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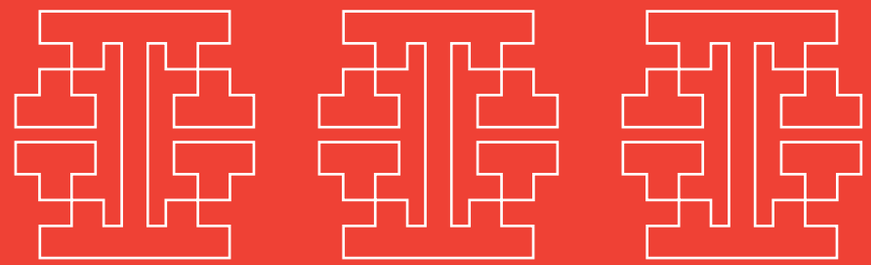
Essays on Liberty and Liberation



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Introduction

We are delighted to present this collection of essays on the topic of liberty and liberation. Reviewing our submissions for the first time, I sincerely felt that we had completely failed to generate a sufficient number of contributions on the topic of liberty and liberation to merit entitling this issue "Essays on Liberty and Liberation." Perhaps, I thought, now that we have ventured into the grand age of economic and ethical libertinism, many may deem the study of the nature of liberty and liberation to be somewhat "passé," a relic of a bygone era in which human beings were bound by "external norms."

Fortunately, however, now that it comes to writing the introduction to this volume, I am ecstatic to note that, even though I was utterly convinced that our attempt to bring together a collection of essays on liberty and liberation had failed miserably, providence has intervened and helped me to recognize that most of the articles that we have selected for this volume relate to the concept of human liberty. This is especially reassuring, given that it is a major task of society and scholarship continually to question both the objective nature of liberty and the relation between authentic liberty and the concept of liberty that particular societies promote.

As a journal that prides itself on its interdisciplinarity and willingness to engage with a variety of insider and outsider perspectives in religion, we are delighted to present to the reader a number of articles from a variety of religious traditions and perspectives. On the topic of liberty and liberation in particular, we welcome contributions examining the rights that religious liberty provides in the eyes of the American court system, detailing the struggle of Québec Catholicism to free itself of external "paganizing" influences, examining the capacity of the human being to respond freely to the redemptive activity of God, reinterpreting pre-modern Islamic law in light of contemporary human rights theory, and describing the potentially liberatory function of Shia Ashura rituals.

In *Know It When They See It: American Courts Defining Religion*, Jamie Sutton (University of Georgia) examines the juridical history of the concept of religion. Sutton notes that early juridical rulings on the nature of religion, particularly Davis v Beason (1890), were animated by a desire to

enforce moral consensus (in this case, to inhibit protections for practitioners of polygamy): in a manner reminiscent of Thomas Hobbes' theory of conscience, Davis v Beason ruled that conscience pertains only to beliefs and does not compel the moral agent to pursue actions, in accordance with conscience, that are nevertheless inconducive to the well-being of society as a whole (as commonly understood), because only moral values that conform to the publicly-accepted moral norm can be understood to be authentically religious and thus subject to protection. Later rulings, however, focused more on the sincerity of the person's convictions as opposed to their veracity, a shift broadening the protection of religious convictions undertaken under the explicit influence of Paul Tillich's concept of ultimate concern. Despite the broadening of the concept of religion that this entails, the courts have managed to stave off a libertine moral free-for-all by reliance upon the principle of general applicability and by setting those protections attendant upon religious liberty into dependence upon other constitutional protections. These measures, however, entail avoiding the central question of whether something is really religious or not and whether specific protections are bound up with something on the basis of its distinctly *religious* aspect.

