed that they are the only ones capable of establishing a true and just Islamic society – thus the expression *Shi‘at ‘Ali* (partisans of Ali).[19]

Shi‘i political aspiration has historically been met with a great deal of resistance and failure. Ali's second son, Husayn, who succeeded his elder brother as the third Imam, was killed in the battle of Karbala, and the tragedy of early and unnatural deaths persisted among the Imamate until the succession of the twelfth and final Imam, Muhammad ibn al-Hasan, the last of Ali’s direct descendants. Unlike his predecessors, Muhammad ibn al-Hasan did not meet an early death – in fact, he is understood not to have died at all, but rather to have gone into a state of “occultation” (a form of concealment by God) after his father's death in 874 CE.[20] Often labeled as the “Hidden Imam,” it is believed that he will return when God deems it to be the right time. Prior to the occultation of the last Imam, the Imams and their communities faced a great deal of harassment and persecution at the hands of the Abbasid caliphs (the second of the two dynasties which governed the Muslim Empire, reigning from 750 CE until the Mongol invasion in 1258 CE).[21] After the occultation of the twelfth Imam, the Shi‘i community, although tolerated, was heavily dispersed across the region spanning from Iran to Afghanistan in one direction, and to the Persian Gulf in the other direction.[22]

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[19] The primary difference between Shi‘i Muslims and Sunni Muslims is that Sunni Muslims rely predominantly on the *Sunnah*, which is a record of the teachings, actions and sayings of the Prophet. Shi‘i Muslims rely more heavily on the *Khabar* which is a record of the traditions of the Imams (Ali and his descendants).

[20] Andrew J. Newman, “Twelver Shi‘ah,” in *Encyclopædia Britannica*, Encyclopedia Britannica, September 04, 2019. http://www.britannica.com/topic/Twelver-Shia.

[21] Newman, “Twelver Shi‘ah.”

Twelvers view the Imamate as a “necessary consequence” of the death of the Prophet.[23] The Imam was understood as receiving guidance directly from God and thus was considered authoritative in guaranteeing that the Muslim community remained on the just path. In the aftermath of the twelfth Imam’s occultation, this theological and jurisprudential authority was shifted from the Imam to a new class of religious scholars who “relied primarily on rational discourse.”[24] Despite there being a great deal of diversity in views amongst Twelver theologians, the one aspect which has always kept them united is their defense of the Imam's authority; this element was simply unquestionable. In the tenth century, despite an increasing number of Twelver scholars engaging in rationalist debates and discourse, the dominant theological and jurisprudential disposition within Twelver Shi‘ism was to maintain traditional views and approaches, which is to say, “they relied exclusively on reports that conveyed the words or actions of the Prophet and the Imams.”[25]

While traditionalist scholars argued that human reason could not produce religious knowledge and thus would always be susceptible to error,[26] with the occultation of the twelfth Imam this argument became difficult to maintain, and Mu‘tazila[27] theological

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22. Newman, “Twelver Shi‘ah.”
23. Najam Iftikhar Haider, *Shi’i Islam: An Introduction* (New York: Cambridge University Press, 2014), 145.
24. Haider, *Shi‘i Islam*, 145.
25. Haider, *Shi‘i Islam*, 147-148.
26. Haider, *Shi‘i Islam*, 150.
27. According to Haider, the Mu‘tazila “were a theological school known for their unique interpretation (*ta’wil*) of Qur’anic passages and their application of reason (*‘aql*) to scripture and other sources of religious knowledge. (*Shi‘i Islam*, 13).

and jurisprudential reasoning slowly became the guiding principle of Twelver Shiʿism. As the Imams were the ones who provided their followers with answers to legal questions, very often these would be offered in the form of general rules and principles.[28] These guiding principles were later taken up by Twelver jurists and developed into "a rationalist system that consisted of 'logical analysis and reasoning within the framework of Qur'anic texts and Tradition.'"[29] However, not all Twelver jurists adhered to this rational framework, which led to the creation of two competing groups of legal scholars; the majority subscribing to traditionalism and a minority relying upon rationalist approaches.[30] This gap between traditionalism and rationalism shifted towards the end of the tenth century, predominantly because the political landscape had changed and was now being ruled by dynasties of Shiʿi origin that favored Shiʿi celebrations and scholars.[31] In addition, the fact that the Imam was now "hidden" and no longer accessible required a system be put in place that would allow the community to deal with new realities that did not have any precedence. It is thanks to the rise of the Safavid dynasty in 1501 CE that Twelver Shiʿism transitioned into a state religion.

The Safavids

The Safavids were originally leaders of a Sufi[32] order, and it is only during the reign of Shah Ismaʿil I (1501–1524) that the

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[28] Hossein Modarressi, *An Introduction to Shīʿī Law: A Bibliographical Study* (London: Ithaca Press, 1984), 29.
[29] Haider, *Shiʿi Islam*, 151.
[30] For further discussion see Modarressi, *An Introduction*, 32ff.
[31] Haider, *Shiʿi Islam*, 154.
[32] Sufism is a form of Islamic mysticism that emphasizes introspection and closeness to God.

Safavids transformed from a Sufi order to a Twelver Shiʿi dynasty.[33] This process was politically motivated and had far more to do with state building than any relationship of power between the religious institution and the state. The question as to why Ismaʿil imposed a form of Shiʿism that was practiced by only a small minority is heavily debated amongst scholars, but suffice it to say that "[t]he Safavids sought a foundation for their legitimacy that was more familiar to the Iranian populace. Twelver Shiʿism provided such a foundation without making any wholesale concessions to Sunni urban elites."[34]

Twelver Shiʿism clearly allowed the Safavids to demarcate themselves from the Ottoman empire which was predominantly Sunni, while attempting to create new alliances with communities that had Shiʿi affiliations. In addition, with the twelfth Imam in occultation, there was less probability that political challenges would arise. However, this particular period demarcates a specific transformation with respect to the Twelver stance on the Imam's authority. Prior to the Safavids there was a general consensus among Twelver scholars that "all political authority was illegitimate during the Imam's occultation."[35] However, this did not mean that individual Twelvers did not hold important government positions, as I will expand upon below.

Before the rise of the Buyids (945–1055),[36] the Shiʿi *ulama*, as just noted, adhered to a doctrine which held the state to be illegitimate during the occultation of the Twelfth Imam. However, from the Buyids to the Safavids at the beginning of the sixteenth century, the narrative appears to have changed in order to allow for collaborative relations between the Shiʻi *ulama* and the Sultans. The prevention of harm doctrine (*dafʻ al-maḍarrah*) was developed by early Imami jurists, and, accordingly, it was established that cooperation with an unjust ruler was permissible in order to prevent harm.[37] However, this did not prevent the *ulama* from using the doctrine holding the illegitimacy of any worldly authority as a weapon against those rulers who dare to overrule them.[38] This random cooperation shifted to a relationship of direct consultation and joint advisory collaboration between the ruler and the religious establishments during the Safavid dynasty.

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[33] Haider, *Shiʿi Islam*, 155

[34] Haider, *Shiʿi Islam*, 156.

[35] Haider, *Shiʿi Islam*, 157.

[36] The Buyids were "an Islamic dynasty of pronounced Iranian and Shīʿī character that provided native rule in western Iran and Iraq in the period between the Arab and Turkish conquests." See "Būyid Dynasty," in *Encyclopaedia Britannica*, ed. Marco Sampaolo and Emily Rodriguez (Chicago: Encyclopaedia Britannica, 2017), https://www.britannica.com/topic/Buyid-dynasty.

The Safavids' decision to recognize Twelver Shiʻism as the religion of the state created the opportunity for the relationship between Twelver scholars and the ruling power to shift. Both Ismaʻil and his successor invited and encouraged Twelver scholars from different regions to migrate to Iran, which was a welcome opportunity for many Twelver Shiʻi scholars who suffered heavy persecution under the Ottoman regime. The invitation was extended on the premise that both the people and the ruling powers knew very little with respect to Twelver Shiʻi principles and legal foundations, and an education of sorts was needed if Twelver Shi'ism was to be the religion of the state.[39] The most important Shi'i scholar to settle in Iran during the Safavid reign was al-Muhaqqiq ʻAli Husayn al-Karaki.[40]

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[37] Ann K.S. Lambton, *Qajar Persia* (London: I.B. Tauris, 1987), 197.

[38] Enayat, *Modern Islamic Political Thought*, 170–174.

[39] Rula Jurdi Abisaab, *Converting Persia: Religion and Power in the Safavid Empire* (London: I.B. Tauris, 2004), 11–13.

[40] For more on Karaki see Rula Jurdi Abisaab, "KARAKI," in *Encyclopædia Iranica*, online at https://www iranicaonline.org/articles/karaki.

Al-Karaki migrated from Jabal ‘Amil (where he attended the ‘Amili seminary) to the Safavid empire and was one of the first important ‘Amili scholars to immigrate to Iran.[41] It was thanks to his support that Safavid political claims received religious backing. Al-Karaki argued that because there was legal precedence, jurists could “cooperate with and benefit from a just state even if it lacked the absolute legitimacy of the twelfth Imam”[42] – thus presenting Isma‘il not only as a “just” ruler, but a ruler whose authority was founded in the principles of Twelver Shi‘ism. Furthermore, this allowed many Twelver scholars to accept both judicial and administrative government positions. Al-Karaki also permitted that Friday prayer be re-instituted, but only on condition that a Twelver jurist, who functioned as a representative of the “hidden” Imam, lead the prayer.[43] This created a two-way relationship between the ruling power and the religious intellectuals, the Twelver Shi‘i scholars (*ulama*). The ruling dynasty authorized and legitimized Twelver Shi'ism as the state religion, and in turn Twelver scholars provided the Safavids with legitimacy and approval. As Safavid authority declined in the late sixteenth and seventeenth centuries, Twelver scholars had gained a great deal of authority within Iranian society. They benefited from large endowments that provided them with financial support, and also acquired a significant amount of influence amongst trading guilds and merchant networks.[44]

Another major shift in Twelver Shi‘ism during this time was the resurgence of traditionalism. This traditionalist movement is called Akhbarism, and is predominantly credited to the efforts of the Twelver Shi‘i scholar Muhammad Amin al-Astarabadi, who criticized Twelver Shi‘i scholars for using rationalist legal theory which was prone to human error.[45] During the mid-seventeenth century scholars who practiced *ijtihad*[46] came to be known as Usulis, and are usually labelled “rationalists” because they use reason to interpret the Islamic sources and evaluate Shi’i principles and traditions.[47] Thus, for al-Astarabadi and the Akhbari, religious knowledge could only be gained from the Qur'an and the traditions of the Prophet (*hadith*) and the Imams (a*khbar*).[48]

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[41] Abisaab, *Converting Persia*, 15

[42] Haider, *Shi’i Islam*, 157.

[43] Abisaab, *Converting Persia*, 21–22.

[44] Haider, *Shi‘i Islam*, 159.

The Akhbari Usuli Divide

Most classical Muslim scholars, whether Sunni or Shi‘i, are generally described as “scripturalist,” which is to say their belief system is derived from the texts that record God’s communication with humankind.[49] However, what should be considered as scripture has been the subject of much debate within the Muslim world. Then there is also the question of interpretation, what does something mean, or is something that happened in the past still relevant today? There are also debates about sources of knowledge beyond revelation and the limitations of what scripture has to offer. Can reason that is independent of revelation bring about knowledge? This is a key point of contention among Twelver Shi‘i scholars, one which leads to debates about the validity and legitimacy of using certain techniques or methods.

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[45] Haider, *Shi‘i Islam*, 160.

[46] *Ijtihad* is an Islamic legal term referring to independent reasoning or the rigorous mental process of a jurist in finding a solution to a legal question.

[47] Abisaab, *Converting Persia*, 106.

[48] Abisaab, *Converting Persia*, 106.

[49] R. M. Gleave, *Scripturalist Islam: The History and Doctrines of the Akhbari Shi‘i School. Islamic Philosophy, Theology, and Science* (Leiden: Brill, 2007), 3.

According to R.M. Gleave "the epistemology and legitimacy of *ijtihad* was affirmed and given a scholarly pedigree which could be traced back to the Prophet."[50] As noted earlier, the need for *ijtihad* prior to the occultation of the Imam was not deemed necessary, since theologians could consult the Imam directly. However, the need for interpretive approaches became necessary once the Imam was no longer accessible. Thus, under certain changes – namely, the prolonged in-accessibility of the Imam and social situations which had no precedence in the texts and the establishment of a Imami tradition of scholars – Shi'i jurists had no choice but to adopt a position which would allow for the practice of *ijtihad*.[51] By the time al-Astarabadi arrived on the scene, nearly all Shi'i jurists accepted the legitimacy of *ijtihad*, however debates and disagreements regarding application and latitude were still very fervent in scholarly circles. However, al-Astarabadi and his Akhbari followers "argued for a return to the earlier Shi'i attitude of a rejection of *ijtihad* on the grounds that legal certainty was available [through the *akhbar*]"[52] The Akhbari rejection of *ijtihad* also meant that they had distinct legal opinions concerning their relationship with the state and role within society – they rejected the legitimacy of any government during the occultation, the validity of performing communal Friday prayer, as well as the distribution of community taxes.[53] Gleaves argues that it is only after al-Astarabadi that the Akhbari approach to questions of legal hermeneutics gained coherence.[54] From this point onward, Akhbari legal theory seems to be preoccupied with refuting Usuli approaches and positions with respect to law, thus defining itself through a rejection of Usuli doctrine.[55]

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[50] Gleave, *Scripturalist Islam*, 7.
[51] Gleave, *Scripturalist Islam*, 7.
[52] Gleave, *Scripturalist Islam*, 7.
[53] Gleave, *Scripturalist Islam*, 9.
[54] Gleave, *Scripturalist Islam*, 178.

"Usuli" comes from the Arabic word *usul*, which means "roots" or "foundations" of law, "but in the case of the Shia, it was used with special reference to a type of legal theory that recognized the use of human reason (*aql*) and unrestricted legal reasoning (*ijtihad*) by qualified *ulama*."[56] These principles of Islamic jurisprudence are referred to as *usul al-fiqh*:

> The field of *usul al-fiqh* encompasses theoretical discussions of the nature of the religious law, its relationship to reason and ethics, and its derivations from the Qur'an, the Prophet's Sunnah [...], *ijma* (consensus of the scholars), and *qiyas* (analogical deductions from these three) [...][57]

Thus, Usuli scholars are referred to as those scholars who are experts in *fiqh* (Islamic jurisprudence) principles.

A clear distinction that can be drawn immediately is thus that the Akhbari reject the validity of *ijtihad* while the Usuli both support and promote it – and indeed, Gleave notes that most hermeneutical disputes between the Akhbari and Usuli were related to *ijtihad*.[58] Accordingly, the Akhbaris sought to invalidate any hermeneutical approach or method used by the Usuli, since its employment (in their opinion) would lead to uncertain (*zanni*) results; to human errors. Another distinguishing feature of the Akhbaris is their argument that the Qur'an can "only be understood after having read its interpretation by the Imams [and thus] the Qur'an can only be understood through the *akhbar*."[59] This position is in opposition to that of the Usulis, who view the Qur'an as an independent source which can be approached through *ijtihad* to allow for a comprehensible interpretation. The role, qualifications and authority of the jurist is a third point of disagreement between the Akhbaris and Usulis. Here, the question becomes should a believer (who lacks knowledge and understanding of the law) accept the opinions and interpretations of a *mujtahid*[60] (someone who uses *ijtihad* in the interpretation of Islamic law).[61]

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[55] Gleave, *Scripturalist Islam*, 178.

[56] Juan E. Campo, "Usuli School," in *Encyclopedia of World Religions: Encyclopedia of Islam*, 2nd ed. (Facts On File, 2016), https://search.credoreference.com/content/entry/fofislam/usuli_school/0?institutionId=899.

[57] "Uṣūl al-fiqh," in *Encyclopædia Britannica*, ed. Gloria Lotha, Noah Tesch, and Ahmed El Shamsy (Chicago: Encyclopædia Britannica, 2018), https://www.britannica.com/topic/usul-al-fiqh.

[58] Gleave, *Scripturalist Islam*, 183.

For the Akhbaris, the basis of scholarly authority is to be found in the *hadiths* and the *sunna* – not from knowledge gained from a broad range of disciplines. This particular point of contention will be important to remember when we discuss the educational reforms introduced during the constitutional revolution. For the Usulis, however, conjecture and reasoning were permissible and necessary to both complement and supplement the Qur'an and the *sunna*.[62] In addition, while the Usulis understood the community as being divided into two groups – the *mujtahid* (those who lead the community) and the *muqallid*[63] (those who follow)[64] – the Akhbaris maintained that all members of the community were followers of the Twelve Imams and that there was no *mujtahid*.[65] During the Safavid dynasty Usuli scholars also promoted "the view that ordinary Shiis should without question follow the authority of a living jurist before that of a dead one,"[66] a view which created a greater rift between rationalist and traditionalist Twelver scholars. Initially the Akhbari *ulama* gained popularity within the Shi'i community, and this may be due to the fact that there was a general sense of unease with Usuli rationalism and the possibility that the fundamental principles of Shi'i religion, based on the Qur'an and the teachings of the Imams (*akhbar*), would be undermined. However, in the early to mid-sixteenth century the Akhbari *ulama's* control of legal interpretation was met with fervent opposition, and many lay members of the Shi'i community were calling for more freedom in Shi'i jurisprudence.[67]

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[59] Gleave, *Scripturalist Islam*, 187.

[60] According to the Oxford Dictionary of Islam, a *mujtahid* is "one who exercises independent reasoning (*ijtihad*) in the interpretation of Islamic law. Qualifications include training in recognized schools of Islamic law and extensive knowledge of the Quran and hadith. In Sunni Islam, the title is reserved for the founders of the four official schools of Islamic law, although modern Islamic reformers call for the revival of *ijtihad* as a means of accommodating new ideas and conditions." See John L. Esposito, ed., "Mujtahid," in The Oxford Dictionary of Islam, Oxford Islamic Studies Online, http://www.oxfordislamicstudies.com/article/opr/t125/e1596.

[61] For further discussion see Andrew J. Newman, "The Nature of the Akhbārī/Uṣūlī Dispute in Late Safavid Iran. Part I 'Abdallāh al-Samāhijī's "Munyat al-Mumārisīn," *Bulletin of the School of Oriental and African Studies,* 'University of London 55, no. 1 (1992): 22–51.

[62] Newman, "The Nature of the Akhbārī/Uṣūlī,"39.

This did not stop the Safavids from financing "akhbari scholars in the seventeenth century out of the belief that they could provide a more stable religious foundation for the state's legitimacy than the Usuli."[68] The rise of the Akhbaris persisted despite opposition, and they remained influential throughout the seventeenth and eighteenth centuries. Despite its unpopularity in many parts of Iran where Akhbari scholars were in control of the urban city centers, the Usuli *ulama* persisted in the region and their foundational texts continued to be studied in many Twelver seminaries.[69] The decline of the Akhbari *ulama* can be dated to the late eighteenth century, and the primary cause of this decline seems to be linked to dissent within "the community because of [Akhbari] rejection of the possibility of multiple valid opinions on a given legal issue."[70] The fate of the Akhbaris was sealed when Usuli scholars secured the patronage of the new Qajar rulers of Iran (1785–1925).

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[63] A *muqallid* is often understood as someone who follows and is derived from the Arabic term *Taqlid*. According to the Encyclopedia Britannica "*Taqlīd*, in Islamic law, is the unquestioning acceptance of the legal decisions of another without knowing the basis of those decisions [...] In its use among the Shiʿah, *taqlīd* refers to the necessity for a layperson to accept and follow the opinions of an expert in Islamic law (*mujtahid*)." See "Taqlīd," in *Encyclopedia Britannica*, ed. Darshana Das, Thinley Kalsang Bhutia, Emily Rodriquez et al., (Chicago: Encyclopaedia Britannica, 2020). https://www.britannica.com/topic/taqlid.

[64] Newman, "The Nature of the Akhbārī/Uṣūlī," 41.

[65] Newman, "The Nature of the Akhbārī/Uṣūlī," 41.

[66] Campo, "Usuli School."

[67] Modarressi, *An Introduction*, 52.

[68] Haider, *Shi'i Islam*, 161.

Later in the nineteenth century, the Usuli *ulama* introduced the concept of *marja'-i taqlid*, which literally means the source of emulation or imitation; the authority to be followed. According to this concept, each lay believer (*muqallid)* was obliged to follow the "most learned jurist of their age."[71] At this point the Usuli *ulama* organized itself into a hierarchy of religious experts, leaving the *marja'-i taqlid* at the top – a position which required a great deal of popularity not only among scholars but among the merchants and tradesman as well. However, it should be noted that a *mujtahid* was under no formal obligation to recognize the chosen *marja'-i taqlid* as the most learned, and, if he didn't recognize him as such, then that *mujtahid* was under no formal obligation to concur with his interpretations. In this sense, the clerical hierarchy of the Usuli *ulama* should not be understood as being completely rigid – it is unlike, for example, the Papal hierarchy within the Catholic Church. Accordingly, while most *mujtahids* were likely to concur with the example set by the *marja'-i taqlid* – because, as noted, this position was only bestowed upon someone who had popular support amongst the *mujtahids* – following his example was a choice rather than an obligation.[72] In 1849, Shaikh Murtaza Ansari was acknowledged as the first *marja'-i taqlid*, or "source of emulation," for the global Twelver Shi'i community.[73]

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[69] Haider, *Shi'i Islam*, 161.
[70] Haider, *Shi'i Islam*, 161.
[71] Haider, *Shi'i Islam*, 162.

Qajar Period and Modernization

The eighteenth century proved to be a difficult period for the Safavid Dynasty, who saw their empire decline and then come to a definitive end in 1736. New powers emerged – the Qajar tribe of Turkomen origins took control in 1794, and in 1796 Agha Muhammad Khan was officially crowned as Shah of Iran and founder of the Qajar dynasty.[74] During the Qajar period the Persian empire shrank considerably. At the beginning of the nineteenth century it encompassed Azerbaijan, Armenia, most parts of Georgia, and western Afghanistan, "but by the end of the century, all this territory had been lost as a result of European military action."[75]

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[72] As Aron Zysow puts it, "individual *moqalled*s [*muqallids*] are enjoined to attach themselves to the most learned (*a'lam*) *mojtahed* of their day [the *marja'-i taqlid*] ... *Mojtahed*s [*mujtahids*], on the other hand, are not permitted to practice *taqlīd* unless on a matter beyond their competence." However, to clarify, to say that *mujtahids* are not permitted to practice *taqlid* means that they are not permitted to unquestioningly follow another *mujtahid* when they have the knowledge and training to independently reason on their own. They can, however, choose to follow him.

[73] Haider, *Shi'i Islam*, 162.

[74] "Qājār dynasty," in *Encyclopedia Britannica,* ed. Grace Young and Gloria Lotha (Chicago: Encyclopædia Britannica, 2017), https://www.britannica.com/topic/Qajar-dynasty.

[75] Patrick Clawson and Michael Rubin, *Eternal Iran: Continuity and Chaos*, Middle East in Focus Series (New York: Palgrave Macmillan, 2005), 31–32.

In 1797 Muhammad Khan was succeeded by his nephew, Fath-Ali Khan, who would reign for the next thirty-seven years. During this period Iran lost its Caucasian states to Russia, and, as a result of the costly wars, "grew poorer and had to submit to a humiliating peace treaty that became the basis of [Iran's] relationship with other European countries throughout the nineteenth century."[76] During Fath-Ali Shah's reign, his son Abbas Mirza was crowned prince and was appointed as governor of Azerbaijan. The prince proved to be incredibly astute and wished to modernize the empire by introducing new reforms. When the Russo-Persian wars began in 1805 the Shah asked the British for help, but the British were not willing to offer Iran assistance, and thus the Shah had no choice but to turn to France, who at this point were well positioned to oppose Russia and Great Britain thanks to Napoleon Bonaparte.[77] Unfortunately, diplomatic alliances with the French and the British over the course of the next ten years proved to be less than fruitful, causing Iran to make a great deal of concessions and relinquish a portion of their territory.

The Qajar government was, from the outset, unpopular. Many of the high-ranking positions both within the army and the government were either of bureaucratic background, chosen from the princely class, or members of the royal family,[78] and outside of the capital (Tehran area) the Qajar government did very little for the people apart from collecting taxes.[79] This discontent led to two different paths of development in terms of centralization in Iran, one at the state level and one within religious institutions. While state centralization attempted to introduce modernization mainly in education and administrative departments, they failed due to opposing interests from the old judicial system, religious institutions, technocratic intellectuals, and foreign colonial states. These opposing interests finally led Iranian society to be polarized once again between rationalists and traditionalists.[80]

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[76] Mansoureh Ettehadieh Nezam-Mafi, "Qajar Iran (1795–1921)," in *The Oxford Handbook of Iranian History*, ed. Touraj Daryaee (Oxford: Oxford University Press, 2012), 321.

[77] Ettehadieh Nezam-Mafi, "Qajar Iran," 322.

[78] Ettehadieh Nezam-Mafi, "Qajar Iran," 325.

[79] Nikki R. Keddie, "The Roots of the Ulama's Power in Modern Iran," *Studia Islamica*, no. 29 (1969): 34.

Here we need to step back a moment, in order to better ascertain why it is that the Qajar monarchs chose to align themselves with the Usuli *ulama* and not the Akhbari *ulama*. Above we had noted that Astarabadi had accused the Usuli *ulama* of using *ijtihad* to offer interpretations that were filled with human error. The approach that *ijtihad* offered was problematic, Akhbari scholars argued, because it lacked certainty – in other words, how does one ascertain if the approach has been applied properly? Hence there was a need for people with authority to decide on the application of these principles to particular situations and circumstances. Muhammad Baqir Bihbahani, a Usuli jurist, argued that this is the role of the *mujtahid*, who is both trained and knowledgeable, and who follows the principles of reasoning (*'aql*). Bihbahani's position led to bitter disputes with Akhbari scholars, and culminated in Bihbahani declaring that the Akhbaris were infidels (*kuffar*) because they would not accept the validity of *ijtihad* or the authority of the *mujtahid*.[81] According to Moorjan Momen "Bihbahani brought the threat of *takfir* [(ex-communication)] into the central field of theology and jurisprudence, where previously only *ikhtilaf* (agreement to hold differing opinions) had existed."[82] Returning to Iran from Najaf, Bihbahani utilized the Qajar's support to politically promote his theological interpretations against the Akhbaris and the Sufis. Bihbahani built a network of Usuli patrons predominantly made up of Persian students who studied with him in Najaf, with the intention of returning to a position of authority to take down the Akhbaris and the Sufis, both of whom held positions of authority at the time.[83]

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[80] Monica M. Ringer, *Education, Religion, and the Discourse of Cultural Reform in Qajar Iran*, Bibliotheca Iranica. Intellectual Traditions Series, No. 5. (Costa Mesa California: Mazda, 2001), 10.

[81] Moojan Momen, *An Introduction to Shi'i Islam: The History and Doctrines of Twelver Shi'ism* (New Haven: Yale University Press, 1985), 127-128.

In 1797 Shaikh Ja'far Kashif al-Ghiṭa Najafi, a close student of Bihbahani, became the most widely followed scholar in Iraq and Persia. That same year, Najafi issued a proclamation which stated that Fatḥ-'Ali Shah was "permitted" to mount the throne as his deputy (*naʾib*) on the condition that a prayer caller (*muʾaḏḏin*) be appointed to each brigade of the army, that a prayer leader be appointed to each battalion, and that the troops listen to a preacher once a week.[84] A strategic move, since at the time Fath-Ali Shah was suspected of favoring the Akhbari School of jurisprudence and was solicited by the Akhbari scholar, Mirza Muhammad Nayshaburi, to support the Akhbari cause. Najafi quickly crushed his adversary by issuing a treatise entitled, *Kashif al-Ghiṭaʾ ʿan maʿaʾib Mirza Muhammad ʿaduv al-ulamaʾ* (Removing the veil from the vices of Mirza Muhammad, the enemy of the scholars), where he warns the monarch against the dangers of associating with the Akhbari. Najafi's son, Musa, continued his father's legacy of anti-Akhbari rhetoric by delivering the *fatwa* which played a role in the death of Mirza Muhammad Akhbari at the hands of a mob in Kazemayn in 1818, leading to the almost complete disappearance of the Akhbari *ulema*.[85]

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[82] Momen, *An Introduction to Shi'i*, 127.
[83] Amanat, *Iran: A Modern History*, 205.
[84] Hamid Algar, "KĀŠEF-AL-ḠEṬĀʾ, JAʿFAR," in *Encyclopædia Iranica*, XV/6, pp. 648–649. Available online at https://iranicalonline.org/articles/kasef_al_geta_jafar.

Although the Qajar dynasty received its legitimacy from the Usuli *ulama*, the crowned prince realized that some changes were needed. The war with the Russians made Abbas Mirza aware of Europe's military superiority, which led Mirza to make substantial efforts to reform and modernize the Iranian army. Mirza thus turned to France and Britain for assistance in modernizing and centralizing the army, and employed a number of foreign instructors to come to Iran and train the military personnel.[86] Mirza also sought to take advantage of European scientific and intellectual advancements, and from 1811 to 1815 he sent several students to study in Britain.[87] These initial steps towards modernizing the army and bureaucracy were never completed because of his death, and none of the successive Qajar rulers were concerned with modernization. However, these small attempts at change were followed by reforms implemented by prime minister Mirza Taghi Khan Farahani, best known as Amir Kabir, who was appointed under the next Qajar ruler Nasir al-Din (1848–1896).

Amir Kabir, who had acquired a significant amount of administrative experience from his time spent in both Russia and Turkey, took the opportunity to implement some necessary reforms to modernize, develop, and strengthen the state. Amir Kabir was not interested in creating a balance between the state and the *ulama*, rather his financial reforms were meant to centralize not only the finances of the state but the judicial system as well. Amir Kabir’s ultimate goal was to create a well-structured and prosperous Iran with undisputed authority exercise by the central government.[88]

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[85] Algar, “KĀŠEF-AL-ḠEṬĀʾ, JAʿFAR,” 648–649.
[86] Ettehadieh Nezam-Mafi, “Qajar Iran,” 325.
[87] Ettehadieh Nezam-Mafi, “Qajar Iran,” 325.
[88] Keddie, “The Roots of the Ulama,” 35–36.

These new reforms angered the *ulama* who disputed the legitimacy of the state – as authority only rested with the hidden Imam – and often sought to exercise an independent and rival authority.[89] Amir Kabir thus took specific steps to curb the influence of the *ulama* within the Iranian state. The primary objective of Amir Kabir's reforms was to regulate and centralize the government to increase administrative accountability and efficiency thus reducing the *ulama*'s juridical authority.[90] His efforts were impactful but short lived – much like the crowned-prince before him – and his own premiership (1848–51) abruptly came to an end when he was exiled by the Shah and shortly after assassinated.

A third attempt to centralize the state came about in the last quarter of the nineteenth century with Mirza Hussain Khan Moshir al-Dowleh Sepah-Salar, prime minister from 1871 to 1873:

> [He] aimed to create a centralized judiciary, a unified fiscal policy and an efficient army. His efforts to remedy the divisions between the jurisdiction of the mujtahids' civil law courts and the divan's enforcement of an unwritten customary penal code encountered with antagonism from two sides: the *Ulema* and the local governors such as Zel el-Sultan in Isfahan, [who] viewed centralized supervision as meddling in their authority.[91]

Sepah-Salar was opposed by the *ulama* and a number of governors, who feared the prime minister's westernizing reforms and complained that he was offering preferential treatment to foreign entrepreneurs at the expense of local tradesmen. The case that was brought before the Shah was that of British entrepreneur Julius de

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[89] H. Algar, "AMĪR KABĪR, MĪRZĀ TAQĪ KHAN," *Encyclopædia Iranica*, I/9, pp. 959–963. Available online at: http://www.iranicaonline.org/articles/amir-e-kabir-mirza-taqi-khan.

[90] Ringer, *Education, Religion, and the Discourse*, 67.

[91] Amanat, *Iran: A Modern History*, 274.

Reuter, who had been granted a monopoly on building railways, tramways, irrigation, roads, the foundation of a bank, and the exploitation of forest and mines.[92] This opposition forced the Shah to dismiss his prime minister and cancel the Reuter concession.

After Sepah-Salar's dismissal the Qajar monarch experimented with several different government structures and shuffled around his ministers in an attempt to stabilize the central government, but his efforts did not offer any viable solutions. The Shi'i Usuli structure of centralization, on the other hand, was more thoughtfully elaborated, better organized, and offered a more stable structure to the community. However, the religious structure initially remained only partially centralized due to the independence given to the *mujtahids* in issuing their *fatwas*, an independence which demonstrates the pluralistic nature of Shi'i scholarship. In order to further centralize the *ulama*, in the middle of the nineteenth century Shaikh Murtaza Ansari introduced the office of the *marja'-i taqlid* (which, as noted earlier, means the source of emulation or imitation). This individual *a'lam* (most learned) was classified as the highest religious authority within the clerical hierarchy.[93] The rulings and opinions of the *marja'-i taqlid* were deemed the most authoritative and thus were to be accepted and followed by all Shi'i – they were to be imitated by all.[94] It is very probable that this background of Usuli *ulama* centralization is what allowed the *ulama* and the *mujtahids* to gain prominence and authority within Iranian society at this time. Similar to the Safavid decline, the Qajar's lack of centralization led to a loss of their authority, which led Iranian society to turn to the *ulama* for stability. The centralization of the establishment allowed for the consolidation of religious authority through the Usuli *ulama*, which in turn allowed the *ulama* to suppress any religious rivals.

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[92] Ettehadieh Nezam-Mafi, "Qajar Iran," 332.

[93] Ḥamīd Enāyat, *Modern Islamic Political Thought: The Response of the Shī'ī and Sunnī Muslims to the Twentieth Century* (London: I.B. Tauris, 2005), 162.

[94] Enāyat, *Modern Islamic Political*, 162.

Repression of Religious Rivals

The aim of the preceding section was to provide the historical context necessary for grasping both the social position of the Usuli *ulama* in relation to various ruling powers and Persian society at large, and the debates surrounding the use of *ijtihad* and how these debates informed the hierarchical structure of the Usuli *ulama* – and thus the prescriptive secondary rules described above. We have learned that the relationship between the Usuli *ulama* and various ruling dynasties has followed a complicated trajectory, with the *ulama* beginning in an advisory role (as we saw in the early Safavid period) and slowly gaining power and authority due to the stability and continuity they provided throughout regime changes (as we saw following the collapse of the Safavid dynasty and in the Qajar decision to favour the Usuli *ulama* over the Akhbari *ulama*). Moreover, we have also learned that the *ulama* came to be staunch defenders of rationalism following the occultation of the twelfth Imam, and that their clerical structure was created as a means of safeguarding against the threat of human error that naturally accompanies the use of reason in *fiqh*. We will now move on to discuss how the Usuli *ulama* used their growing power and authority to repress their religious rivals, often through violent means.

While this history is often written about through the lens of religious violence (i.e., as a history of competing doctrines), or through the lens of political violence – and indeed both religious and political motives were at play here – I assert that there is also value to be gained from viewing it through the lens of jurisprudential violence. As Cover notes through his notion of the "jurispathic" character of judges,[95] a judicial system is only effective insofar as there are no other competing authorities to listen to. In other words, since "law is the projection of an imagined future upon reality,"[96] the existence of competing judicial bodies with competing normative visions presents a potential crisis of authority that risks undermining the ability of the law to function – this is why states do not permit the existence of competing judicial bodies,[97] and, moreover, why all judiciaries arrange themselves into a hierarchy, for if they did not, there would be no ultimate authority to appeal to in the instance of competing interpretations of the law. What this section seeks to offer is thus a re-reading of this history of violence, one which views the actions of the Usuli *ulama* during this time as being rooted in a combination of religious, political, and jurispathic factors.

During the Safavid dynasty it is clear that much of the religious repression imposed on "rival" religious groups was politically motivated, the motivating factor here being that the Safavid state wanted to remain in control and wished to be completely independent of other possible religious affiliations. Accordingly – as noted by Kathryn Babayan – religious repression therefore became a mechanism of control for the ruling monarch and the state.[98] After the Safavid empire collapsed the region entered into a period of "[...] confusion, insecurity, foreign invasions, civil wars and frequent massacres."[99] It is only under the Qajar rule that Iran turned once again into a strong centralized Shi‘i state, and during this time the Shi‘i *ulama* (specifically the Usuli *ulama*) exercised a substantial amount of influence over the government and Iranian society. During the eighteenth and nineteenth centuries the tensions between the Usuli *ulama* and religious minorities predominantly had to do with authority and control.

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[95] See Cover, "Nomos and Narrative," in *Narrative, Violence and the Law: The Essays of Robert Cover*, ed. Martha Minow, Michael Ryan, and Austin Sarat, 95–172 (Ann Arbor, MI: University of Michigan Press, 1995).

[96] Cover, "Violence and the Word," 295.

[97] Although it is true that some states permit certain groups to "self-govern" within the state, these groups and their judicial processes are never truly in "competition" with the state, as there are always limitations placed on this self-governance, and these limitations are stipulated and enforced by the laws and judicial bodies of the state.

As expressed by Shah Nimatullah Wali, a Sufi master and poet from the fourteenth and fifteenth centuries, the Sufis believed that:

> [p]rogressive unveiling of the hidden meaning of the holy texts by qualified individuals was imperative first to the Imam and in his absence to gifted men or spiritual elite headed by a Shaikh whose function was to lead the way to God/Tariqa. Such an initiation by an individual leader was regarded by the orthodox *ulema* as blasphemous.[100]

The path to God is considered by Sufis to be an individual experience, independent from the Usuli *ulama*, and they thus did not feel bound to obey the *ulama*. Sufi's also placed Ali in the central role of *wilayah* (leadership) and greatly respected his familial ties to the Prophet, which may explain the popularity of Sufism among Shi‘is more generally and the revival of the Sufi orders as an alternative to the *mujtahids* – a situation which created competition for authority between the Usuli and the Sufis as well as generating anger towards the Sufis for not recognizing the Usuli clerical hierarchical structure and the supreme authority of the *marja'-i taqlid*. According to Mangol Bayat "[it] is only when the authority of the *mujtahids* was directly challenged that persecution of thought occurred. More often than not, clerical politics rather than doctrinal disputes lay behind civil strife [...] [at] stake was the ultimate issue of who was to assume the position of religious leadership."[101]

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[98] Kathryn Babayan, "The Safavids in Iranian History (1501-1722)," in *The Oxford Handbook of Iranian History*, ed. Touraj Daryaee (Oxford: Oxford University Press, 2012), 297.

[99] Abdul-Hadi Hairi, "The Legitimacy of the Early Qajar Rule as Viewed by the Shi‘i Religious Leaders," *Middle Eastern Studies* 24, no. 3 (1988): 271.

[100] Mangol Bayat, *Mysticism and Dissent: Socioreligious Thought in Qajar Iran* (Syracuse, NY: Syracuse University Press, 1982), 27.

Similar to the Sufis, the Akhbaris also constituted a religious minority and were deemed rivals of the Usulis because of their refusal to accept the *mujtahids* as legitimate and authoritative representatives of Shi'i doctrines and jurisprudence on the basis that *ijtihad* was prone to human error. The Akhbari opposition can be understood as a direct reaction to the power acquired by the *mujtahids* and the limitations they imposed on how the Shi'i doctrine was to be determined.[102] Frustrations and concerns that were also echoed by the Sufi masters. Bayat notes that these disputes climaxed at the end of the eighteenth century:

> Muhammad Baqir Bihbahani (d. 1780–91) and his son, Mulla Muhammad Ali Bihbahani (d. 1801–02), who earned himself the title of Sufi-killer […] [both] acquired reputations as the fiercest and most revengeful opponents of those who challenged Shia orthodoxy, as defined by the Safavid and post-Safavid mujtahids.[103]

The disputes were purely doctrinal, but they also represented the need of the *mujtahids* to consolidate power, further demonstrating the extent to which they were prepared to go to eliminate all forms of religious disagreement and opposition. Bayat states that these disputes led “[...] to open scenes of violence in the streets of Najaf and Kerbala in Iraq, as well as major cities of Iran. Many leading Akhbaris were killed, and others were declared heretics.”[104] As mentioned earlier, the Usuli *mujtahids* were able to exert a great amount of influence over their followers thanks to the clerical structure they established and the ensuing decree that all believers were to follow the directives of the *marja‘-i taqlid* (the one who was deemed most learned). Consequently, the Usuli *ulama* was successful in repressing both of its significant religious rivals: the Sufis and the Akhbaris. It is equally important to note that the systematic use of religious directives by the Usuli *ulama* to repress sectarian rivals went beyond targeting the Akhbaris and Sufis; it also extended to the smaller (but influential and interconnected) religious movements of Shaikhi, Babi and the Baha’i of the nineteenth century. However, a discussion of these movements is well beyond the scope of this article and it will suffice to mention them here in passing.[105]

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[101] Bayat, *Mysticism and Dissent*, xiv.
[102] Bayat, *Mysticism and Dissent*, 21.
[103] Bayat, *Mysticism and Dissent*, 22.