In *Making All Things New: The Mystical Anti-Modernism of* Lacouturisme *in Québec*, Jack Downey (La Salle University, Philadelphia) explores the context of the religious thought and activism of the prominent Québecois anti-modernist Jesuit, Onésime Lacouture. Situating Lacouturism in the context of the condemnation of the contemporaneous Feeneynite movement (censured for its adherence to an especially strict interpretation of the doctrine of *extra ecclesiam nulla salus*), Downey sees both movements as anti-modernist in different ways: whereas the Feeneyites focused upon the doctrine of the necessity of the Church for salvation; the Lacouturites focused upon counteracting the acculturation of the Church to modern society (its "paganization"). For Downey, Lacouturism's anti-modernism was rooted in the very self-consciousness of Québec society, which had historically understood itself as establishing traditional Catholicism in North America in the wake of liberalizing anti-religious movements in the Old World. As Downey writes, "in the wake of the trauma of the French Revolution, *Canadien* settlers envisioned migration to their newly adopted home through a cosmic lens that recapitulated the biblical sojourn in he wilderness from the Book of Exodus," viewing themselves as a "'remnant' of God's chosen who preserved the faith in exile from their native land."

As such, the liberalizing and secularizing trends in early- and mid-twentieth-century Québec Catholicism represented not only a challenge to the Church but to the very concept of Québec society itself, a challenge to which Lacouture, inspired by a mystical asceticism acquired through his experiences in the Alaskan tundra, felt himself obligated to respond.

In *Audience Participation: The Role of Witness in Hans Urs von Balthasar's* Theo-Drama, Martha Elias Downey (Concordia University, Montreal) exposits the relation between divine and human agency in the thought of Hans Urs von Balthasar. Downey stresses the principal role of divine agency in Balthasar's understanding of salvation history: salvation history primarily pertains to God's action, and any discussion of human agency concerns only humanity's reaction to God's invitation to humanity. Given Balthasar's extensive work on the thought of Karl Barth, this emphasis upon the divine initiative in salvation history is not out of place. Balthasar, as Downey explains, develops the category of witness to explain the nature of the human response to God's free decision for humanity in Jesus Christ: humanity participates in the economy of salvation by being the audience before which the economy unfolds, and Downey uses the bi-valency of the term "witness" (as both "believer" and "martyr") to highlight how witnessing entails a responsive commitment-involving act on the part of the addressee of the Gospel, as it did for the apostles whose witness become a *martyrium*. Downey is concerned, however, that Balthasar's concept of witness does not go far enough, failing to provide a clear concept of humanity's distinctive *contribution* to salvation history, since, according to Downey, the Christian is called to be not only a believer but also a disciple of the Lord.

In *Philosophical Rhetoric and the "Divine Embodiment" in Origen of Alexandria*, Sergey Trostyanskiy (Union Theological Seminary in the City of New York) examines the philosophical rhetoric of late Platonism and its significance for the development of the notion of "divine embodiment" within the cultural horizon of third-century Alexandria. Reviewing the role and significance of rhetoric in classical culture and in third-century Christian tradition, Trostyanskiy claims that the origin of the "non-incarnational" Christology and of double subjectivity in Christ in the third century can be best thought of as a result of Origen of Alexandria's—one of the most remarkable figures of third-century Christianity—appropriation of the philosophical rhetoric of late Platonism. Trostyanskiy attempts to demonstrate that a natural outflow of Plato's late-period metaphysics of the

Nous, and of his philosophical rhetoric in third-century Christian discourse, was associated with the introduction of the concept of Jesus' pre-existing soul as a medium through which *Nous*/Logos could "come-to-be," the attribution of *kenosis* to the soul of Jesus, and the evocation of a participational model in Christology as the foundation of Christological thought at the time.

In *Public Reason, Reasonable Pluralism, and Religious Freedom: Re-Visiting the Criminalization of Apostasy in Pre-Modern Islamic Law*, Omar Edaibat (McGill University, Montreal) uses the celebrated liberal theorist John Rawls's understanding of reasonable beliefs in the public sphere as the frame of reference for a discussion of the possibility of reconciliation between Islamic law and modern liberalism. Edaibat argues that the criminalization of apostasy poses a considerable problem insofar as it appears to conflict with modern liberalism's affirmation of inalienable human rights, and so he seeks to re-evaluate the doctrines of the four classical sources of Islamic law in order to determine whether they necessarily warrant the absolute prohibition and criminalization of the act of apostasy. Edaibat claims that a doctrine of tolerance in respect of apostasy preponderated in the Koran, and he finds that, historically, the crime of apostasy, in the circumstances where it was punished by death, was habitually accompanied by other crimes like murder and open rebellion, which suggests that, in order to merit capital punishment for apostasy, one would have not only to abandon the religion of the Islamic community but also to participate in criminal attacks upon members of the community itself. Edaibat presents evidence for this interpretation from narrations of the Prophet's acts of pardoning those who abandoned Islam, and he concludes that that it is possible for Islamic law to re-consider the criminalization of apostasy in light of modern liberal human rights theory.