While this history demonstrates that the Usuli *ulama* indeed legitimized violence against their religious rivals, when we evaluate this history through the theoretical lens provided by Cover, it becomes clear that it is misguided to assert that this history simply demonstrates the phenomenon of religious and/or political violence – it also demonstrates the jurispathic character of jurists and thus the profound link that exists between legal interpretation and violence. This, in turn, highlights the value of utilizing this new theoretical lens for thinking through the difference between the responses of Nuri and Khurasani.

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[104] Bayat, *Mysticism and Dissent*, 22.

[105] For further discussion see Abbas Amanat, *Resurrection and Renewal: The Making of the Babi Movement in Iran, 1844–1850* (Los Angeles: Kalimat Press, 2005); Juan R. I. Cole, “Charismatic Authority in the Bahai Faith,” in *Religion and Society in Qajar Iran*, ed. Robert Gleave (New York: Routledge Curzon, 2005).

Two Distinct Shi‘i Usuli *Faqih*

In order to focus our investigation of this particular period, we will examine the actions and reactions of two specific Shi‘i Usuli jurists (*faqih*); Akhund Khurasani and Shaikh Fazlullah Nuri. These two *mujtahids* were prominent Usuli jurists of the late nineteenth and early twentieth century, and both played an important role in the way the Constitutional Revolution unfolded in Iran. However, before we begin our examination of these two jurists it will first be pertinent to begin with a discussion of the prominent jurist Shaikh Murtaza Ansari, who was not only the first *marja‘-i taqlid*, but also the teacher of the school of thought that both Nuri and Khurasani attended. Ansari had a direct and indirect impact on the religious and political life of Khurasani and Nuri. However, while both men went to Najaf – a city that had become the center of Shi‘i learning since the demise of Safavids[106] – only Khurasani had the opportunity to learn from Ansari directly. Nuri, who was four years younger, only succeeded in attending the seminars of Sayyid Mirza Hassan Shirazi. It is important to note that Shirazi became the source of emulation (*marja‘-i taqlid*) after the death of Ansari in 1864.

Ansari studied under Mullah Ahmad Naraqi (1829–30), who was recognized as an outstanding authority in jurisprudence (*fiqh*), *usuli* philosophy (*falsafah*), and mysticism (*‘erfan*). While

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[106] For more on the history of Najaf, see: Meir Litvak, “SHI'ITE SEMINARIES IN IRAQ,” *Encyclopædia Iranica,* online edition https://www.iranicaonline.org/articles/iraq-xi-shiite-seminaries.

Ansari was already a *mujtahid* when he left Karbala, he remained with Naraqi in Kashan for four years to expand both his knowledge of *fiqh* and his training. Ansari would become an established and recognized scholar of *fiqh* writing influential works such as *al-Makasib in fiqh*, and *al-Rasaʾil in uṣul*. His publications along with the major work of his student – Akhund Khurasani's *Kifayat al-Uṣul* – are essential to completing Shiʿi seminary studies today.[107] According to Roy Mottahedeh, Ansari's "reputation for piety and generosity certainly contributed to his rise to leadership among the jurisconsults" but it is his teachings that he is most celebrated for.[108] Ansari:

> admitted the uncertainty of much of the sacred law and emphasized that only jurisconsults could manipulate reason and tradition with the authority necessary to produce a 'best guess.' The rest of the believers, called 'imitators,' were free to choose among these best guessers but not to guess for themselves.[109]

Mottahedeh notes that it was Ansari's intellectual reasoning and teaching which allowed the jurisconsult school to arrive at its maturity.[110] Ansari remained a modest man and was never interested with materiality or the economy of the world, something evident in his lack of interest for personal wealth. He also greatly disliked being a judge and he was extremely reluctant to hand out *fatwas* (answers to specific questions that only a qualified jurist was able to give) and thus he never actively exerted his authority within the

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[107] S. Murata, "ANṢĀRĪ, SHAIKH MORTAŻĀ," in Encyclopædia Iranica, ed. Ehsan Yarshater (London: Routledge & Kegan Paul, 1982), 102–103.
[108] Roy Mottahedeh, *The Mantle of the Prophet: Religion and Politics in Iran*, (Oxford England: Oneworld Publications, 2009), 210.
[109] Mottahedeh, *The Mantle*, 210.
[110] Mottahedeh, *The Mantle*, 211.

Shi‘i community.[111]

Up and until this point it is important to keep in mind that the majority of the Shi'i *ulama* was independent of the state. The *ulama* was financially viable thanks to the support given by the community to its institutions (a network of seminaries) and by the collection of alms and taxes. The *ulama* was also supported by patrons who were largely made up of the merchant class. However, this is not to say that all of their financial support was from non-state patrons – the Qajar state funded the “titles attached to specific religious function such as Shaikh al-Islam and Imam Joma.”[112] As noted, Shirazi was deemed to be the most qualified *mujtahid* to succeed Ansari, and thus was nominated to be the next *marja‘-i taqlid* upon his death. Shirazi chose to leave Najaf and to move to the Sunni-majority city of Samarra – where the Twelfth Imam was believed to have disappeared – to establish a new center for Shi‘i learning.[113]

At this time the Qajar monarch, Shah Nasir al-Din, had awarded several controversial concessions to British foreigners.[114] Of interest to the present discussion is the concession given to Major Gerald Talbot, who was awarded “[...] monopoly of the sale, purchase, export, and preparation of tobacco for fifty years, a concession called the Tobacco Régie.”[115] The concession was of course detrimental to the livelihood and interests of local Iranian tobacco merchants. The merchants began to protest, close the bazaars, and plead their case with the *ulama*. Consequently, Shirazi criticized the concession and issued a *fatwa* mandating “[…] all

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[111] 111. Mottahedeh, *The Mantle*, 214.

[112] 112. Mangol Bayat, *Iran’s First Revolution* (New York: Oxford University Press, 1991), 15.

[113] 113. Mottahedeh, *The Mantle*, 215.

[114] 114. Ettehadieh Nezam-Mafi, “Qajar Iran,” 332.

[115] 115. Ettehadieh Nezam-Mafi, “Qajar Iran,” 332.

Iranian Muslims to refrain from farming, trading, smoking, or handling tobacco products – even from preparing it for consumption by the shah at his palace."[116] Since Shirazi was the *marja'-i taqlid*, this meant that Shi'i needed to follow (imitate) his instructions. As a result, this forced the Shah Nasir al-Din to cancel the concession and pay Talbot back for his losses. According to Mateo Mohammad Farzaneh, this established three important facts:

> (1) almost everyone realized that the Shi'ite clerics by the 1890s enjoyed a considerable amount of political strength that was backed by a vast social base, (2) it proved that merchants were powerful enough to influence high-ranking Iranian clerics residing in Iraq to pressure the monarchy to do as they wished, and (3) nonreligious activists and intellectuals realized that an alliance between them and the ulama had been effective in implementing their goals [...].

Thus, demonstrating for the first time the power and influence the clerical position of "most learned" could exert both upon Iranian society and the state.

Khurasani arrived in Najaf two years prior to Ansari's death in 1864, thus allowing him to benefit from Ansari's teachings. He continued to study *fiqh* for over a decade with Shirazi, until Shirazi moved to Samarra in 1874. As quickly as Khurasani recognized Shirazi as the most learned, he too would soon be recognized as the most likely candidate to succeed Shirazi.[117] Farzaneh notes that Khurasani integrated two aspects of Ansari's philosophy into his own understanding of *ijtihad*:

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[116] Mateo Mohammad Farzaneh, *The Iranian Constitutional Revolution and the Clerical Leadership of Khurasani*, Modern Intellectual and Political History of the Middle East (Syracuse, NY: Syracuse University Press, 2015), 48.

[117] Mottahedeh, *The Mantle*, 219.

> [...] first that the practice of ijtihad must be time sensitive when mujtahids form an opinion about a certain issue, and second, that this freedom of action to change and modify their previous judgements based on society's needs should not be taken as a free reign for the mujtahids to meddle in all aspects of the people's lives. Ansari taught Khurasani that as Islamic lawmakers, they need to change or make laws in accordance with those needs that occur within each society's particular circumstances […][118]

Khurasani adopted these important elements into his own usage of *fiqh* and in the manner he chose to approach *ijtihad*. Farzaneh also explains that Ansari "objected to the ulama's 'involvement in politics' and flatly opposed 'excessive judicial activity' by clerics [...]."[119] This stance on the *ulama*'s political involvement was also reiterated by Khurasani who limited the *ulama*'s involvement and clerical responses during the Constitutional Revolution.

Nuri also attended seminary studies with Shirazi, and, despite having learned under the *marja* for more than a decade, the two *mujtahids* did not develop a close relationship and Nuri returned to Tehran in 1882–1883. Although Nuri was a highly respected *mujtahid*, he was not known amongst scholarly circles for his knowledge of *fiqh* – unlike Khurasani. However, thanks to family connections he secured a position at royal court, as official registrar, notarizing Qajar marriage documentation and administering wills of wealthy merchants.[120] This allowed Nuri to collect a substantial sum in religious taxes from a variety of different groups, thus allowing him to secure an important amount of revenue. He was drawn into politics – along with many other leading religious leaders – in response to Nasir al-Din Shah's policy of increasingly awarding concessions to foreign entrepreneurs, with the goal of defying centralization policies. Nuri also played an important role in opposing the 1890 Tobacco concessions that were awarded to General Talbot's firm. During the early 1900s Iranians quickly realized that the only way to save Iranian society from government corruption and foreign interference was to create a written code of laws that would put an end to the Shah's despotic rule and hold the government accountable. This sentiment is what led to the Constitutional Revolution.

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[118] Farzaneh, *The Iranian Constitutional Revolution*, 142.
[119] Farzaneh, *The Iranian Constitutional Revolution*, 143.
[120] Farzaneh, *The Iranian Constitutional Revolution*, 195.

In 1906, Shah Muzaffar ad-Din of Qajar cracked under the constant pressure of pro-constitutionalist demands and issued a decree in favor of establishing a constitution and the creation of an elected parliament. This meant that royal power was limited and replaced by a parliamentary system. By the time the Constitutional Revolution began to unfold, Nuri had "established himself in Tehran as an authority on religious affairs."[121] Initially Nuri only hesitantly agreed to the constitution, and, according to Vanessa Martin, "confined himself to saying that constitutionalism must be in conformity with the *shari'a,* and the Majlis [parliament][122] limited."[123] However, after his initial acceptance of constitutionalism Nuri quickly grew unenthusiastic towards the Majlis, and Farzaneh argues that this change in Nuri's attitude seems to coincide with "the sacking" of his court ally Ain al-Daulih, who was then the ruler of Tehran.[124] He also quickly realized that the constitution opposed his understanding of *shari'a* and Islam.

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[121] Farzaneh, *The Iranian Constitutional Revolution*, 195.

[122] The term Majlis normally means "council" but in this particular context the term is referring to the Iranian parliament.

[123] Vanessa Martin, *Islam and Modernism: The Iranian Revolution of 1906*, (London: Tauris, 1989), 165.

[124] Farzaneh, *The Iranian Constitutional Revolution*, 195.

Nuri requested that parliament amend the constitution and introduce a failsafe that would create a committee with five *mujtahids* whose role would be to determine the compatibility of all future laws with *shari'a*.[125] Parliament agreed, but did not select Nuri to be one of the five *mujtahids* to sit on the committee, instead choosing *mujtahids* that were amenable to their cause. It was at this point that Nuri became a fervent anti-constitutionalist.

After the death of Muzaffar ad-Din, his successor Shah Muhammad Ali Mirza chose to imprison all those involved in parliament and the constitution. The Shah then led a coup in June 1908 and ordered that the parliament be bombarded and the constitution dissolved. According to Martin, after the coup of June 1908 Nuri "[...] came out in full and open support of the shah. He worked for the absolutist cause not because he believed in absolutism as such, but because he considered it, in practical terms, the best means of protecting Islam against the most formidable enemy of the shari'a, constitutionalism."[126] His relationship with other *ulama* clerics was not favorable at this time. Nazim al-Islam, a historian of the constitutional era, notes that when Nuri was told that the Qajar ruler had flogged a pro-constitutionalist cleric, he remained silent and did not raise any concerns about this violent hostility towards a clergy member of the Usuli *ulama* – an unfazed attitude which stemmed from the fact that he believed that any act against the constitutionalists was an act to preserve and protect Islam.[127] Certain members of the *ulama* – who saw their role as preserving and protecting the principles of *shari'a* and Islam – thus perceived the constitution and parliament as wanting to implement changes that were in direct violation of those principles. Change and a shift towards western forms of thinking, education, and institutional structures therefore came to be viewed as placing Islamic religious principles in danger of extinction.

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[125] Farzaneh, *The Iranian Constitutional Revolution*, 195.

[126] Martin, *Islam and Modernism*, 165.

[127] Nazim al-Islam in Farzaneh, *The Iranian Constitutional Revolution*, 196.

Fatwas of Discord

What tole did the *ulama* play in the Constitutional Revolution? How exactly did the *ulama* respond to the growing concerns of the different facets of Iranian society? There is scholarly consensus that the most influential factor which led to the drafting of a constitution and the establishment of a parliamentary structure was the *ulama* itself.[128] The Usuli *ulama* believed that *shari'a* should be interpreted to provide Muslims with guidance on how to live the best life possible in accordance with Islamic values and principles. However, with the rise of the Qajar dynasty came an oppressive and autocratic government that largely mistreated the Iranian population and forced a new movement of thinkers to take center stage – a movement which was distinct from the *ulama* and its way of thinking. These educated thinkers[129] viewed social and political problems to be of central concern, and, moreover, viewed these problems as requiring pragmatic rather than theological solutions. According to Bayat these new thinkers "were strongly convinced that the principal causes of social decay, injustice and oppression they saw in Iran lay in human ignorance and an archaic sense of values, and that only with scientific knowledge could their society liberate itself."[130] Alarmed by the "backwardness" of their society, these new thinkers not only opposed the traditional sciences of Shi'i theology and the despotic regime of the Qajar monarchy, they also sought to introduce Iranian society to western political and scientific ideas.

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[128] Abdul-Hadi Hairi, "Shaykh Fazl Allah Nūni's refutation of the idea of constitutionalism," *Middle Eastern Studies* 13, no.3 (1977): 327.

[129] Bayat, "Mysticism *and Dissent*," 133.

[130] Bayat, "Mysticism *and Dissent*," 133.

Bayat refers to these new thinkers as secularist, and, despite their opposition to traditional forms of religious thinking and jurisprudence, these thinkers did find themselves sharing common ground with some Usuli *mujtahids,*[131] who were also equally appalled by the government's growing corruption, chronic financial crises, and unconscionable practice of granting concessions to foreign entrepreneurs – they too wanted change, and believed a constitution would offer a means to hold the Qajar monarchy accountable for its actions. There was a clear divide within the *ulama* on the question of the constitution and whether the constitution could provide the solution needed to overcome the overtly despotic Qajar rule. The *ulama* in favor of constitutionalism believed that constitutionalism could agree with Islamic law by allowing *mujtahids* to participate in the parliamentary structure. Thus, the *mujtahids* would participate in the drafting of the constitution and would ensure that all changes made to the constitution in the future agreed with *shari'a*. The *ulama* that opposed the constitution viewed constitutionalism as being in complete opposition to the principles and values of Islam.

Now that we have situated the context of both scholars and how the Usuli *ulama* was divided in their perception of the constitution we will move on to examine Khurasani and Nuri's direct responses to the Constitution. Nuri opposed the parliament and the constitution and labeled both as "un-Islamic." To protest parliament, he left Tehran with a group of like-minded clerics and followers and took up sanctuary in the Shah Abdul-Azim Shi'i shrine. From June 21st, 1907, to September 16th of that same year, Nuri and his followers began a round-the-clock sit-in, referred to as *bast*. During this almost ninety-day protest, which was partially funded by the Qajar royal court, Nuri warned the public that constitutionalism violated *shari'a* and that it had been conceived of by foreigners to benefit and further their own interests in Iran.[132] He had compiled his critiques in response to the 1906 Constitution in a letter which he issued on July 29th, 1907, and afterwards published as a seven-page leaflet.[133] In his letter Nuri explains his fears and reasons for opposing the Constitution:

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[131] Bayat, "*Mysticism and Dissent*," 178.

> [t]he opening of the talk and the origin of the negotiations were in response to the lawlessness of the government that required us, the people of Iran, a limited establishment of principles and regulations regarding the court's duties and its secretariat's operations. And then, as the Assembly's negotiations commenced, and the principles of the Constitution and its limitations were described and debated through the speeches and the bills and the media, it expressed elements that nobody had expected and caused unimaginable horror and bewilderment to the spiritual leaders, and Imams of the congregations as well as the whole of the religious community."[134]

It was therefore very early on that Nuri positioned himself as the voice of anti-constitutionalism. For many traditionalist Shi'i scholars and followers, the constitution was believed to be a foreign

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[132] Farzaneh, *The Iranian Constitutional Revolution*, 198.

[133] Homa Rezvani, *Lavayeh Agha Sheikh Fażlullāh Nuri* (Tehran: Nashr-i T*ā*rikh-i Iran, 1983).

[134] پس عنوان سخن و مبدء مذاکرات بی قانونی دوایر دولت بود وحاجت ما مردم ایران هم به وضع اصول و قوانین در وظایف درباری و معاملات دیوانی انحصار داشت و بعد همینکه مذاکرات مجلس شروع شد و عناوین دایرباصل مشروطیت و حدود آن در میان آمد از اثناء نطقها و لوایح و جراید اموری بظهور رسید که هیچکس منتظر نبود و زاید الوصف مایه وحشت و حیرت روساء روحانی و ایمه جماعت و قاطبه مقدسین و متدینین شد. Translated by author. To see the full leaflet in the original Persian, please refer to Rezvani, *Lavayeh, 28*.

"Western" innovation that was simply inappropriate for Iranian society. Nuri's stance thus reflects this position, and he sought to align himself with the Qajar ruler in order to promote this position effectively, as even the Shah was obliged to follow "a certain Mujtahid [to be legally able] to execute his rulings."[135] However, as Farzaneh argues, Nuri's anti-constitutional stance appears to have been based on "his self-centered understanding of his position as a mujtahid rather than his doctrinal appreciation for the position."[136] The resulting perception is that Nuri was limited in his understanding of *shari'a* and its application.[137] The anti-constitutionalist literature published by Nuri and his followers thus portrays Nuri as an ideologically self-centered *mujtahid* who objected to anything and/or anyone that threatened his dogmatic interpretation of *shari'a* or his personal interests.[138]

Nuri's opposition was not solely to the constitution and parliament, but it also extended to individuals and institutions which he viewed as extensions of the pro-constitutionalist agenda. He rejected the establishment of new schools, especially those for women and young girls. Nuri equated knowledge of "secular" sciences with infidelity to Islam, and thus believed these new schools with their western-secular curriculums would eventually wipe out Islamic education. He considered the press as being corrupt and opposed to Islamic values due to their publication of European literature and refusal to print any of his anti-constitutional opinions. Nuri further insisted that the concept of equality between non-Muslims and Muslims was also in contradiction to the *shari'a*, and also believed that the Naturalists and Babis were atheist cults which needed to be banned. Nuri and his anti-constitutionalist followers did not differentiate between the clerics who supported parliament and advocates of secularism; they viewed all adversaries as being one single entity and they categorized all of them in the same pejorative fashion.[139]

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[135] Hamad Algar, *Religion and State in Iran: 1785–1906: The Role of Ulema in the Qajar Period* (Berkeley: University of California Press, 1969), 23.

[136] Farzaneh, *The Iranian Constitutional Revolution*, 197.

[137] Farzaneh, *The Iranian Constitutional Revolution*, 198.

[138] Farzaneh, *The Iranian Constitutional Revolution*, 198.

In response, Khurasani avoided entering into *fiqhi* debates with Nuri in public. Instead, six days after the circulation of Nuri's leaflet, Khurasani issued a telegraphic *fatwa* from Najaf on August 3rd, 1907 and insisted that the purpose of the constitutional assembly was:

> [n]othing but to strengthen Islam and protect Muslims and to regulate the public sphere, thus to eliminate oppression, to offer relief to the oppressed, help out the saddened, to enjoy virtue, to forbid vices, and strengthen the nation and the state to promote the wellbeing of the subjects and preserve the essence of Islam, in absolute accordance with our beliefs, Sharia and customs, therefore, the assembly is preferable and even an obligation and his opponents and dissenters are opposing the enlightened Sharia and disputing with the owner of Sharia [the Prophet].[140]

It is important to note that both Nuri and Khurasani agreed on the necessity of compatibility between the Constitution and Islam. However, Nuri sought to make changes to the Constitution which would grant advantages to Iranian Muslims and create inequality between Muslim and non-Muslim citizens. Nuri pointed out that the parliament's desire for equality amongst its citizens would inevitably lead non-Muslims to be equal with Muslims, under the same constitution. Muslims would therefore lose their advantages under Islamic law, and adherents of other religions and foreigners would have a say in the affairs of Muslim Iranian society. Additionally, it can be argued that Nuri's insistence on Islamic law over the common law of the Constitution revealed his perception that common law mimicked Western concepts and judicial ideals, and that this, in turn, would reduce the power of the religious establishment and its executive power over the Shah and his prime minister. According to Nuri, the Qajar rule should not be accountable to Parliament or the Constitution, but only to God and *shari'a*. Nuri insisted that "the judicial and legislative powers had to remain with the Ulema"[141] – arguably demonstrating the relationship of dependence between Nuri and the Qajar monarchy.

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[139] Farzaneh, *The Iranian Constitutional Revolution*, 198–199.

[140] جز تقویت اسلام و حفظ دماء مسلمین و اصلاح امور عامه نداریم علیهذا مجلسی که تاسیس آن برای رفع ظلم و اغاثه مظلوم و اعانت ملهوف و امر بمعروف و نهی از منکر و تقویت ملت و دولت و ترفیهء حال رعیت و حفظ بیضه اسلام است قطعا عقلا و شرعا و عرفا راجح بلکه واجب است و مخالف و معاند او مخالف شرع انور و مجادل با صاحب شریعت است. Translated by author. To see the original Persian telegram, please refer to Rezvani, *Lavayeh, 28*.

While *Shari'a* courts played an important role in the Iranian judicial system during the Qajar state, it is important to note that not all matters were settled in *shari'a* courts. The state administrated *urfi* (customary) law and penal law in matters of the state, while *shari'a* law often only dealt with religious matters. The division between the *urfi* and *shari'a* court system was intentionally kept obscure, especially under Shah Nasir al-Din, so that the Shah could continue his arbitrary policies without being challenged by either jurisdiction.[142] While Nuri feared the 'dangerous' possibility that the constitution would allow for the application of customary law (*urfi*) in place of *shari'a* law, Khurasani believed that the obscurity between the different court systems left the Shah in an advantageous position to continue his despotic ruling, and thus needed to be replaced by common law which was in accordance with *shari'a* law.

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141. Janet Afary, *Iranian Constitutional Revolution 1906–1911* (New York: Columbia University Press, 2005), 87.
142. Farzaneh, *The Iranian Constitutional Revolution*, 64.

In a letter from September 30th, 1909, Khurasani defines constitutionalism as a system where legal limitations and conditions are set to compel the monarchy and government officials to work within the boundaries set by the law.[143] Thus, for Khurasani, the Constitution was a way to keep the state in check.

Nuri also attacked many of the reforms which the constitutionalists wished to implement into Iranian society, this included new educational institutions with Western curricula, which Nuri claimed was a ploy by the constitutionalists "to build 'brothels and factories' [...] under the guise of 'schools to educate women and schools for children.'"[144] These types of statements and attacks against new educational institutions which promoted Western forms of education were clearly meant to provoke the more traditional and conservative Iranians, who wanted things to change but did not want their Islamic identity to change. These blanket statements against the establishment of 'new schools' as introducing foreign teachings and ways of thinking that were un-Islamic is perhaps more indicative of Nuri's antagonism to the Western curriculums that was taught at these new schools and not necessarily the institutions themselves.

Despite the anti-constitutional *ulama's* desperate actions to promote oppressive responses to the new schools, the new methods and subjects taught in these new facilities spread widely in all cities throughout the capital and even reached other cities in the periphery. The first higher education technical school was established four decades earlier by Amir Kabir. The demand for admission at Dar al-Founun was so high that instead of the anticipated thirty students, one hundred and five students were admitted in the first year.[145] Similar technical schools were established in 1859, in Tabriz, where a majority of the teachers were graduates from Tehran's Dar al-Founun.[146] The technical schools offered an alternative body of knowledge from that of Islamic schools (*madrasa*) and offered the possibility of acquiring a European education that stood apart from the scholastic religious education offered by the *madrasa*.

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[143] Farzaneh, *The Iranian Constitutional Revolution*, 166.
[144] Farzaneh, *The Iranian Constitutional Revolution*, 199.
[145] Ringer, *Education, Religion and the Discourse*, 74.

But these technical schools were not of great concern; the serious threat came from primary schools founded by cleric, teacher, politician, and journalist Haji Mirza Hassan Tabrizi, better known as Hassan Roshdieh (1851–1944). The Roshdieh primary school was first established in Tabriz in 1888, and similar schools then opened up in other parts of the country during the final year of Nasir al-Din Shah's reign.[147] Unlike the Dar al-Founun technical schools in Tehran and Tabriz, the Roshdieh primary schools were not geared to train the elite governmental cadre. They offered general primary education, and by targeting all school aged children they posed a threat to existing traditional primary schools (m*aktab*).

Monica Ringer notes that seminary schools' students (*tullab*) were incensed at the loss of jobs as private tutors and the conservative traditionalist members of the *ulama* accused Roshdieh of heresy, forcing Roshdieh schools to close and Roshdieh to flee to Mashhad, where he established other institutions for primary education. However, the traditionalists also heard about these new schools and soon destroyed them as well. He returned to Tabriz, and over the course of the next five years made several attempts to reopen new schools, a task which proved very difficult due to local traditionalist *fatwas* accusing Roshdieh of heresy, which incited attacks against the schools. This vicious cycle of reopening the schools only to have them violently attacked continued for several years. Khurasani saw the value of Western education and tried to strike a balance between traditional Islamic forms of instructions and Western forms of thinking. In the last ten years of his life, he invested vast financial resources in founding three new seminaries and several *maktabs*, such as the Alawi School in Najaf and the Hussayni School in Karbala, which combined Western curricula with religious subjects [148] Khurasani's investment in new schools can be linked to his support of private organizations also known as *Anjomans*.

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[146] Ringer, *Education, Religion, and the Discourse,* 87.

[147] Ahmad Kasravi, *History of the Iranian Constitutional Revolution,* 2 Vols, trans., Evan Siegel (California: Mazda Publisher, 2006), 1: 47.

Anjoman was the designation given to political organizations during the Constitutional Revolution.[149] By the turn of the century *Anjomans* were prolific within Iranian society, with many *Anjomans* involved in cultural activities scattered throughout major cities across the country. Some *Anjomans* were established with "the task of 'awakening' Iranians, setting up new secular schools, and founding public libraries."[150] These political organizations were often understood to function like secret societies and aimed to create change and promote "modern" education. Thus, *Anjomans* were frequently associated with reformers and secularists, despite the fact that certain (moderate) members of the *ulama* supported specific *Anjomans*. This support was not shared by Nuri, who openly objected to and criticized local *Anjomans,* accusing them of heresy. Khurasani collaborated with the *Anjomans* because he understood that change and reform were necessary and could be done in accordance with *shari'a* with the aid of the *ulama.* Nuri, however, did not believe that collaboration was possible with every social group – especially not with local *Anjomans*, for he feared these groups were spreading a new form of despotism.

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[148] Farzaneh, *The Iranian Constitutional Revolution*, 126.

[149] M. Bayat, H. Algar, and W. L. Hanaway Jr., "ANJOMAN (Organization)," Encyclopædia Iranica, II/1, pp. 77–83. Available online at http://www.iranicaonline.org/articles/anjoman-gathering-association-society-general-designation-of-many-private-and-public-associations.

[150] Bayat, Algar, and Hanaway, "ANJOMAN (Organization)."

Khurasani chose to approach these local political organizations (whose members included intellectuals, government officials, members of the mercantile class and the *ulama*) not with violence but with support. Khurusani not only used the *Anjomans* to build schools, but also involved them in other social causes, and perceived these collaborations as being vital to Iranian society.[151] Following the coup of 1908, Khurusani appointed Assadullah Mamaqani to represent the Najaf *ulama* within the *Anjoman-i Saadat-i Istanbul* to develop connections with leading Iranian intellectuals such as Mirza Qasim Khan, publisher of Sur-e Israfil and Yahya Daulatabadi, the leader of the Azali nationalist.[152]

Nuri's primary concern was to protect the established Iranian Shi'i religious institution and belief system; he did so by opposing and labeling all individuals and organization that were pro-constitutional as un-Islamic. Thus, anyone who took part in any movement, organization, or activity that was associated with the *Anjomans* 'new' forms of education, the press, and/or minority religions, was presented as a viable threat to Islam and *shari'a.* Alternatively, Khurasani continued to provide a discourse where the collaboration with and integration of reform ideas and movements was possible alongside *shari'a.* He argued that in Shi'i Islam the only rightful government was that of the "Hidden Imam," but in his absence, Constitutionalism was the lesser of two evils and thus, an alternative, that was preferable to absolutism. Furthermore, the government was the representative of the people and for Khurasani it was the preferred choice, so long as it was with the supervision of the *mujtahids*, whose duty was to ensure justice during the absence of the Imam, a principle enshrined in Article 2 of the Supplementary Fundamental Law.[153] Hence for Khurasani the Constitution was a protective force against the despotic monarch of the time.

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[151] Farzaneh, *The Iranian Constitutional Revolution,* 126–27.

[152] Bayat, *Iran's First Revolution,* 255.

Concluding Remarks

This article has sought to provide a new theoretical lens for sharpening our understanding of a historical episode which has already been heavily analyzed and written about. When discussing the violence of this period, past studies have tended to frame violence against constitutionalists as being rooted in religious, political, or religio-political factors. While the present work does not deny that acts of violence against constitutionalists were in part motivated by religious and political considerations, it asserts that this is not the whole picture – that the exploration of violence against constitutionalists is not complete unless we also inquire into the way in which this violence reflects the violence inherent in the activity of judicial interpretation in and of itself. To this end I have sought to adapt and apply Robert M. Cover's theory of jurisprudential violence, a theory which has provided us with the language necessary for conceptualizing this particular facet of this violence, and, moreover, for understanding the difference between Nuri and Khurasani's respective responses.

As noted in my introductory remarks, pointing to the violence inherent in judicial interpretation is not a condemnation of this indispensable activity, but is rather an exhortation not to minimize or overlook the significance of the fact that legal interpreters – both secular and religious – do, in a meaningful sense, "serve as 'virtual triggers for action' in routinizing violent behavior" in others.[154] As Cover astutely points out as a consequence of this fact, and integral part of legal interpretation is thus an understanding of what others will do with these interpretations – an understanding which depends upon secondary rules and principles, that is, the rules and principles which both prescribe and describe how this relationship of correspondence ought to/will unfold. Accordingly, the effort to draw a link between the interpretive activities of the Usuli *ulama* and acts of violence against constitutionalists thus required us to inquire into the secondary rules informing this context.

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[153] Vanessa Martin, "NURI, FAŻL-ALLĀH."

As demonstrated by the discussion of the ascendency of Twelver Shiʻism in Iran and of the ascendency of the Usuli *ulama* in particular, we should understand the prescriptive secondary rules in this context as being the series of distinctions created by the Usuli *ulama* to ensure that their use of *ijtihad* did not contradict Twelver doctrine surrounding the authority of the Hidden Imam. These distinctions precisely stipulated that Usuli laypersons (*muqallids*) were obligated to accept and follow the opinions of the Usuli *mujtahids* (experts in Islamic law), and, moreover, that the *marjaʻ–i taqlid* was to act as the source of emulation for the greater Twelver community – so, if there was a disagreement between the interpretation of a *mujtahid* and the *marjaʻ–i taqlid,* the opinion of the *marjaʻ–i taqlid* was to take precedence within the community as a whole due to their greater number of followers. As noted above, the clerical structure of the Usuli *ulama* was not rigidly fixed; so, while it was possible for an independent *mujtahid* to disagree with the *marjaʿ-i taqlid* – as Nuri did – this does not change the fact that the prescriptive secondary rules of this situation stipulated that the majority of *muqallids* (both traditionalist and reformists) “ought to” (to use the theoretical language outlined in the introduction) follow the example set by Khurasani’s interpretation.

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[154] Bruce Lawrence and Aisha Karim, "Part III. The Institution of Violence: Three Connections," in *On Violence*, ed. Bruce Lawrence and Aisha Karim (Durham, NC: Duke University Press, 2007), 220.

The discussion of this history also demonstrates that we can understand the descriptive secondary rules in this context as referring to the environment of despotism and rebellion that characterized this period, an environment which – permeated as it was with violence already – predicted that the cooperation between the interpretative acts of the *mujtahids* and the actions of the *muqallids* would likely manifest violently. When thinking through the difference in Nuri and Khurasani’s responses to the Constitution in light of these secondary rules, as asserted above, it becomes clear that Khurasani’s prudential response demonstrates an acute awareness of these rules, while the response of Nuri does not.

As argued above, Nuri’s interpretations surrounding the Constitution framed it as being in direct opposition with *shari‘a*, and therefore as an existential threat to Twelver Shi‘ism in Iran. However, the historical record and preexisting analyses of this period indicate that this position was complicated by a desire to secure his own personal interests, resulting in a superficial act of *fiqh* – a reading which is further bolstered by the fact that his interpretation explicitly disregards the opinion of Khurasani, who then held the title of *marja‘–i taqlid*. In other words, while the prescriptive secondary rules of this situation clearly specified that *muqallids* should follow the opinion of the *marja‘–i taqlid*, Nuri circumvented these secondary rules by issuing a *fatwa* which played into the preexisting fears of traditionalist *muqallids* – an action, which, when we take the descriptive secondary rules of this situation into account, clearly acted to legitimize and thereby incite violence against constitutionalists, as we saw in the patterns of violence directed at Roshdieh schools and during the 1908 coup against the constitutionalists.

In the language utilized by Cover, Nuri's interpretation thus provided his traditionalist followers with the "social cues" they needed to "overcome or suppress the revulsion to violence"[155] that normally prevents people from taking violent action against others – and, in doing so, treated anti-constitutionalist violence as a means of furthering his own political goals. By contrast, Khurasani's response indicates an awareness that the Constitution represented a way out of the despotism and violent excesses of Qajar rule, and also his firm belief that it was possible to adopt the Constitution in a way that aligned with Twelver Shi'i doctrine and jurisprudence. Moreover, his efforts to demonstrate this compatibility through constructive collaborations with Constitutionalists illustrates his acute awareness of the fact that, as *marja'–i taqlid*, any interpretation he issued carried with it the potential for inciting violence. This is well-evidenced in Khurasani's response to the coup of June 1908, where he sought to reduce violence by issuing a *fatwa* noting that "it was the religious obligation (*wajib*) of all the people to assist in the formation of the public national consultative Majlis and that it was forbidden (*ḥaram*) to pay taxes to the current governors."[156] That Khurasani was so prudential in his approach thus makes it clear that he understood, to use the language of Cover, that his role as *marja'–i taqlid* required him to think deeply and carefully about "what others would do with [his] judicial utterance[s]."[157]

Khurasani's approach proved to be a great deal more fruitful and popular amongst the people of Iran, while Nuri's stance supporting violence eventually cost him his reputation as a *mujtahid* and ultimately his life. Nuri was arrested, legally tried, and found guilty of sowing corruption and sedition, and was publicly hung in Tupkaneh Square in Tehran on July 31st, 1909, without any public objection.[158] Ultimately, Khurasani's approach proved to be more effective in creating a stable relationship with the state and society, as his efforts to collaborate with the general public and the private sector demonstrated how Islamic scholars could achieve their objectives without mimicking the violence of the state. This, in turn, resulted in an increase in their following and a better understanding of how to meet the changing needs of contemporary Iranian society.

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[155] Cover, "Violence and the Word, 300.

[156] Kirmānī, *Tārīkh-i bīdārī-i Īrānīyān*, 4: 270.

[157] Cover, "Violence and the Word," 299.

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[158] Kirmānī, *Tārīkh-i bīdārī-i Īrānīyān*, 5: 535.

(Dis)Order in the Court: Sanctioned Dishonesty in the Hall of Two Maats

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Ancient Egypt has provided modern scholarship with some of the earliest extant records of a highly developed conception of judgment after death. A form of post-mortem judgment was present as far back as the Old Kingdom, beginning in the third millennium BCE.[1] The codification of the judgement of the dead did not appear until the fifteenth century BCE in the *Book of Going Forth by Day*, the primary funerary literature of the New Kingdom.[2] The core of the judgment scene was the Weighing of the Heart ritual. The *Book of Going Forth by Day*, more commonly known today as the *Book of the Dead*,[3] contains spells

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[1] For further discussion see Martin A. Stadler, "Judgment after Death (Negative Confession)," in *UCLA Encyclopedia of Egyptology*, ed. Jacco Dieleman and Willeke Wendrich (Los Angeles: eScholarship, 2008), http://digital2.library.ucla.edu/viewItem.do?ark=21198/zz000s3mg4.

[2] Jan Assmann, "Death as Enemy," in *Death and Salvation in Ancient Egypt*, trans. David Lorton (Ithaca: Cornell University Press, 2005), 79.

[3] The *Book of Going Forth by Day* was the original name of this collection of texts. The name *Book of the Dead* was the name given to this collection by nineteenth century German scholars who referred to it as such in their works, culminating in Carl Richard Lepsius, *Das Todtenbuch Der Ägypter Nach Dem Hieroglyphischen Papyrus in Turin. Mit Einem Vorworte Zum Ersten Male Herausgegeben Von R. Lepsius.* lxxix (Leipzig: Wigand, 1842).

Arc – Journal of the School of Religious Studies, McGill University
Volume 47 (2019): 151–171

that address the judgment process.[4] Chapter 125 – specifically the second Declaration of Innocence section – and Chapter 30B,[5] are the two spells that most directly impacted this ritual.[6] They were meant to ensure that the deceased passed judgment and entered the afterlife proper. They were, in essence, methods to work around the uncertainties and obstacles of a divine justice system which was dictated by divine order, referred to as Maat.[7] This article will show that the substantial use of magical means to ensure a triumphant result in the judgment halls reflects the relentless desire to secure a successful passage into the afterlife.