In *Ashura Rituals: A Tool for Freedom or Oppression? A Critical Examination of the Ashura Rituals of Shia Islam in Regards to Catherine Bell's Theory of Ritual*, Fatemeh Mohammadi (*Carleton University*, Ottawa) examines the socio-political significance of the Ashura rituals in Shia Islam. The Ashura rituals are mourning rites in commemoration of the death of the Hussein-ibn-Ali, who was killed while leading an insurrection to overthrow Caliph Yazid I. Mohammadi argues that these rituals have demonstrated themselves to be capable both of expressing discontent with the status quo and of suppressing such discontent by channeling the aspirations of the participants away from concrete, socio-political change to future, post-

mortem satisfaction. This latter function came into especial prominence with the emergence of the Safavid dynasty, which marked a period in which Shia Islam enjoyed political ascendancy in Persia. This deviation away from the this-worldly liberatory message of Hussein represented a corruption of Hussein's original message, but "the new message was also more apposite to the political, cultural, and economic status Shia now enjoyed": that is to say, its value as an impetus to anti-establishment political action ceased for Shia Muslims when representatives of Shia Islam acquired political power in Persia. However, the Ashura rituals reverted to their primordial liberatory function in the context of the Iranian Revolution of 1979, serving to express the people's grievances against the Shah's Government. Mohammadi also notes how the Ashura rituals were used by competing groups during the Iranian presidential elections of 2009, which she views as a sign of the intractability of these rituals: they have a power that cannot be easily managed by the dominant political class.

We are also delighted to present to the reader a number of reviews of recent publications.

There are many people whose invaluable assistance in the publication of this volume we must acknowledge. We are indebted to the members of the *Arc* advisory board, Dean Ellen Aitken and Prof. Gerbern S. Oegema, as well as to the staff at the Faculty of Religious Studies at McGill University who have liaised with us to bring this journal to publication: Samieun Khan, Francesca Maniaci, Deborah McSorley, and Alex Sokolov.

We note with considerable regret the death of the late Dean Ellen B. Aitken, Dean of the Faculty of Religious Studies at McGill University in Montreal. A most distinguished scholar and administrator, Dean Aitken was one of *Arc*'s most enthusiastic supporters, and she will be greatly missed. *Requiem aeternam dona eis, Domine*.

We are deeply grateful for the assistance of all those who served on the peer-review board for this volume: Rula Jurdi Abisaab (McGill University); Gregory Baum (McGill University); Gennady Estraikh (New York University); Mohammed Fadel (University of Toronto); Garth Green (McGill University); Ian Henderson (McGill University); Francis Russell Hittinger (University of Tulsa); Karen Kilby (University of Nottingham/ Durham University); Torrance Kirby (McGill University); Suleiman Mourad (Smith College); Hasana Sharp (McGill University); N. Verbin (Tel Aviv University); Bill Wright (University of Tennessee at Chattanooga).

Finally, we truly appreciate the inestimable forbearance of our respective spouses and children in helping us to balance our various academic, editorial, and family obligations.