While the breadth of funerary literature in circulation in ancient Egypt was vast, the *Pyramid Texts*[8], the *Coffin Texts*[9], and the *Book of Going Forth by Day* were perhaps the most common. Apart from chronology, the main characteristic separating the *Pyramid Texts*, the *Coffin Texts* and the *Book of Going Forth by Day* is how they were implemented, as there is significant crossover between their content. In the period scholars now call the Old Kingdom, both royalty and the elite had access to the *Pyramid Texts*. For royalty, spells were written on the interior of the pyramid walls, which only royalty could afford. However, *Pyramid Text* spells have been found on non-royal tomb walls and other objects dating from the same period.[10] Non-royals did possess a place in the afterlife; however, it has been hotly debated what kind of afterlife they would have enjoyed. While scholars such as J. P. Allen argue that non-royals would have held essentially the same position they did during their time on earth, others, such as Mark Smith, contend that they would have had access to largely the same afterlife as the king.[11] After the collapse of central power that began with what modern scholars refer to as the First Intermediate Period, the use of mortuary inscriptions by royalty and non-royalty alike continued. There was a shift away from inscribing the tomb walls towards a stronger usage of the developing corpus known as the *Coffin Texts*. Many spells of the *Pyramid Texts* overlapped with the *Coffin Texts.* The corpus changed by the addition of new spells and the reinterpretation of old ones.[12] The *Coffin Texts* have been primarily found inscribed on coffins, hence their name.[13]

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[4] Many more books of the afterlife have been found. They became especially diverse during the New Kingdom and in subsequent periods. See Erik Hornung, *The Ancient Egyptian Books of the Afterlife,* trans. David Lorton (Ithaca, NY: Cornell University Press, 1999).

[5] Chapter 30B is often referred to as Spell 30B. However, in this article it will be referred to as Chapter 30B to follow the conventions established by E. A. Wallis Budge and followed by Raymond O. Faulkner and Ogden Goelet in the modern translation I am using (see footnote 13 for full citation).

[6] There are two Declarations of Innocence sections in Chapter 125. Only the second section, in which the forty-two judges are individually addressed, will be explored in this article.

[7] The article will hence forth use the term "Maat" to designate the divine order as is the custom in Egyptological scholarship.

[8] The main source of mortuary religion in the Old Kingdom.

[9] The main source of mortuary religion in the Middle Kingdom.

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[10] Mark Smith, "Democratization of the Afterlife," in *UCLA Encyclopedia of Egyptology*, ed. Jacco Dieleman, Willeke Wendrich (Los Angeles: eScholarship 2009), 9, https://escholarship.org/uc/item/70g428wj.

[11] See J. P. Allen, "Some Aspects of the Non-Royal Afterlife in the Old Kingdom," in *The Old Kingdom Art and Archaeology: Proceedings of the Conference Held in Prague, May 31– June 4, 2004* ed. M. Bárta, (Prague: Czech Inst. of Egyptology, 2006), and Mark Smith, "Democratization of the Afterlife."

[12] The transition between these two corpuses was complex and convoluted and will not be addressed further here. For further discussion see Mark Smith's "Democratization of the Afterlife." Furthermore, the *Coffin Texts* were

[13] Eva Von Dassow, ed., *The Egyptian Book of the Dead: The Book of Going Forth by Day: Being the Papyrus of Ani (Royal Scribe of the Divine Offerings), Written and Illustrated Circa 1250 B.C.E., by Scribes and Artists Unknown, Including the Balance of Chapters of the Books of the Dead Known As the Theban Recension, Compiled from Ancient Texts, Dating Back to the Roots of Egyptian Civilization*, trans. Raymond O. Faulkner and Ogden Goelet (San Francisco: Chronicle Books, 2015), 30.

Central power collapsed a second time, at which point Egypt entered the era now designated as the Second Intermediate Period. Egypt was reunited once again, establishing the period now known as the New Kingdom. Early on during the New Kingdom the *Book of Going Forth by Day* replaced the *Coffin Texts*.[14] The primary medium upon which the spells were written changed from wooden coffins to papyrus scrolls.[15] Papyrus was a cheaper material, and as such was more accessible to a wider breadth of the Egyptian population, although it was still largely inaccessible to most of the lower class. This switch of medium, combined with an increased amount of wealth flowing into Egypt,[16] allowed more people to access the funerary literature – and therefore the afterlife.

The idea of post-mortem judgment also evolved as these texts morphed. Ideas of morality and what constituted a moral person in Egyptian society appear as moral affirmations in the *Book of Going Forth by Day*, but were also evident as far back as the Old Kingdom.[17] However, the Old Kingdom had a different conception

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intended for private use by the deceased to equip them with essential knowledge of the afterlife. This was not the intent or purpose of the *Pyramid Texts*. The *Pyramid Texts* were meant as a guide for the journey to the afterlife.

[14] A clean and identifiable break between these textual corpuses is unlikely to be found. There was a gradual shift between these two corpuses, however certain spells that scholars have classified as belonging to the *Coffin Text* corpus also have counterparts in the *Book of Going Forth by Day* that are either similar or identical. A detailed discussion of this precise relationship between the *Coffin Text* spell 369 and the *Book of the Dead* Chapter 33 can be found in Wolfram Grajetzki, "Another Early Source for the Book of the Dead: The Second Intermediate Period Burial D 25 at Abydos," *Studien Zur Altägyptischen Kultur* 34 (2006), 211.

[15] The switch in medium was not absolute. Although papyrus scrolls gained popularity, spells were still found on coffins, amulets, staves, and other burial equipment.

[16] Jeffrey A. Spencer, *Death in Ancient Egypt* (Harmondsworth, UK: Penguin Books, 1982), 23.

[17] Maulana Karenga, *Maat, the Moral Ideal in Ancient Egypt: A Study in*

of the afterlife than the New Kingdom. Whether or not the king was judged was not clear in the Old Kingdom *Pyramid Texts*. Spells such as PT 309 have pointed to an absence of judgment of the king, while spells such as PT 316 have indicated that the king would have been judged.[18] Some of the moral affirmations that were contained in the *Pyramid Texts* were solely intended to reaffirm the king's righteous behavior. Judgment after death became quite pervasive for both royalty and common persons in the *Book of Going Forth by Day* by the time of the New Kingdom. For both royalty and common people, the judgment scene was the final step in the deceased's journey to join the gods and enter the afterlife from the Old Kingdom onwards.

When a person died they did not automatically enter the afterlife. Their body had to first be prepared, via mummification, and provided with all of the proper funerary equipment.[19] Once the body was delivered to the tomb, its senses were reopened via the Opening of the Mouth ritual.[20] It was at this point that the deceased entered the underworld, called the *Duat*. Here, the deceased had to

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Classical African Ethics (London: Routledge, 2004), 163.

[18] A full discussion of the debate regarding the judgment of the king can be found in Gary A. Stilwell, *Conduct and Behavior as Determinants for the Afterlife: A Comparison of the Judgments of the Dead in Ancient Egypt and Ancient Greece* (Ann Arbor, MI: University Microfilms International, 2002), 198–238.

[19] Individuals were buried with vast amounts of funerary equipment, all of which served a specific purpose. However, discussing this is beyond the scope of this paper. For further discussion on artifacts see John H. Taylor's *Journey Through the Afterlife: Ancient Egyptian Book of the Dead* (Cambridge, MA: Harvard University Press, 2010). For a discussion on amulets see Carol Andrews, *Amulets of Ancient Egypt* (Austin: University of Texas Press, 1994).

[20] The Opening of the Mouth ritual was complex, and its implications and consequences exceed the scope of the present study. For further discussion see Jan Assmann, "The Rites of Opening the Mouth and the Entrance of the Tomb," in *Death and Salvation in Ancient Egypt*, trans. David Lorton (Ithaca, NY: Cornell University Press, 2005), 310–329.

traverse and overcome various dangers and challenges to arrive at the Hall of Two Maats (Hall of Two Truths).[21] In this Hall the deceased underwent the Weighing of the Heart ritual to test if they were worthy enough to enter into the afterlife. A person's worthiness was based on their actions while alive and whether these acts were in accordance with the correct path – that is to say, the Maatian path. If the deceased passed this test they were deemed "true-of-voice" and joined the gods. The modern rendering of "true-of-voice" is "vindication" or "vindicated," which appears consistently throughout the *Book of Going Forth by Day.*

The Divine Justice System

The divine justice system presented in the *Book of Going Forth by Day* was thus dictated by Maat, an elastic term generally referring to truth, order, justice, and rightness. Maat was understood as the divine order that created and structured the cosmos; as the unifying force capable of bringing together God, society, nature, and the universe.[22] Leading a life in accordance with Maat was emphasized and praised in numerous mortuary texts including passages that resemble obituaries. [23] Maat's appearance in these obituaries aids in demonstrating Maat's wide-reaching influence in Egyptian culture. The concept of Maat informs and reflects on acceptable morality – a principle which, as noted above, is tested when the deceased's heart is weighed against the goddess Maat herself, most often taking the form of an ostrich feather. This element becomes quite prevalent in the second Declaration of Innocence, which will be discussed in detail below.

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[21] Egyptian funerary literature was not canonized. There are many variations of the *Book of Going Forth by Day*, and some copies have the judgment in the Hall of Two Maats taking place immediately after the arrival in the *Duat*, only after which the deceased is able to journey to the Hall of Judgment.

[22] Karenga, *Maat, the Moral Ideal in Ancient Egypt*, 10. The capitalization of "God" here and in the following paragraph follows the capitalization used by Karenga – however, I acknowledge this is atypical for this literature; generally "god" is only capitalized if used in combination with a descriptor, such as "the Great God. This is to avoid the monotheistic implications that tend to be associated with "God."

[23] Examples from the New Kingdom include the scribe Akhtoy and King Horemheb. For further discussion see Alan Gardiner, *Hieratic Papyri in the British Museum,* 3rd Series, Volume I (London: British Museum, 1935), and

The term "Maat" comes from the verb *mꜣꜥ* which in its transitive form means to guide or "to give things direction."[24] The elasticity of the term "Maat" communicates many different meanings, all of which center on order, justice, truth, and giving life. On a basic level, "Maat is what God loves."[25] In other words, from the perspective of ancient Egyptians, the gods love what is right – that which creates and maintains order – and what is good. They hate *isfet*, which refers to anything that is in opposition to Maat. Thus, the texts encourage behavior that follows the Maatian model. According to extant texts, Maat was at the center of Egyptian morality, and, more generally, was understood as the divine order within society. In his work on Maatian ethics, Maulana Karenga states, "the key point […] is that the practice of Maat is conceived and carried out within the worldview which links the Divine, the natural and the social. These three domains are interrelated, interactive and mutually affective."[26] Maat was thus at the center of how the ancient Egyptians viewed the world, and, accordingly, was present in all areas of Egyptian life. The Maatian ideal is complex, and, as Karenga notes, manifests itself in four different areas:

Kurt Sethe, *Urkunden des ägyptishen Altertums, Abteiling IV, Urkunden der 18.Dynastie Fasc. 1–22* (Leipzig: J.C. Hinrichs'sche Buchhandlung, 1906–1958), 2155.9–2157.19.

[24] Karenga, *Maat, the Moral Ideal in Ancient Egypt*, 6.

[25] Karenga, *Maat, the Moral Ideal in Ancient Egypt,* 21.

[26] Karenga, *Maat, the Moral Ideal in Ancient Egypt,* 10.

> (1) the universal domain in which Maat is "le Tout ordonné," the totality of ordered existence, and represents things in harmony and in place; (2) the political domain in which Maat is justice and in opposition to injustice; (3) the social domain in which the focus is on right relations and duty in the context of community; and (4) the personal domain in which following the rules and principles of Maat, 'is to realize concretely the universal order in oneself; to live in harmony with the ordered whole.'[27]

The political domain heavily associates royalty with legitimization. The presentation of Maat was a routinely held ritual where the king offered Maat to the gods. The purpose of this ritual was to ensure the continuation of the divine order and to legitimize the king's rule, which, in turn, acted to preserve the social and political order in Egypt.

The Weighing of the Heart

The Weighing of the Heart ritual is portrayed in the vignette attached to Chapter 30B[28] of the *Book of Going Forth by Day* in the Papyrus of Ani.[29] This ritual was intended to test whether an individual was "true-of-voice" – i.e., weather they had led a Maatian life. As noted above, an individual's heart was put on one side of the scales, while an embodiment of Maat (often represented in the form of an ostrich) was placed on the other.[30] In some cases, a miniaturized portrayal of her goddess form was placed on the scales.[31] If the deceased's heart balanced against the Maat they were deemed righteous and allowed entry into the afterlife. If their heart did not balance, it was eaten by the "Devourer" – also known as Ammit – a creature with the head of a crocodile, the forelegs of a lion, and the backside of a hippopotamus.[32] When eaten, the deceased experienced a "Second Death."

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[27] Karenga, *Maat, the Moral Ideal in Ancient Egypt,* 8.

[28] The vignette was often attached to Chapter 125.

[29] The *Book of Going Forth by Day* refers to all variations of the funerary literature by that name. Each variation contained a selection of spells and vignettes from a larger list. Some spells – such as Chapter 125 and Chapter 30B – were quite common, while others appeared more rarely. The Papyrus of Ani, which dates back to the Nineteenth Dynasty, was only one of many different versions, but it still remains the most complete book found by archeologists to date.

[30] Von Dassow, *The Egyptian Book of The Dead,* 39 [Plate 3].

As also noted above, this second death was permanent – the individual ceased to exist. Erasure from existence was greatly feared, and the widespread use of spells demonstrates the lengths to which the Egyptians went to avoid suffering this fate. This fear is further emphasized in Chapters 44, 46, and 175, all of which address the prevention of death directly.[33] The purpose of burying the spells in the *Book of Going Forth by Day* with the deceased was to provide protection via ritual knowledge.[34] For example, Chapter 32 is one of three spells meant to protect the user from crocodiles,[35] while other spells – such as Chapters 124, 125, 146 and 147 – provided the knowledge required to pass certain challenges.[36] If one came to a guarded door as described in Chapter 147, and the deceased was not able to provide the mystical names of the gates or that of their keepers, the gatekeeper would attack them with knives and snakes, which, at minimum, prevented the deceased from continuing on their journey, but was more likely to result in their second death.[37] Possession of this knowledge was therefore necessary to complete the journey to the afterlife unimpeded.

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[31] This iconography became more popular after the New Kingdom. See John H. Taylor's *Journey Through the Afterlife*, 222 [entry 106], 223 [entry 107] and 225 [entry 111].

[32] Taylor, *Journey Through the Afterlife*, 213–214.

[33] Von Dassow, *The Egyptian Book of the Dead,* 66 and 91 [Plates 16 and 29].

[34] For a discussion of this see Jan Assmann, "Death and Initiation in the Funerary Religion of Ancient Egypt," in *Religion and Philosophy in Ancient Egypt,* Yale Egyptological Studies vol. 3, ed. James P. Allen (New Haven: Yale Egyptological Seminar, 1989), 135–59.

[35] Von Dassow, *The Egyptian Book of the Dead*, 117.

[36] Von Dassow, *The Egyptian Book of the Dead*, 56, 82, and 95 [Plates 11, 24B, and 31].

Anubis, here referred to as the "Keeper of the Balance," oversaw the Weighing of the Heart ritual, and Thoth, the scribe god, wrote down the verdict on a papyrus scroll. The ritual was performed in the presence of Osiris[38] and the Great Ennead, [39] and it was this set of deities that welcomed the now vindicated deceased into the afterlife. Maat was present in two forms at the Weighing of the Heart; in her personified form on the scales – so as either an ostrich feather or as a seated figure with an ostrich feather on her head – as well as in her abstract form as the embodiment of justice itself. The ritual was performed to judge the deceased according to the principles of Maat, and this, in turn, allowed the deities involved in the judgment to discern whether the deceased had complied with the principles of Maatian justice when they were alive. Their misdeeds would make their heart heavy, upsetting the balance by pulling down the scales.

The divine justice system thus relied and was centered on the principles of Maat. These principles dictated which deeds were considered acceptable and which ones were not, and adherence to these rules determined whether the deceased was worthy. But did the Egyptians take into account human nature? It is safe to say that no human being has ever lived a flawless life. However, perfection was needed to balance against Maat.[40] Would the Egyptian system of justice allow for minor misdeeds? If a person was generally good and genuinely tried to live their life in accordance with the Maat but committed some minor mistakes, would they still have suffered a fate of possible erasure from existence? Would this possibility have been tolerable to the Egyptians? It will be argued here that the uncertainty of the outcome during the ritual of the Weighing of the Heart is what led Egyptians to incorporate the use of magical spells, specifically those found in Chapter 125 and Chapter 30b, to ensure a positive outcome.[41]

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[37] Francesco Carelli, "The Book of Death: Weighing Your Heart," *London Journal of Primary Care* 4, no. 1 (2011), 86.

[38] The god of life, death, and agriculture as well as ruler of the *Duat*.

[39] The Ennead is one of the earliest creation narratives.

[40] E. A. Wallis Budge, "Osiris as Judge of the Dead," in *Osiris and the Egyptian Resurrection* (London: P. L. Warner, 1911), 334.

The Magical Means

The first spell to reduce the uncertainty regarding successful passage into the afterlife is Chapter 30B.[42] In the Papyrus of Ani, this spell and the vignette depicting the Weighing of the Heart appear near the beginning of the scroll. The spell is preceded by hymns and prayers to the two most important gods in Egyptian religion: Re and Osiris. The spell reads as follows:

> O my heart which I had from my mother! O my heart which I had from my mother! O my heart of my different ages! Do not stand up as witness against me, do not be opposed to me in the tribunal, do not be hostile to me in the presence of the Keeper of the Balance, for you are my Ka which was in my body, the protector who made my members hale. Go forth to the happy place whereto we speed; do not make my name stink to the Entourage who made men. Do not tell lies about me in the presence of the god; it is indeed well that you should hear![43]

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[41] A similar argument can be found in Siegfried Morenz's *Egyptian Religion* (Lonton: Routledge, 2004).

[42] Von Dassow, *The Egyptian Book of the Dead*, 39 [Plate 3–A].

[43] Von Dassow, *The Egyptian Book of the Dead*, 39 [Plate 3–A]. The deceased was meant to emulate Osiris, who according to myth, was killed by his brother

The Egyptians believed that intellect resided in the heart rather than the brain. In other words, they believed the heart to be the center of one's being. This is the reasoning behind the practice of not removing the heart during mummification, despite the removal of all other organs.[44] All of one's thoughts and memories were thus thought to reside in the heart; as Saphinaz-Amal Naguib aptly states, "the heart carries the thought of memory – conscience or, more exactly, of memory as witness."[45] As this statement alludes to, it was believed that the heart became a separate entity from the deceased in the afterlife. It had the ability to speak, and, more importantly, it had the ability to speak out against its owner during the judgment scene in the Hall of Two Maats.[46] If one was deceptive in the tribunal, they risked their heart speaking out against them. The concern was thus that the heart would sabotage the deceased's chances of passing judgment. This is an uncertainty that could not be tolerated. The purpose of Chapter 30B is to silence the heart and prevent it from speaking out against its owner in the tribunal,

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Seth and had his body parts scattered throughout the land. His wife, Isis, collected his body parts and reassembled them by wrapping them in bandages, resembling a mummy. Isis was successful in reanimating her husband, but he was never fully complete, and thus had to remain in the underworld. While Seth brought charges against Osiris in the Great Hall of Heliopolis, the details of these charges remain unknown. Despite these charges, Osiris was found "true-of voice" and given his place as king and judge of the dead. The goal of the deceased was thus to achieve the same rebirth and vindication as Osiris (however, this did not mean that the deceased held the same position as Osiris in the afterlife). To concretize this association, the deceased was identified as Osiris-X in much of the funerary literature. The funerary literature further associates the deceased with Osiris by frequently identifying the deceased's son with Osiris' son, Horus.

44. Taylor, *Journey Through the Afterlife*, 161.

45. Saphinaz-Amal Naguib, "The Weighing of the Heart: Iconic Image and Symbol," in *In Search of Symbols: An Explorative Study*, ed. Jens Braarvig and Thomas Krogh (Oslo: Novus forlag, 1997): 84.

46. Taylor, *Journey Through the Afterlife*, 209.

thereby preventing irregularities in the courtroom.[47]

In his commentary on the plate displaying the Weighing of the Heart in the Papyrus of Ani, Ogden Goelet states that the heart could either blurt out wrongdoings that the deceased was attempting to conceal, or falsify deeds they had not committed.[48] While it has traditionally been held that the heart could not lie, Goelet's contradiction to this established idea likely comes from the wording of the translation featured above – "Do not tell lies about me in the presence of the god" – where the subject of possible dishonesty is the heart. However, as will be discussed in the following paragraph, other translations seem to indicate that it might be possible to conceal one's wrongdoings from the heart.