Richard Paul Cumming
Canada Day, 2014

CALL FOR PAPERS

Arc: The Journal of the Faculty of Religious Studies, McGill University 42 (2014)
Faculty of Religious Studies, McGill University, 3520 University St., Montreal, QC, H3A 2A7

The editor of *Arc: The Journal of the Faculty of Religious Studies, McGill University* is seeking submissions for Vol. 42 (2014) of *Arc*. All competent scholarly submissions will be considered for publication in this volume, but *Arc* is especially interested in submissions related to the theme of love and its role in human social and religious experience. A broad topic, the theme of love can be approached in a number of ways, and we should like to include articles on the following sub-themes, among others:

The concept of love in the history of philosophy/theology;
The role of love in the concept of marriage & family;
The role of love in civil society; the *polis* (city) as *philia* (friendship/love);
Love of country (patriotism and nationalism) in religious perspective;
The nature of the human person and its capacity/incapacity to love;
Commonalities & differences between sexual and asexual forms of love;
Contemporary challenges to the concept of love as an ethical criterion;
The role of the mandate to love in the religious vocation to salvation/wholeness;
The nature and possibility of love in conflict situations (war etc.);
Comparative studies of the concept of love in religious traditions.

Authors interested in submitting contributions to *Arc*, either on the topic of love or on other topics, are cordially invited to send their articles in Word format to the editor, Richard Paul Cumming, at the following address: arc.relgstud@mcgill.ca. To facilitate publication, all submissions should conform to the guidelines of the *Chicago Manual of Style* (16th edition).

Arc considers submissions equally from established scholars and from advanced graduate students/emergent scholars. Submissions undergo blind peer-review.

Arc is also interested in receiving book reviews and conference papers.

The deadline for submissions for Vol. 42 of *Arc* is 31st December 2014.
Please direct all enquiries concerning *Arc* to the editor at:
arc.relgstud@mcgill.ca.

Know It When They See It: American Courts Defining Religion

Jamie Sutton, *University of Georgia, USA*

The outset of our quest to find a definition of "American" religion should rightly begin with the courts. The First Amendment famously reads that Congress shall "make no law respecting an establishment of religion, or prohibiting the free exercise thereof," and, in the system of checks and balances set up by the founding document of the American nation, the Supreme Court is the final arbiter of how that language is to be interpreted and enforced. In the adversarial justice system of that country, parties who have had their rights infringed can press a claim to the courts and must abide by their decision as to whether their rights were in fact infringed upon. Through laws passed by Congress, whether or not an organization is "religious" or not affects legal purposes such as tax breaks, land grants, direct federal aid, and a plethora of other benefits. The courts ultimately have the authority, when called upon by citizens with standing in a complaint, to determine whether or not that particular group of citizens should be considered in their actions to be representative of a religion under the law, as opposed to some other kind of organization.

Of course, the struggle to define religion in the legal sense is burdened by the definitional problem of religion in general. It is difficult to conceive of a definition of religion that can avoid essentializing a broad and complex category of phenomena, and, by some opinions, even the attempt to define religion would violate the First Amendment protections of religious liberty. In this train of thought, if the court were to define religions, then they would be dictating what a religion must or must not be in order to be considered "real," which would automatically violate the establishment clause.[1] Additionally, some scholars have long argued that there simply is no such

1. Jeffrey Omar Usman, "Defining Religion: The Struggle to Define Religion under the First Amendment and the Contributions and Insights of Other Disciplines of Study Including Theology, Psychology, Sociology, the Arts, and Anthropology," *North Dakota Law Review* 83, no. 1 (2007): 147.

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thing as "religion" in the first place, such that systems of belief or behavior could be easily categorized into them. Religion may be a "second order" category, an arbitrary abstraction that we have found to be a useful schema to organize certain human expressions into, but it is one without reality. Assessing the "definitional problem" faced by the category of religion is outside the scope of this paper; there have been a great number of volumes written about the subject. However, we must acknowledge at the outset it could reasonably be argued that the task of finding a definition is already a fool's errand for the Court.

But as a practical matter, it seems inevitable that as long as we collectively agree on the political ideal that religious freedom deserves special protections, then the court must seek at least some rudimentary definition of religion. The court's ultimate purpose is to protect the rights of citizens against infringement and, in the American adversarial system of justice, to decide between two competing claims. As long as citizens disagree on what is and is not religious, these disagreements will potentially rise to such a level that no other option remains but to seek redress in the justice system. To put these kinds of cases in a sort of untouchable limbo and deny hearing them would open the door to great injustice.

The scope of the current article will primarily address and focus on issues of the First Amendment and its constitutional protections. The Internal Revenue Service's definitions for non-profit/religious status are of interest and will serve a comparative purpose later in this paper; many corporate rights belonging to churches and denominations as corporate bodies *per se* avoid religious definition or disagreement entirely, focusing on civil statues and regulations to adjudicate disputes. However interesting the strange and often twisted maze American jurisprudence finds itself in when it comes to the matter of how to handle church bodies, these circumstances do not provide a great deal of illumination as to what religion *is* in the eyes of the court. The question of ruling on religious meaning or expression is, as we will see later, a difficult problem that the courts seem to work hard to avoid, and it is in the First Amendment that they often are forced to address the issue head on. Therefore, while I may choose selected other cases from time to time in order to better illustrate a contrast in approach or a theoretical difficulty, I will primarily deal with Supreme Court and other First Amendment cases.

For a surprisingly long period of time, the courts were able to remain silent on the meaning of the First Amendment clauses relating to religion, for the simple fact that the text of the Amendment itself reads, "*Congress* shall make. . ." The protections provided by the constitution did not extend down to the state level, one amongst many reasons that government-established churches lingered so long in many of the original states. Instead, constitutional protections were only applicable in federally held and controlled territories. Accordingly, the clauses promising freedom of religious expression were not truly tested until the members of the early Church of Jesus Christ of Latter-day Saints, colloquially known as Mormons, were pushed by social pressures and persecutions into the western territories.

The earliest legal challenge that required the Supreme Court to speak directly to the nature of religion was in the late 1800s in the case *Davis v Beason*,[2] which, like many early cases on religious freedom in America, dealt with the Church of Jesus Christ of Latter-day Saints. The appellant, Samuel Davis, was charged with "conspiracy to pervert and obstruct" the administration of an Ohio County when he attempted to register to vote. At the time, electors were required to swear an oath that they were not members of any group that supported the practices of bigamy, polygamy, plural, or celestial marriage. Discovered to be a member of the Mormon Church, Mr. Davis was charged and found guilty. He filed a claim that his imprisonment was motivated "by virtue of his conviction" and thus illegal, as the oath he swore and the laws against polygamy violated his right to freely practice his religion and constituted a violation of the First Amendment's establishment clause.

The Supreme Court found against Mr. Davis and arrived at such a decision that had wide implications for religious liberty. In the decision, the Justices argued that marriage was not only a sacred institution but also a civil one, which forms a foundation for any society, and that, accordingly, society has the right to regulate it with laws, so that bigamy and polygamy were crimes according to the current law. The Justices felt it clear that it should not seriously be contended that the whole punitive power of the justice system should bend in order for any religion to seriously teach and encourage activity that is criminal. For the purposes of our current exercise, the most salient point is that the court established: "The term 'religion' has

2. Davis V Beason, 133 U.S. 333 (1890).

reference to one's views of his relations to his Creator, and to the obligations they impose of reverence for his being and character, and of obedience to his will." They further contended that the First Amendment was intended to allow everyone to entertain such notions respecting his relations to his Maker as their conscience lead them to believe in, but was never intended to protect against legislation against acts that would damage the "peace, good order, and morals of society." The Court judged that to call the encouragement of crimes which "shock the moral judgment of the community" a tenet of religion offends common sense.

First, this decision establishes a fairly straightforward definition of religion. A religion, according to *Davis v. Beason*, is a set of references to how one views a Creator God and what obligations one feels that relationship compels one to feel in obedience. This is obviously a *very* Judeo-Christian understanding of religion, which, at least in the plain language, requires an idea of a definite and creative deity that possesses a will which humanity must follow—an active, monotheistic deity. The language also seems to implicitly argue that, in order to be counted as a religion, the tenets must conform, at least to some degree, with the moral judgment of the community at large, and that these tenets cannot actively encourage crime or "shocking" moral behaviour. Second, the decision established a "neck up" definition of religion by which one can *believe* whatever one wants but must *behave* in accordance with well-established laws, or at the least, in a manner that is conducive to safety and public order.