In his English translation of *Das Hertz im Umkreis des Glaubens*, Ibrahim M. Eltorai states that "the deceased had to confess all his sins. He could not lie, as his heart could speak against him, if it chose to. This proved a drawback in the Egyptians' religion, and they took great pains to ensure that their hearts would not speak against them."[49] The latter part of this statement strongly implies that the concealment of one's sins was something desirable, and this difference in interpretation can be traced back to a different translation of the source material. What is translated above as "Do not tell lies about me in the presence of the god," is here translated as, "say nothing about my lies against me in the presence of the Great God of the West (Osiris)."[50] The latter translation thus directly anticipates dishonesty on the part of the deceased instead of the heart. The intense desire to pass the trial and secure a place in the afterlife thus produces a magical means by which one can lie by omission without contradiction. This is another method of ensuring a successful result in the trial.

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[47] It is unclear as to why the testimony would alter the weight of the heart. Arguably, the absence of additional information in the trial may prevent a change in the scales.

[48] Von Dassow, *The Book of the Dead,* 165.

[49] Ibrahim M. Eltorai. "The Role of the Heart in Egyptian Thought (From Das Hertz im Umkreis des Glaubens By Brunner 1965)," in *A Spotlight on the History of Ancient Egyptian Medicine* (Boca Raton, FL: CRC Press, 2020), 134.

[50] Eltorai. "The Role of the Heart in Egyptian Thought," 135.

In addition, the spells, such as Chapter 30B, can also be found on heart-scarab amulets. These amulets take the form of a scarab – albeit with wildly varied designs – with Chapter 30B written on the back. These amulets became very common at the dawn of the New Kingdom,[51] where they were placed within the mummy wrappings on top of the heart. These amulets were specifically intended to silence the heart in the tribunal. If a person could not afford a copy of the *Book of Going Forth by Day*, a heart-scarab amulet offered a potentially cheaper alternative to grant the same ritual knowledge, depending on the material the scarab was made of. It was not unusual, however, for a tomb to contain two copies of the spell: one on the amulet and one on the papyrus scroll.[52] Multiple copies of a spell were thought to increase its efficacy, and therefore demonstrate its importance.[53] Furthermore, Chapter 30B can also be found on heart amulets, which, as the name suggests, take the form of a crude human heart.

Chapter 30B specifically addresses the deceased's heart directly, instead of the judgment scene as a whole. This distinction is important, because if the heart spoke out on the deceased's wrongdoings, they automatically failed the trial.[54] The Weighing of the Heart was thus a crucial moment – should events unfold unexpectedly, the deceased faced the undesirable outcome of failing to pass judgment and therefore ceasing to be. Removing the heart's ability to speak out against its owner was therefore a safeguard against the possibility of an undesirable result. Scholars have closely tied Chapter 30B to the spell in Chapter 125, as this spell is also intended to circumvent potential failure.

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[51] Taylor, *Journey Through the Afterlife*, 110.

[52] Sometimes spells were duplicated within the papyrus scroll. For instance, in the Papyrus of Ani, Chapter 30B was attached to the vignette of the Weighing of the Heat and later to Plate 15.

[53] Taylor, *Journey Through the Afterlife,* 273.

[54] It is unclear why the heart would wish to sabotage the deceased. For more on this see Von Dassow, *The Egyptian Book of The Dead*, 165.

Chapter 125 is a long and intricate spell centered on allowing the deceased to enter the Hall of Judgment. The spell outlines the appropriate prayers to be said, and how to declare one's innocence before the tribunal. The part that we shall focus upon is the second Declaration of Innocence. The second Declaration of Innocence consists of forty-two lines, each addressing a different judge and a different offence. The deceased was meant to state the name of the judge and deny the offence over which the judge presided. One of the magical components of the text was that it granted the deceased knowledge the true name of each of the judges. In ancient Egypt, knowing a person's true name granted you power over them, as will be explored in greater detail below. The important element to retain here is that all of these offences had to be denied for the individual to proceed into the afterlife.

Hence, it is clear that ritual knowledge was necessary to traverse the dangers of the afterlife. It was expected that the deceased would know the spells and names of the judges when they arrived at the Hall of Judgment. If they were not provided with this knowledge by being buried with a copy of the *Book of Going Forth by Day*, they would not have been able to enter the Hall of Judgment and declare their innocence, for the gatekeepers would have ended their journey and caused the deceased to perish.[55] While ritual knowledge was important for arriving at the judgment hall and conducting the proper practices within it, moral worth was equally important to ensuring continuity in the afterlife.

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[55] For more on this see Assmann, "Death and Initiation in the Funerary Religions of Ancient Egypt," 143–152.

As stated above, the second Declaration of Innocence in the Papyrus of Ani had two parts. While the first required the deceased to address each of the judges by name, the second required them to deny the offence that each judge presided over.[56] The second component – the denial of the forty two misdeeds listed – allowed for a process of purification to take place.[57] While it was likely that the deceased didn't commit all of those misdeeds, it was also highly improbable that they didn't commit any. The deeds listed below are those which were likely to have been committed by the deceased, and which would have required magical purification to negate:

> O Burning One who came forth backwards, I have not told lies.
> O He-whose-Face-is-behind-him who came forth from his hole, I have not caused (anyone) to weep.
> O Proclaimer of Speech who came forth from *Weryt*, I have not been hot(-tempered).
> O He-who-Brings-his-Offering who comes forth from *Asyut*, I have not been violent.[58]

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[56] Just as each *Book of Going Forth by Day* is different, so are the Declarations of Innocence within them. A distinction specifically noted in the Papyrus of Ani and addressed here.

[57] It is important to note that the deceased did not need to be literate to use the spells. Literacy rates for the everyday language of hieratic were very low, and even fewer knew how to read hieroglyphs. Egyptians believed that if the deceased was not previously literate, the extra knowledge required to read the spells was acquired after passing over into the beyond. This does not apply to the case of the case of the Papyrus of Ani, as Ani was a scribe. See John Baines, *Visual and Written Culture in Ancient Egypt* (New York: Oxford University Press, 2007), 49–50.

[58] Von Dassow, *The Book of the Dead,* 95 [Plate 31].

It was almost certain that the deceased, regardless of who they were, lied, lashed out in anger, and/or caused someone to cry at least once during their lifetime. After all, a human who lived their life according to the principles of Maat was still a human; a human with emotions that would likely have thrown them off the ideal path, if only for a moment. However, absolute purity was required to enter the afterlife.[59] The deceased thus required the use of ritual knowledge to defend and purify themselves before the tribunal.

If these statements purified the deceased, the question remains as to what the heart could say to damn the deceased. In other words, the question remains as to the usefulness of Chapter 30B. It is important to note that, although the second Declaration of Innocence and the Weighing of the Heart take place separately, they are nevertheless related: both are trials to determine the worthiness of the deceased, and are, therefore, of equal importance. It was quite common for the *Book of Going Forth by Day* to depict the deceased declaring his innocence before Osiris and the tribunal, and then placing his heart on the scales to be weighed.[60] In the case of the Papyrus of Ani, the Weighing of the Heart occurs before the Declaration of Innocence. As the scriptural canon for Egyptian mortuary works was not fixed,[61] very little consistency exists in textual examples of their order in the papyri among mortuary literature for private persons.[62] However, this inconsistency does not change their purpose or effectiveness; the Weighing of the Heart proceeded in the same fashion regardless of whether the Declaration of Innocence had taken place previously or not.

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[59] Assmann, "Death as Enemy," 78.

[60] The sequence mentioned here is yet another variation of how the deceased's journey could unfold.

[61] Von Dassow, *The Book of the Dead,* 151.

[62] Von Dassow, *The Book of the Dead,* 151.

It is worth emphasizing here that, while these spells were indeed intended to guarantee successful passage into eternity, they were not intended to be used to cheat through the system; rather, they were understood as preparation for any problems that may have arisen. Morality remained of the utmost importance, while magic supplemented it.[63] However, there are spells within the *Book of Going Forth by Day* which portray the deceased threatening the gods harm if they do not act in accordance with the deceased's wishes. Chapter 93 threatens the gods Re, Osiris, Khepri and Atum:

> I am stronger thereby than the strong ones, I am mightier thereby than the mighty ones. If I be ferried over and taken to the East with bound horns, or if any injury be done to me…I will swallow up the phallus of Re and the head of Osiris, I will be guided to the tomb of the decapitation of the gods in which they make me answer; I will bind the horns of Khepri, I will become the stone in the Eye of Atum the Destroyer […][64]

Likewise, in Chapter 124, which depicts the deceased approaching the Hall of Judgment, the following is stated:

> May I guide the hearts of the gods, and may they protect me, may I be mighty among those who suspend themselves on high. As for any god or any goddess who shall oppose themselves to me, they shall be handed over to those who are in charge of the year, who live on hearts […][65]

The deceased gained the ability to defy the gods by eating divine food. The gods that these spells threaten are those who presided over the tribunal, and these spells would have been said before entering the tribunal. There are no such threats in the spells that were spoken inside the tribunal, but it appears that it was permissible to make such statements on the path to the tribunal. This is yet another layer of control the deceased was provided with to ensure a successful result in the tribunal.

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[63] Assmann, "Death as Enemy," 78.
[64] Von Dassow, *The Book of the Dead,* 66 [Plate 16].
[65] Von Dassow, *The Book of the Dead,* 82 [Plate 24].

As noted earlier, the deceased required magical knowledge to utter the names of the judges; however, magical knowledge also played another key role regarding names. The spoken word, the written word, and representations are fundamental to Egyptian magic. Egyptians believed that a person's name contained the identity of that person.[66] Thus, knowledge of someone's name granted power over that individual. This is recounted in a mythological tale where Isis[67] poisons Re with a snake. She agrees to cure him, but only if he reveals his true name to her.[68] The pain was so great that he agrees, and she speaks his name thereby curing him.[69] As in this myth, the importance of knowing the deity's name could be at play in the second Declaration of Innocence. If the names of the judges presented in the second Declaration of Innocence were their true names and not aliases, by speaking their names the deceased would have gained power over the judges. In other words, if one of the judges were to notice any irregularities in the deceased's case, knowledge of their name could prevent the judge from speaking out. The text does not appear to provide the major gods' true names, for their common names – i.e., Osiris, Horus, Re, etc. – are used in the books. In the case of the second Declaration of Innocence, knowledge of the major gods' names was irrelevant, as they were not the ones the deceased was appealing to. Additionally, the previous spell, Chapter 124, addresses control over gods and goddesses in general.

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[66] Taylor, *Journey Through the Afterlife,* 29–30.

[67] Sister and wife of Osiris.

[68] Re was not the deity's true name. His true name was unknown.

[69] *Ancient Egyptian Magical Texts*, trans. J.F. Borghouts (NISBA: Religious Texts Translation Series, 9. Leiden:
E.J. Brill, 1978), 51–55.

The knowledge of the true names of the judges and how to address them therefore allowed the deceased the ability to further ensure their success by possessing the ability to exert power over the judges if needed. By possessing this power, the deceased held the ability to influence both tests and cover their bases. It is important to note that the texts do not explicitly indicate that the deceased could exert control over judges. However, given the stated desire to hold control over the gods in Chapter 93 and 124, it is not particularly difficult to believe that the deceased would use the power of the judge's true names to ensure a successful outcome if given the option. The control aspect may be superfluous, as the purpose of the second Declaration of Innocence is purification. Nevertheless, the Egyptians equipped themselves with every possible advantage to ensure success in their trial.

Conclusion

The spells found in Chapter 30B and Chapter 125 were clearly intended to provide the deceased with additional tools to ensure their continuity into the afterlife. These spells were widely used and appear in many tombs and graves from the New Kingdom period onwards. The widespread use of magical tools meant to circumvent the uncertainties and obstacles of the judgment scene demonstrates a strong desire to enter the afterlife and the lengths to which the Egyptians were willing to go to secure a successful passage into eternity. These magical practices not only existed because the Egyptians believed in the necessity of undergoing the trial of judgement, but also because they were unwilling to leave their fate to chance. To enter the afterlife, the heart of the deceased needed to balance against Maat, the purest form of truth and order. If any wrongdoing were revealed, the heart, however slightly, would not balance against Maat. If the deceased was not able to cleanse themselves of all of their misdeeds, they would thus fail.

It was clear to the Egyptians that humans – even the righteous – were not perfect; therefore, to ensure the continuity of the righteous into the afterlife, they needed to deny and thus mitigate the flaws of being human through magic. However, this is not to imply that the deceased were maliciously attempting to cheat their way into the afterlife. Most ancient Egyptians believed and followed the Maatian path, but they did not want to leave any part of their trial to chance, for the possibility of erasure and no longer existing was an intolerable outcome to be avoided at all costs. Since no human could possibly lead a flawless life and flaws were not acceptable to the tribunal, a magical solution was developed to circumvent the conundrum. Thus, Chapter 30B and Chapter 125 were two methods designed to remedy the problem of perfection and ensure the desired result.

Book Reviews

A Genealogy of Devotion: Bhakti, Tantra, Yoga and Sufism in North India. Patton Burchett. New York: Columbia University Press, 2019. Pp. xviii + 433.
Reviewed by Darry Dinnell, *McGill University*

With *A Genealogy of Devotion: Bhakti, Tantra, Yoga and Sufism in North India*, Patton Burchett has injected further nuance into the persisting popular and scholarly narrative that devotional religiosity spread throughout India by way of a unified "*bhakti* movement." Utilizing historical and text-critical approaches, in addition to a wealth of secondary sources, Burchett argues that the ostensibly discrete categories of tantric, yogic, and Islamic religiosity are all imbricated in the historical formations of North Indian *bhakti*. In the process, he advocates for *bhakti* movements in the plural, suggesting that "we would be better served to imagine that at different times, each of the various regions of India had its own distinctive, multivocal *bhakti* movement shaped by regionally and historically specific social, political, and cultural factors" (2). Burchett characterizes the early modern North Indian devotional movement as the growth of a "transregional, transsectarian *bhakti* sensibility" united by similar aesthetic tastes, a common moral sense, and shared valuation of emotional expression (17). This sensibility was heavily influenced by the Sufism of the Sultanate and Mughal periods, so Islam plays a significant role in Burchett's historiography of North Indian *bhakti*, marking a major challenge to the Hindu nationalist implications of a singular "movement" (82).

Burchett begins his historiographical reconfiguring of North Indian *bhakti* in what he calls the "Tantric Age" (600–1200 CE). In this period, tantra was mainstream, its monastic orders and institutions were tied to dharmic religion, royal patronage, and un-Brahminized local subcultures. On one level, tantra was esoteric and specialized, yet on another level it was a "popular tradition" by virtue of the sway tantric specialists, institutions, and cosmologies held in everyday life (60). The Tantric Age was not without *bhakti*. Indeed, Burchett notes how an embodied, emotional conception of devotion appears in Śaiva texts from as early as the sixth century, well before the *Bhāgavata Purāṇa*, which many scholars have taken as the first Sanskritic expression of *bhakti* (47).

The establishment of the Delhi Sultanate (1206–1526 CE) led to the disruption of institutionalized tantra. Meanwhile, aspects of Persian culture and popular Sufism increasingly influenced the emergent North Indian *bhakti*. But even as mainstream tantra waned, fewer institutionalized communities of tantric ascetics still subsisted, most notably the Nāth yogis. The Nāths strived for bodily immortality and becoming ontologically divine, aims that were heretical for Sufis, whose pure and simple goal was divine love (80–81). Burchett hinges one of his central arguments upon this difference: by the later Sultanate period, a "transregional, transectarian" *bhakti* social formation had begun to arise, and with it came a new and Sufi-influenced devotional sensibility that frequently defined itself against the "other" of the tantric yogi embodied by the Nāth (81). Together, *bhakti* and Sufism shared imagery, symbolism, and narratives and offered participation in a distinctive ethical, aesthetic, and emotional sensibility. On account of these commonalities, Burchett suggests that Sufis and *bhakta*s of the Sultanate period had become part of the same "emotional community" (96). Burchett finishes laying the historical foundations by establishing how *bhakti* came to flourish as an institutional and literary phenomenon in North India during the Mughal period. It was the sociopolitical, aesthetic, religious, and courtly culture of Emperor Akbar (1556–1605 CE), in particular, that enabled the steady progression of *bhakti* communities and literature, especially those dedicated to Viṣṇu. Burchett takes up the Kacchvāhās of Rajasthan as his primary example of a Mughal-aligned, Vaiṣṇava Rajput group that provided a *bhakti*-infused blueprint for political success to other Hindu rulers.

With all this in place, Burchett proceeds into the major component of his argument, the role that the Rāmānandīs at Galta played in furthering a distinctive *bhakti* sensibility in the sixteenth and seventeenth centuries. He focuses on community founder Kṛṣṇnadas Payahārī and his two main disciples, Kilhadev and Agradās. Although these Rāmānandīs, especially Agradās, were fashioning a new, self-conscious *bhakti* and were considered exemplary *bhakta*s, Burchett draws attention to how Payahārī and Kilhadev were simultaneously recognized as "yoga masters." This calls into question some fundamental assumptions about *bhakti*, and prompts Burchett to speculate that scholars "have not adequately studied [*bhakti*'s] important historical relationships with yoga, tantra, and asceticism, sometimes fostering an inaccurate impression of *bhakti* as a discrete and autonomous genre of religiosity" (152). *Bhakti*, Burchett contends, is better understood as a "nonexclusive entity," and it "must be conceived in a way that allows us to imagine a certain breed of detached, yoga-practicing ascetic as just as much a *bhakta* as the poet-saint singing songs to God" (156).

But even with their yogic aspects, Rāmānandīs were unmistakably developing a *bhakti* sensibility that was coming into tension with tantric sub-traditions, namely the Nāths. While the goals of Nāth ascetics were supernormal powers and divinizing the body, the Rāmānandīs (not unlike the Sufis) preferred the *bhakti* sensibility of separation from, and devotion to, God. In view of these differences, Rāmānandīs caricatured the tantric "other," using figures such as the Nāth yogi as a “foil” to better articulate their *bhakti* ideals (169–171). Consequently, Nāths, yogis and *tāntrika*s started to conjure up sinister connotations.

Burchett returns to Agradās (c. 1600), using him as a case study encapsulating the formation of early modern *bhakti* sensibilities. Drawing from his translations of heretofore overlooked manuscripts, Burchett contends that Agradās initiated a vernacular literary project within the Rāmānandī community to praise saintly devotees and spread the salvational message of *bhakti*, all the while attracting Brahmanical respect, elite financial support, and a depressed-class following. Not only did Agradās’ project strengthen the standing of Rāmānandīs and expand the trans-sectarian *bhakti* sensibility, but it also reinvented the *bhakta* as a distinct category of religious person (235). Though Agradās and his hagiographers gave Sufism little acknowledgement, it was nonetheless an inextricable part of the religious landscape within which these *bhakta* litterateurs operated.

From here, Burchett goes on to explore the sustained tensions between the emergent *bhakti* sentiment and tantric-yogic religiosity. For North Indian *bhakti* poet-saints, the persistent foil was the “twofold tantric other”: the yogi and the Śakti worshipper (239). From the fifteenth century onward, *bhakti* saints as diverse as Kabīr and Tulsīdās stood united in their rejection of tantric and yogic approaches. Similarly, in the hagiographies of Mīrābāī, Raidās, and others, Śakta religion serves again as a foil for *bhakti* devotional religion. Burchett hypothesizes that the collective efforts of these *bhakta*s in criticizing yogis and tantra may have served toward transmuting the performance of “tantra-mantra” into an alternative linguistic activity – that is, song. As Burchett would have it, sound and syllables remained essential for *bhakta*s, but the emphasis shifted from goal-oriented tantric mantras toward devotional singing and repetition of the divine Name (268). These practices were rewards in themselves because of the emotions they evoked. Furthermore, *bhakti* songs and the divine Name were available to everyone, exemplifying what Burchett calls the "'democratizing' spirit of *bhakti*" (271).

Sufi literature from this same period shows comparable awareness of the tantric other, and this is Burchett's point of departure for his penultimate chapter, in which he delves deeper into early modern *bhakti*'s Sufi inflections. In Sufi romances and the poems of Sūrdās and Mīrābāī, yoga is subsumed by devotion, and the yogi is reconfigured as the ideal devotee. The devotee can triumph over the yogi by *becoming* a yogi – that is, by redefining the "true yogi" as a selfless, impassioned lover of God (277–278). In addition to this, Burchett identifies a narrative trope that circulates in both Sufi and *bhakti* hagiographies wherein magic – often that of yogis – is proven futile.

Altogether, Burchett claims it is "foolish" to characterize the religious approach of early modern *bhakta*s as being entirely new (303). This being said – and despite the continuities with preceding forms of *bhakti* throughout India that can be identified among early modern North Indian saints such as Kabīr, Tulsīdās, Mīrābāī, and many others – he does note numerous elements distinct to their specific social, political, and religious environment. The Sufi-inflected understanding of devotion is at the forefront of these elements. With this conclusion, Burchett further complicates the simplistic, potentially (Hindu) nationalistic narrative of a unified, pan-Indian "*bhakti* movement."

Burchett's book is equally noteworthy for complicating received scholarly narratives about tantra. If his source material is any indication, prevalent present-day Indian imaginings of tantra as "black magic" and "mumbo-jumbo" are not solely the product of Western colonial discriminations (306). Rather, the Sufi inflected tantric caricatures produced by North Indian *bhakta*s suggest that these negative attitudes have indigenous roots. Burchett also points out that tantric practices are still pervasive in India, even though Hindus rarely recognize them as tantric. Indeed, scholarly and popular dividing lines have kept tantra segregated from "proper" religious expressions such as *bhakti*, potentially underestimating tantra's presence in contemporary Hinduism. This segregation figures prominently among Burchett's culminating thoughts: "in the end *bhakti*, tantra, and yoga are not properly bounded entities. They are forever intertwined, blurring into one another in practice" (308). It is reassuring to see that, as with *bhakti*, scholarly narratives of tantra are maturing as well. Tantra is as just as ubiquitous as *bhakti* – to be sure, the two often intersect. Tantra still thrives, I would submit, because it is so closely tied to contemporary expressions of *bhakti*. The fact that Burchett ends with these reflections intimates that the field is heading toward a thorough reconceptualization of tantra similar to that ongoing with *bhakti* – as well it should

All told, Burchett has taken the product of considerable historical and text-critical labor and synthesized it with a vast range of scholarship from history, ethnography, and religious studies of South Asia. His management of secondary sources is admirable. Moreover, Burchett has incorporated sources that might otherwise have been disregarded, including a considerable number of works by junior scholars. Evidently, Burchett has a keen eye toward the future of South Asian studies. *A Genealogy of Devotion* will doubtlessly shape this field's future, as it champions a reading of past and present-day Indian religion where boundaries between categories such as "*bhakti*," "tantra," "yoga," and "Sufism," among many others, are not so rigidly demarcated. Certainly, for tantra and *bhakti* (as well as yoga and Sufism), scholars should be less fixated on whether any given phenomenon "is" or "is not" and more attuned to “how much is it so?” All of the above categories interpenetrate one another, even if some scholarly and popular sectors remain reluctant to see it.

The Routledge Handbook of Early Christian Art. Edited by Robin M. Jensen and Mark D. Ellison. London: Routledge, 2018. Pp. xxiv + 393.

Reviewed by Nicola E. Hayward, *Vancouver School of Theology*

The Routledge Handbook of Early Christian Art joins a growing list of scholarly books dedicated to the examination of material culture in the study of early Christianity. The book is divided into two sections: Part I, Media, and Part II, Themes. The lion's share of the book (Part I, fifteen chapters) deals with varying forms of media such as paintings, sarcophagi, mosaics, gems, textiles, silver and so forth; the remaining seven chapters (Part II) consider different themes such as how artworks function in ritual settings or artworks that address matters of identity. The book opens with an overview of early Christian art by noted theologian and art historian, Robin M. Jensen, which briefly discusses many of the media (textiles, silver, paintings etc.) taken up in greater depth by the contributors.

Part I opens with Norbert Zimmermann's "Catacomb Painting and the Rise of Christian Iconography in Funerary Art" (Chapter 2). Rome has roughly around 70 catacombs to date and 150 kilometers of catacomb galleries, which contain some of the most impressive early Christian funerary art such that found in the Via Latina catacomb. In his article, Zimmermann explores the developing role of catacomb art in both the pre- and post-Constantinian period. Christian art, or that which can specifically be called Christian as its provenance is often ambiguous, did not exist prior to the end of the second century, after which Christian art began to flourish in cemeteries.

Chapter 3 "Christian Sarcophagi from Rome," by Jutta Dresken-Weiland, remains in the funerary context but with special attention given to sarcophagi in Rome. Although a later arrival than catacomb paintings, sarcophagi are important to the study of early Christianity partly because they survive in such large numbers and therefore provide a wide sample from which to examine the change in iconography. In Chapter 4, “Early Christian Sarcophagi Outside of Rome,” Guntram Koch examines the production of sarcophagi primarily from the East while noting the difference between those produced in Rome and those produced in Constantinople, for example. One of the main distinctions between the East and the West was that in Rome images on sarcophagi tended to be crowded, almost as if they were squeezed into the limited space, whereas in Constantinople only one theme was shown, with few persons, allowing for greater negative space.

Heidi J. Hornik’s, “Freestanding Sculpture” (Chapter 5), considers sculptures from 200–400 CE that were specifically Christian. The purpose of these objects was to aid the viewer in prayer and contemplation of the biblical narrative. Since the subjects depicted were often vague in their meaning, they were meant to be understood in relation to the text. Hornik cites four marble sculptures of Jonah. Although the function of the figures is still contested, it is possible they were commissioned by a wealthy Christian and formed a fountain in a domestic garden, spaces where meals were taken as well as the “focal point for piety in a variety of forms” (77).

Chapter 6 “Christian Wall Mosaics and the Creation of Sacred Space,” by Sean V. Leatherbury, examines the medium of wall mosaics, which were produced in large quantities in the early fourth century. Leatherbury notes that the rise in popularity of wall mosaics was in response to Constantine’s legalization of the Christian religion, which sparked the construction of monumental basilicas in the Roman Empire. These new interior spaces were adorned with decorative mosaics for the Christian liturgy. Chapter

7, "Christian Floor Mosaics: Modes of Study and Potential Meanings," continues with the medium of mosaics but focuses on floor mosaics. Rina Talgam notes that floor mosaics are modest in their design when compared with wall mosaics. The artists who created floor mosaics possibly adopted a more limited selection of images since floors were where one walked. Talgam's main focus is on mosaics that adorn religious structures and included themes such as floral patterns, animals, vines, crosses, or Noah's ark surrounded with animals, but rarely human figures.

Chapter 8 by Susan Walker, "Gold-Glass in Late Antiquity," looks at the significance of gold-glass found in pagan, Jewish, and Christian burial sites. Gold-glass vessels were typically given to the dead while gold-glass medallions and broken vessel bases were used as grave markers. One of the more interesting aspects of gold-glass is its use for burial portraits that were so exceptional in their design they rival the painted mummy-portraits from Egypt. Walker notes that although gold-glass medallions functioned as grave markers, they did not function as self-representation since they were not commissioned by the deceased.

Next, Jeffrey Spier looks at gems and amulets in "Engraved Gems and Amulets" (Chapter 9). According to Spier, the earliest Christian examples can be dated to the first half of the third century and as late as 500 CE. Gems, typically set in rings, were often used as personal seals that identified the individual or their religious beliefs. Aside from personal decoration, they were also used to seal documents and packages. Early engraved gems included inscriptions as well as symbols such as the fish, anchor, or the Good Shepherd. Although gems saw a decline after the middle of the third century, production was revived during the reign of Constantine and his son Constantius II.

In Chapter 10, "Reliquaries and the Cult of Relics in late Antiquity," Erik Thunø discusses the importance of reliquaries for the circulation and protection of relics. Thunø gives priority to the West since it provides the most abundant evidence, both written and material. Relics were of great spiritual value because even a simple bone or cloth from a martyr or saint was thought to be the same as if it was the actual martyr or saint, making them objects of devotion with great healing power. That such importance was placed on relics often meant they were placed in elaborate reliquaries with pictorial programs showing the power of God – for example, the Brescia casket made out of ivory was decorated with Old and New Testament scenes.

Chapter 11 "Ceramics in the Early Christian World," by John J. Herrman and Annewies van den Hoek, looks at pottery not only for its abundance but also because it can provide invaluable evidence of daily life, especially of the artistic culture of early Christianity. Ceramics taken up by Herrman and van den Hoek include lamps, bowls, platters and amphorae. In Chapter 12, "Panel Painting and Early Christian Icons," Katherine Marsengill focuses on the origins of Christian icons in Greco-Roman panel painting. These paintings are interesting as many of them are dedicated to portraiture, and, according to Marsengill, are where icons originated. Like many other materials discussed in this book, panel paintings are often found in Christian tombs where family and friends gathered to venerate the portrait of the deceased. The main source of panel painting comes from Egypt's mummy portraits, which date to the first through third centuries. Panel paintings differed from other frescoes found in tombs or houses in that they were portable.

The next three chapters (13, 14, 15) examine ivories, textiles and silver. In Chapter 13, "Christian Ivories: Containment, Manipulation, and the Creation of Meaning," Niamh Bhalla looks at ivory as medium for Christian art on pyxides, reliquaries, diptychs and book covers. The appeal of ivory was for its durability, creamy white colour, and brilliance. Many Christian objects made out of ivory contained sacred objects such as the eucharist or sacred scripture. Chapter 14, "Textiles: The Emergence of a Christian Identity in Cloth," examines a range of textiles, from simple textiles with geometric patterns to more complicated images which included icons of the Virgin and Child. The range of uses for textiles included curtains, cushions, and altar cloths for clergy. As with many mediums, such as ivory, silver, or frescoes, textiles signaled status. As a result, many early Christians used gold thread, silk, and rich dyes to decorate their homes or churches. Chapter 15, "Early Christian Silver: Sacred and Domestic," focuses on artworks including chalices, dishes, spoons, lamps, and patens. Silver, like ivory, was popular among the wealthy as a marker of social status. Christians used silver for a variety of reasons. In churches silver vessels were utilized for administering communion and silver could be attached to walls and furniture function as a form of support. In the domestic sphere, silver spoons decorated with a chi-rho monogram were discovered in the fourth century.

In Chapter 16, "Early Christian Illuminated Manuscripts" – the last in Part I – Dorothy Verkerk examines a variety of illuminated manuscripts covering the Old Testament, the New Testament, secular books dealing with herbs, as well as Latin literary classics. The codices were often produced for wealthy Christians to help align them with Church teachings. According to Verkerk, the wealth and desire of the patron had a significant role in the production of the manuscript, thus suggesting that there was no set outcome for the book should look.

Part II opens with Chapter 17 – "Early Christian Art and Ritual" – by Michael Peppard, which considers the effects of ritual participation in artistic programs. Building on the work of Jaś Elsner, Peppard notes that ritual processes prepared the viewer to "enact visual exegesis in typological, allegorical, and other distinctly theological modes" (278). Context, he notes, plays an important role in interpreting the image as it influences the viewers' understanding of the image. For example, Noah coming out of a box-like ark is often found in funerary settings and is thus interpreted as Noah being rescued from death.

Chapter 18, "Picturing the Passion," by Felicity Harley-McGowan, describes the artistic expression of the Passion from the third to fifth century. Prior to the second century there are no known images of Jesus. Those images that began to appear in the third century were mostly concerned with Jesus as a teacher and healer, but not his passion. After the "conversion" of Constantine in the early fourth century, the artistic representation of Jesus' passion garnered more interest from both the private and public spheres.

Chapter 19 by Lee M. Jefferson, "Miracles and Art," focuses on the mediums and the categories of miracles that were depicted in early Christian art. According to Jefferson, miracle scenes – including healing scenes such as the healing of the paralytic and the raising of Lazarus, as well as nature miracles such as the changing of water into wine – provided comfort as well as education to the faithful who gazed upon them. Jefferson, however, neglects to point out the difference between miracles found in the synoptics and signs found in the Gospel of John, a distinction which might have affected how the viewer interacted with the images.

Mark D. Ellison's essay, "'Secular' Portraits, Identity, and Christianization of the Roman Household" (Chapter 20), shows how Christian art of the third and fourth centuries contained portraits of individuals, couples and families. Secular portraits not only expressed social and religious identity, but also defined practices concerning marriage and familial relations. Pagan Roman portraits often featured the couple holding hands (*dextrarum iunctio*). The inclusion of Christian imagery in portraiture provides a lens through which to view the Christianization of the Roman household.

The essay by Deborah Mauskopf Deliyannis, "The Mosaics of Ravenna," assesses the importance of Ravenna's mosaics in the development of early Christian art. Ravenna has one of the largest collections of mosaics from the fifth and sixth centuries. This collection is significant not only because of its size, but also because Ravenna had cultural links with Constantinople and the East, which, for the city's artists and architects, provided exposure to a wide range of styles. All of Ravenna's extant mosaics are found in Christian religious buildings, with the picture of Christ being the most commonly depicted figure.

In Chapter 22, "Early Christian Art and Archeology in Sixteenth and Seventeenth Century Rome," Janet Huskinson investigates the reuse of early Christian art in later centuries, focusing on marble sarcophagi. An example cited by Huskinson is the re-appropriation of sarcophagi from St. Peter's basilica in Rome. During the construction of the new basilica many of the existing Christian burials were demolished in and around the old church, revealing a large number of sarcophagi. According to Antonio Bosio (1575–1629), the first Italian scholar to systematically study the catacombs, some were reused as tombs for leading clerics, while others went to private museums, houses, or the palazzi of cardinals and Roman nobility. According to Huskinson, the main impetus of the Church's reuse of Christian antiquities was to counter Protestant claims that "religious images were products of later Catholic idolatry" (373). The re-discovery of catacomb art was significant to the Catholic argument that early Christians too utilized religious art.

In many academic books written on the subject of early Christian art, the tendency is to use terms such as "art" or "Christian" without explaining their precise meaning or application. This is understandable, yet, as is demonstrated by the essay by Robert Couzin entitled "Early" "Christian" "Art," these terms, when taken together, are not as self-evident as many would assume. There were many intersections between groups that render a precise definition, particularly in the early period, rather challenging (but not impossible). Couzin maintains that the most effective way to determine the religious identity of an object is "directly proportional to the complexity of its iconography" (387).

This collection of essays flows nicely from one essay to the next, often linking each chapter together. Its diversity of materials and themes will be beneficial to lay readers as well as textual scholars who are wary of venturing into the material world. For seasoned scholars teaching in the area of art and archeology, this handbook will be essential reading in the classroom. No book, however, is perfect. Art is meant to be gazed upon, with the expectation that this act of gazing will reveal the meaning behind the artwork. We want to let our eyes drift lazily over colours, lines, and shapes. As all gazing requires an embodied "gazer," it would be helpful if the volume examined the gender of looking. Sadly, gender and the gaze are not addressed in this collection. Lastly, a note of contention with the book is the lack of colour images. While this reviewer understands that colour prints are expensive, a few colour plates would have been a wonderful addition to this collection of essays since much of the detail and brilliance is lost in the black and white photos.

Exploring Gregory of Nyssa: Philosophical, Theological, and Historical Studies. Edited by Anna Marmodoro and Neil B. McLynn, Oxford: Oxford University Press, 2018. Pp. xi + 263.
Reviewed by Gregory Doyle, *McGill University*

This volume of edited papers is the fruit of a seminar on Gregory of Nyssa convened in Oxford in 2016. Aside from the introductory chapter, there are eleven papers from scholars known for their research in early Christianity, particularly of this Cappadocian Bishop of the late fourth century. As the editors point out in their introduction, there is not a common thread joining these papers together save for the shared focus on Gregory of Nyssa. Instead, a group of scholars variously concerned with Gregory's historical, philosophical, and theological setting have been given latitude to present their own research interests. As such, the editors have rightly decided to forego a concluding chapter, as it would prove futile to try to draw these disparate papers together. Readers hoping for a cohesive monograph on some aspect of Gregory of Nyssa's life and work will be rightly disappointed. The trade-off for this disappointment is a collection of engaging papers from recognized scholars in Nyssen studies.

The volume opens with some historical chapters. The first essay by John Anthony McGuckin is largely contextual. In his engaging and laconic prose, McGuckin situates Gregory as a hierarch, philosopher, exegete, and theologian. Although Gregory's biographical details (his family, his participation in councils, his travels) are known in broad strokes, the details of various aspects of his life are gleaned in a tentative manner from his own writings. Neil McLynn's essay on Gregory of Nyssa and Gregory of Nazianzus is a fascinating exploration of the relationship between these two figures outside of their relationship to Basil of Caesarea (the older brother of Nyssen and friend of Nazianzus). Much is known about the sometimes-fraught relationship between Basil and the two Gregories – Nyssen lived under the shadow of his dominant older brother and took it upon himself to be his theological heir when Basil died, and Nazianzus, always the reluctant public figure, was cajoled into a bishopric in Sasima by Basil. While the relationship between Nyssa and Nazianzus is only hinted at in a handful of letters between the two, McLynn offers an engaging analysis of their career trajectories. Although Nyssa began his career in his brother's shadow – often frustrating Basil with his political missteps – he developed into an active and trusted defender of Nicene orthodoxy, traveling many places to ensure that trinitarian Christianity (as defined at the Council of Constantinople in 381 CE) was maintained in areas where heterodox beliefs may have gained a foothold. Susanna Elm's chapter on Gregory's *Life of Moses* begins by providing some historical background on the debates within Roman society about dress and what it communicated about people. In Gregory's allegorical approach, to be dressed as Scythian (i.e. as a barbarian) connotes the predatory inclinations of heresy, whereas the dress of the hoplite (i.e. girded for battle) was equated with the priestly vestments described in the *Life of Moses*. Elm insists that the primary focus of the work is that of heavenly ascent, but that clothing had a beneficial metaphorical purpose of communicating the pursuit of the virtuous life.

The following chapters focus on Gregory's philosophical contributions. The influence of Origen of Alexandria and the greater platonic discourse is a recurring theme, and McGuckin highlights this in his chapter, "Gregory Interprets Scripture as a Not-Uncritical Disciple of Origen" (23). Mark Edwards's "Origen and Gregory of Nyssa on the Song of Songs" and Christopher Beeley's "Gregory of Nyssa's Christological Exegesis" are two chapters which show the continuity and discontinuity of Origen and Gregory's thought – the former with respect to their commentaries on the Song of Songs, and the latter with their Christologies. For Edwards, Origen's interpretation is of a "bodiless Scripture," whereas Gregory's avowal of the incarnate Christ throughout his commentary grounds his interpretation in the physical world (even if he, too, interprets Song of Songs allegorically). Beeley highlights the similarities of their Christologies, a dualism worried about the contamination of God by the human sufferings of Jesus, which downplays Christ's fear and pain over his triumph over the power of death.

The debate about the interplay of Platonism and Christianity in Gregory is certainly still alive. It has been noted that the taxonomy of Gregory's metaphysics can be framed in two ways. Those who view Gregory as more of a Platonist than a Christian thinker tend to prioritize the categories of Intelligible and Sensible over those of Created and Uncreated. The reverse is true for those who emphasize Gregory's Christian identity over his putative Platonism. Ilaria Ramelli provides a synopsis of scholarly contestations of this question in her chapter, "Gregory of Nyssa on the Soul (and the Restoration)." Here, she ultimately asserts that the Platonic distinction is fundamental to Gregory's thought, and applies it in his "Christianized Platonic psychology based on the theology of the image, developed in the theology of freedom, and culminating into a holistic ideal of resurrection-restoration" (141). Johannes Zachhuber, on the other hand, argues that Platonic psychologies are of limited use in discussing Gregory's theory of the soul (particularly in his more mature work), and instead proposes an understanding of the soul in terms of *dynamis*, or, as Zachhuber frames it, "the question of what the soul is thus far became transformed into the question of what it is *with respect to the body* and what, through the body and together with it, the soul does and effects for the human being" (144).

The next two chapters are more practical, focusing on the theoretical basis of Christian formation. They serve as a useful reminder that, although Gregory is variously known as theologian and philosopher, he was also a Bishop in the Church whose function was the spiritual care of the people in his congregations – a notion which was also brought forward in Elm's chapter where she highlighted Moses's clothing as a symbol of taking on the virtuous life. Morwena Ludlow highlights Christian formation in the light of Gregory's concept of the body-soul relationship. True Christian formation happens when body and soul act in complete harmony. The perfect example of this is the incarnate Christ who serves not only as an example but as the one who re-shapes believers into his image. The risk of disharmony between body and soul leads to badly formed believers, who, through lack of co-operation with divine action, can be hypocrites (appearing to be good) or bad copies of the good form and thus demonstrably malformed. Sophie Cartwright explores the idea of human vulnerability in the context of realizing complete freedom. She highlights both physical and psychological vulnerability – the realization that we are reliant on things from outside of ourselves for survival and that we are also mortal. Any authority exercised over creation happens within a framework of co-operation. The fact that we cannot even attain self-mastery indicates we should not be masters over anyone else. To realize the complete freedom to which we are called requires that we acknowledge our interdependency.

The last two papers are more strictly theological and are concerned with Gregory's *To Ablabius* (also known as *On Not Three Gods*). Andrew Radde-Gallwitz's chapter proposes a model of the Trinity he calls "intentional action," to counter the interpretation of Gregory in *To Ablabius* as tritheistic. In this model, the Trinity is portrayed in dynamic terms: the Spirit is the agent, the Son is the power, and the Father is the intentionality. Radde-Gallwitz's proposal is provocative, to say the least, and he does not claim that Gregory would reject the notion of joint activity (three agents acting in complete harmony). Anna Marmodoro, on the other hand, sees *To Ablabius* as Gregory's attempt to address the long-standing philosophical problem of the one and the many. Drawing upon Plato's analogy of gold in the *Timaeus* as one and many, she argues that Gregory offers a unique solution in applying different arithmetics (mass and count). In the case of gold, there is one thing called "gold" encapsulating all gold, and this gold can be struck into numerous coins. The number of coins does not affect the amount of gold in total. Gregory correlates this to human nature in which the "nature of man remains one independently of the number of men that participate in it" (229). Without delving into the minutiae of how Marmodoro traces Gregory's argument, we see how the analogy of gold is applied to human nature, which is then referred to the divine nature, "the nature of man is the totality of men in the world; the nature of gold is the totality of golden artefacts in the world. Applied to the Trinity, this theory enables Gregory to hold that the nature of God is one, and it is the total quantity of what is divine in the world. What is divine in the world are the Persons of the Trinity, who are three in our apprehension only, from the perspective of their differentiation by the peculiar qualities" (234).

There is much to digest in this volume. One of its chief benefits is the gateway it offers into the work of these scholars, for many of the chapters seem to be developments of these writers' academic interests. It offers some broadly contextual studies which may help someone who is new to the field of Gregory of Nyssa, and it also provides some rigorous and provocative research focused on pertinent issues in Nyssen studies.

Converts to the Real: Catholicism and the Making of Continental Philosophy. Edward Baring. Cambridge, MA: Harvard UP, 2019. Pp. 493.

Reviewed by Daniel Fishley, *McGill University*

How does an intellectual movement begin to take shape, to have socially and culturally determined effects? At its root, this is the question that motivates Edward Baring's *Converts to the Real: Catholicism and the Making of Continental Philosophy*. Baring's principal concern is to identify the structural forces that helped pave the way for the development and spread of phenomenological and existentialist thought within Continental Europe in the nineteenth and twentieth centuries. These philosophical movements now generally fall under the titular continental philosophy, a tradition that stands in contrast to its Anglo-American counterpart analytical philosophy. Baring's thesis is that the spread of continental philosophy was aided by a host of Catholic institutions and networks. It was, Baring shows, this Catholic pan-European foundation that helps account for the propagation of Continental thought.

Baring's study is twined, telling two core narratives. His book begins by tracing the intellectual tensions that arose in late nineteenth century Catholic thought. This account finds its historical point of origin in 1879, when Pope Leo XIII published his *Aeterni Patris*. Leo's encyclical made paramount the theology of Thomas Aquinas as a means for Catholics to think through the tensions of modernity. Two effects emerged from this Thomistic imperative. One structural, the other philosophical. In the first, there was the construction of numerous universities across Europe whose intent it was to advance the viewpoint established by *Aeterni Patris*. Second, a number of academic journals were established. These journals, such as *Civiltà Cattolica*, *Divus Thomas*, and *Revue Néo-*

Scolastique, sought to clarify and consider Thomistic principles. The outcome of these two structural effects, Baring demonstrates, was a pan-Continental engagement with Thomistic themes. But – and important to Baring's thesis – as Thomism spread it was put into conversation with emerging schools of philosophy like phenomenology. One aim of this engagement was to determine the coherency of Thomistic principles in relation to these modern philosophies. It is this later confrontation that Baring argues spurred the development of continental thought throughout Europe.

The second narrative that frames Baring's study is his intent to explain what it was that made phenomenology appealing to some Catholic thinkers. A key element of this account hinges on the realism/idealism debate. This debate, simply stated, centred around the knowability of the external world. For the idealists, the world was known via conceptually identifiable mental structures that imposed limitations on our capacity to have certain knowledge about the external world. For the realists, there was a mind-independent and knowable external world. Many Catholic thinkers directed their critical gaze against the idealists who they saw as limiting knowledge to a mere solipsistic subjectivity. Underlying this critique was an angst felt amongst followers of Aquinas. True to their Thomistic pedigree these thinkers argued for the knowability of the external world, a knowability from which one could infer true and certain theological principles. However, the simple assertion of these Thomistic doctrines was not a sufficient critique; a response to the idealists that was grounded in modern philosophy was required. It was in the thought of Edmund Husserl that a reply was identified. In his *Logical Investigations* (1900), Husserl developed the foundation of what would become the phenomenological project. In this text Husserl sought to demonstrate the capacity of logical formulations to provide knowledge about the world via their experiential origin. To do this he developed a philosophical project centred on the intuitional activity of consciousness – a theory linked to his teacher, the former Catholic priest Franz Brentano. A guiding presupposition to this work was the claim that the mind's activity produced knowledge about an independent world. Hence, for neo-scholastics like August Messer and Joseph Geyser, Husserl's claims were thought amenable to a neo-scholastic project. For them, Husserl's analysis, because of the similar starting points to Thomas's, could be employed against the idealists. Husserl, in short, was celebrated and his ideas were circulated throughout Catholic institutions and journals around Europe.

However, these acclamations came to a halt with the 1913 publication of Husserl's *Ideas*. In this text, Husserl abandoned a number of the world-independent claims that anchored his previous work. Instead, in *Ideas*, the conscious-ego as a self-contained system was advocated for. In short, Husserl's analysis began to look more like the idealists that Catholic thinkers aimed their criticism against. Baring, though, emphasizes an important point here: although Husserl was abandoned by many Catholic thinkers as a result of the publication of his *Ideas* text, his phenomenological assertions – whether critiqued or celebrated – had become anchored within Catholic circles. That is, the engagement with phenomenology had become institutionalized. A factor that helps explain why later Catholic thinkers, like Karol Wojtyła, advanced their own phenomenological theories despite the problems that arose from Husserl's *Ideas*.

Husserl's thought, Baring shows, had a dual effect: some Catholics viewed it positively, as it linked modern thought to scholastic philosophy; however, it also had the opposite effect, moving other philosophers beyond religion. Martin Heidegger was a thinker who reflects both of these trends. Building upon his habilitation on Duns Scotus, the early Heidegger saw in Husserl's thought a means by which to think through key problems of the "Subtle Doctor" via modern solutions. As his thought matured, though, Heidegger questioned the neo-scholastic assumption that philosophy could provide a path to God or, indeed, to "Truth" itself. Similarly, Baring shows that in the thought of Max Scheler a sort of vitalistic faith was opened up by Husserlian claims. Scheler built his analysis on an intuitionalism that, via an appeal to Augustine over Aquinas, wed phenomenology to an intense examination of religious experience. Claims that would continue to orient Scheler's thought even after he distanced himself from the Catholic Church.

Baring's premise that the success of phenomenology is best understood as a response to a number of Catholic inspired tensions is a claim that he equally applies to the emergence of existentialism. He traces the intellectual development of Thomistic inspired thinkers like Jacques Maritain, Gabriel Marcel, and Etienne Gilson by contrasting and thinking through their confrontation with the ideas of Soren Kierkegaard, Friedrich Nietzsche, and Jean-Paul Sartre. In addition, Baring discusses numerous lesser known figures, such as Arnaud Dandieu, Jean Danièlou, and Leo Van Breda – especially Van Breda's instrumental role in establishing the Husserl Archives at Leuven. In each sketch, Barring fruitfully weaves together a host of intellectual, religious, and historical factors that helped contribute to the successes and failures of each thinker and how it is those elements helped propel what came to be known as Continental philosophy. However, it is in Baring's final depiction of Paul Ricouer and Maurice Merleau-Ponty that the thesis of his analysis is best evidenced, as in both Ricouer and Merleau-Ponty the results of the existentialist and phenomenological links to a Catholic foundation become most obvious. For both thinkers there was an emphasis on one's embodied relation to the world. An embodied connection that bracketed the objective sciences while also challenging those thinkers wed to an idealist epistemology. In Merleau-Ponty's project, itself initially grounded in the thought of Gabriel Marcel, the body served as an experiential – indeed incarnational – hinge upon which certain epistemic claims might be made. While for Ricouer, also a thinker influenced by the existentialism of Marcel, symbols acted as concrete ciphers by which to image and thus engage the transcendent. In both thinkers lay an appeal to philosophers bound to and emergent from the Catholic structural order whose lineage Baring traces back to the neo-scholastic resurgence instigated by Pope Leo XIII.

Baring ends his text by discussing more recent developments in Continental thought. He shows how Thomism continues to impact Continental philosophers like Jean-Luc Marion whose *God beyond Being* (1980) used Gilson as a foil, criticizing him "for asserting the primacy of being over the good" thus impeding a "true understanding of God" (347). Moreover, he underscores how Christian themes, in more broad terms, continue to orient Continental thinkers like Slavoj Žižek, Alain Badiou, and John Caputo.

Finally, it is noteworthy that a key scholarly tension that Baring's text is situated against is the position advocated for by Dominique Janicaud. In his *Le tournant théologique de la phénoménologie française* (1991), Janicaud argues that phenomenologists in particular, and Continental philosophers in general, had abandoned their atheistic or agnostic roots by taking an unproductive turn to theological concerns. And, to be sure, that claim is not outright negated by Baring's text. However, Baring does establish firm evidentiary grounds for the position that Continental thought owes its development to Catholic motivations – a position that problematizes Janicaud's basic "turn to theology" thesis. Baring's text, therefore, is vital for those trying to better understand the relationship between Christianity and Continental philosophy. It is a text that will no doubt emerge as a classic in the field, as it is not only excellently detailed and concise in its historical and philosophical accounts, but is also a pleasure to read.

Objektiver und absoluter Geist nach Hegel. Kunst, Religion und Philosophie innerhalb und außerhalb von Gesellschaft und Geschichte. Edited by Thomas Oehl and Arthur Kok. Leiden: Brill, 2018. Pp. xi + 934.
Reviewed by Paolo Livieri, *Hosei University*

A recent publication edited by Thomas Oehl and Arthur Kok sheds light on a part of Hegel's philosophy that has long been considered – and it is sometimes still regarded as – metaphysical and unquestionably anti-modern: the philosophy of absolute spirit. Hegel's idea of absolute spirit holds that psychology, ethics, politics, and even history find in art, religion, and philosophy their truth. These three intellectual enterprises are in Hegel's view the only horizons where finitude and biases of social and political forms can be properly defined and eventually evaluated. Comprehensive research on this topic has for long been a *desideratum* in the *Hegel-Forschung*. Only recently has an interest in the last section of Hegel's *Encyclopaedia* begun to resurface. This volume is thus a long awaited reference book for students and young researchers who want an up-to-date introduction to the reasons why one of the peaks of modern thinking makes room for a "suspiciously metaphysical" understanding of the human world, which clearly contradicts the one that the modern mindset is customarily said to possess.

The text reveals its theoretical stance with the help of a crucial quotation from an essay by H.F. Fulda that inspired this editorial project and provided the basic tools for the general evaluation of the last encyclopaedic section.[1] The difference between objective and absolute spirit is further stressed and analyzed in Fulda's revised version of the beforementioned essay which actually opens the book and grounds its general perspective. In his text, Fulda painstakingly opposes J. Habermas’s famous criticism of Hegel's notion of absolute spirit by selecting six fundamental theses which, according to Habermas, should dismiss this last encyclopaedic section. These theses are as follows: (1) there is no real justification to overcome the observing reason, (2) we cannot escape the universe of language and linguistic practices, (3) the universal subject that stands at the end of the section “Absolute Spirit” is nothing but the Fichtean subject, (4) the absolute spirit as such displays how the power of subjectivity rules over the spirit of the people, (5) the passage from objective to absolute spirit cannot be justified in light of the internal dialectic of intersubjectivity, (6) intersubjectivity is lost once absolute spirit is posited (28–29). In light of such an opening, the volume may be interpreted as a development of Fulda's efforts in acknowledging the relevance of Hegel's philosophy of absolute spirit.

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[1] Cf. Hans Friedrich Fulda, "Hegels Begriff des absoluten Geistes," *Hegel-Studien* 36 (2001): 171–98.

A short overview of this lengthy volume can orient the readers and show the variety of perspectives it casts on the subject. The first part of this collection includes essays that treat the social character of religion within the development of the modern world. In the first essay by K. Appel we read that, contrary to Feuerbach's thesis, religion is not a projection but rather it represents the end of any projection. The essays by P. Cobben and C. Weckwerth analyze the notion of social development according, in the first essay, to the terms that Hegel's *Elements of the Philosophy of Right* provides, and, in the second, using the *Phenomenology of Spirit* to define the relationship that connects genealogy of knowledge and social development. The second part focuses on the bridge between objective and absolute spirit with F. Menegoni, analyzing the nature of human activity between objective and absolute spirit, while C. Jamme opts for a kind of inquiry that Cobben showed us in the previous section, but with a historical/philological twist which contributes to a clear reconstruction of the development of the *Elements of the Philosophy of Right*.

Of a different nature is R. Adolphi's paper, which goes back to the long-standing debate about the relevance of the philosophy of spirit against the primacy of Hegel's logic. Examples of more delimited focus are the essays by A. L. Siani and E. Magrì. While the first puts the figure of Antigone under the lens of the notion of *Weltgeist*, the second evaluates the notion of *Gewohnheit* as part of conscious spiritual activity. Opening with contemporary debates and stretching beyond the Hegelian texts, the essays by O.I. Tóth, T. Dangel, and P. Cruysberghs tackle the problems of the liberal state by analyzing how freedom is part of the possibilities that humans have in a post-historical time, or by granting religion the role of building citizens' moral consciousness; or, again, by stressing that religion is the fundamental step for the construction of a state but not its ultimate incarnation. In line with these last essays is the contribution of A. Buchwalter, who discusses the pertinence and congruity of religion in a liberal state, which is a problem that also A. Kok somehow reinterprets by comparing Hegel's revealed religion with Rawls' public religion.

In the third part of the volume the reader witnesses a set of broad evaluations of the notion of spirit, as in T. Oehl's essay, where the notion of will is connected to the overall perspective on the nature of absolute spirit. G. W. Bertram and A. Nuzzo take into account the notion of passage in the dimension of spirit, the former by differentiating the three ways of self-understanding – which Bertram claims are not reducible to one another – while the latter takes a specific notion of passage, crisis, to be a key factor for the development of the spirit. Contrary to this theoretical discussions, G. Wenz goes back to a more historiographical approach to the main topic of the volume and focuses on Hegel's *Aesthetics: Lectures on*

Fine Art, analyzing the different editions of the German text to stress possible keys to understand the history of interpretations. A few essays of this very rich section of the work suggest different ways to evaluate Hegel's notion of absolute spirit in connection with debates that doted the nineteenth century: C. Iselt highlights the role of art in relation not only to religion but also to the final three syllogisms, while F. Iannelli claims that art remains essential to human's *Bildung*, despite the death of art. In turn, F. Knappik uses the sections on art, religion, and philosophy to emphasizes the limits of freedom in the forms of subjective and objective spirit. G. Sans shows how absolute spirit is not reducible to the forms of objective spirit, but is rather a distinct trait of Hegel's non-dogmatism. E. Rózsa uses the notion of love to make explicit some aspects of the passage between objective and absolute spirit. T. Meyer, in turn, investigates how doing philosophy is possible within institutions. Finally, W. Gobsch translates the question about the meaning of philosophy into the question about the meaning of existence.

The fourth section opens with N. Mooren, T. Rojek and M. Quante, using the section dedicated to the *Idea* as an instrument that both orients and defines the whole. With the same kind of systematic approach, the readers see how A. Arndt discusses the double dependency between objective and absolute spirit. In the fifth section, V. Hösle goes back to his study of Hegel's philosophy scrutinizing the systematic claim of knowledge from the Middle Ages to Hegel. Instead, showing his expertise on the Frankfurt period, Y. Kubo sheds light on the fact that ever since the Frankfurt texts on politics, Hegel has always maintained a few key notions that still represent an essential part for the mature definition of absolute spirit. This section comes to a close with two essays by H. van Erp, where a comparison between the freedom in religion and in history is laid out, and by G. Zöller, where a different contraposition – the one between formal and informal laws of the spirit – is displayed. The fifth section includes R. P. Horstmann's study of Hegel's critique to Kant, and P. Stekeler-Weithofer's account about the three forms of absolute spirit. The sixth and final section perhaps represents the most epistemological section of the whole project. Here, C.G. Martin claims that truth is understandable only through those structures that are self-reflective, and S. Rödl tackles the prejudice that judgement and its object are two different things. The last and final essay is by A. Kern, who compares McDowell and Hegel in the field of the development form natural to spiritual life.

The volume appears at the 200th anniversary of the publication of the Heidelberg *Encyclopaedia*. Nevertheless, the editors decided for a non-encyclopedic approach to the division of the volume in order to allow intersections between different perspectives and interpretations of Hegel's text. One more plus of this editorial project is the rich Bibliographical Note and a very useful Index of Names and Subjects; they both represent a fundamental tool for future research on the closing section of Hegel's *Encyclopaedia of the Philosophical Sciences in Basic Outline*.

Guidelines for Contributors

Scope

Arc is an interdisciplinary, refereed journal published annually by McGill University's School of Religious Studies. The journal combines the talents of professors and graduate students in offering space for scholarly discussions on various aspects of the academic study of religion.

We invite innovative and original work that engages with: theology; comparative studies in religion; theoretical or methodological discussions; thoughts, ideologies and philosophies; religion and politics; philosophy of religion; history of religions; sociology of religion; role of religion in culture and society; religious ethics; religion and literature; religion and art; religion and linguistics; religion and health; interreligious studies.

Arc encourages submissions from diverse religious traditions, perspectives, and periods.

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4. All notes should appear as footnotes (not endnotes), numbered consecutively using Arabic numerals.

For first-time citations, a full bibliographic reference should be given in a note:

- Stanley Fish, *Is There a Text in This Class? The Authority of Interpretive Communities* (London: Harvard University Press, 1989), 123
- M. Jimmie Killingsworth and Jaqueline S. Palmer, "Millennial Ecology: The Apocalyptic Narrative from *Silent Spring* to *Global Warming,*" in ed. Carl G. Herndl and Stuart C. Brown, *Green Culture: Environmental Rhetoric in Contemporary America* (Madison, WI: University of Wisconsin Press, 1996), 21–45.
- Pierre Hadot, *The Veil of Isis,* trans. Michael Chase (Cambridge, Mass.: Belknap Press of Harvard University Press, 2006), 18.

If a complete bibliographic reference has already been given in a previous footnote, use the following short form: author's last name, abbreviated title, page number.

- Fish, *Is There a Text in This Class?,* 124.
- Killingsworth and Palmer, "Millennial Ecology," 34.
- Hadot, *The Veil of Isis*, 25.

**Please avoid the use of "ibid"* (See: Chicago Manual of Style, 17th ed., 14.34).

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