This creates the first cracks in the court's legal treatment of religion at the same time that it introduces a definitive definition. By separating belief and action, a strong argument could be made that the separation of belief and action actually protected not merely Judeo-Christian religion, but in particular Western Protestantism, under which religion is a relational and private matter rather than a lived and ritual communal obligation. A theme begins to emerge that we will see time and again throughout American legal history: Religious practitioners can be burdened, often quite substantially, when their religious faith requires concrete action and ritual. In the early case of *Reynolds v United States* just a year before,[3] the Court positively held that religious belief could not be a protection against indictment. Specific actions could be prosecuted regardless of whether they constituted a clear

3. Reynolds V United States, 98 U.S. 145 (1879).

and specifically religious obligation, if they went against the common law of the land or were seen as destructive to the fabric of society. The problem becoming, as any first-year student of political science could describe, what is seen as "destructive to the fabric of society" is quite often fluid over time, if not a downright prejudicial expression of the tyranny of a majority. After all, at some points in American history, the ideas of educating African-Americans or allowing Catholics to hold public office were seen in the popular imagination as "destructive to the fabric of society." While *Beason* provides an explicit definition of religion, for further reference, it also holds the door open for judges to exercise fairly unlimited discretion as to which religious *actions* must be regulated "for the good of society." The state, in this case, subordinates religion to the common good in a move not unlike Mill's utilitarianism.

This all fits in general with American jurisprudence during the early years of the country's history. Only eighty years earlier than the Davis case, a court in New York convicted a man of blasphemy, stating that Christianity has "always" been understood as the basis for sound civil government and that irreverence to Christianity could not be protected by constitutional guarantees.[4] In one form or another, this judicial definition of religion as referencing only belief systems that related man to an omnipotent Creator continued throughout much of America's early history. The early history of the Free Exercise clause established precedents that laws may be passed limiting religious expression when such expression is somehow harmful to persons or the structure of society itself, as the courts determined polygamy to be. In the case of a vested interest in seeing to the safety and security of the public, the right of free religious expression could be overruled. As an example, early American court decisions disqualified those without belief in God or ultimate punishment as legal witnesses in direct discrimination against the irreligious, and "even a father may be deprived of the guardianship of his child if he professes a belief in a sect adjudged to be obnoxious to society."[5]

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4. People V Ruggles, 133 8 Johns. R. 290 N.Y. 333 (1811).

5. Abraham Burstein, *Religion, Cults, and the Law* (New York: Oceana Publications, 1980), 9.

Movement Towards a More Functional Definition

This legal situation continued well into the mid-twentieth century, when a series of court cases that mostly revolved around conscientious objection first began to open the door for an interpretation of religion that focuses on the way beliefs might function in the life of an individual. In 1943, in *United States v Kauten,*[6] the defendant attempted to conscientiously object to the draft and be classified as exempt from military duty, but the local draft board and appeal board concluded that his objection to war was not based upon any religious training because the defendant had self-reported that he was atheist or agnostic. Moreover, conscientious objector status was granted only for those who were morally opposed to *all* wars; opposing only specific wars would not qualify. Mr. Kauten was ordered to report for duty and then arrested when he failed to appear.

The Second Court of Appeals ruled in favour of the draft board and upheld the conviction on technical grounds; it was ruled that Mr. Kauten did in fact have a legal obligation to appear and report for military duty and that what he properly should have done was to apply for a writ of habeas corpus and procure judicial review of his classification. His rights, the court insisted, were not actually infringed upon in any practical sense until he was actually subjected to military service against his will. The situation prior to actually reporting for duty was an administrative inconvenience at best, and during basic training he would have had ample time to apply for judicial review.

Of much more interest for our purposes is the last part of the rendered decision in which Second Circuit Court Judge Augustus Hand somewhat amusingly observes that it is unnecessary for the court to attempt a definition of religion since the case was resolved on grounds of administrative due process, and then promptly sets about vaguely defining religion anyway:

6. United States V Kauten, 133 F. 2d 703 (1943).

> Religious belief arises from a sense of the inadequacy of reason as a means of relating the individual to his fellow-men [*sic*] and to his universe—a sense common to men in the most primitive and in the most highly civilized societies. . . . There is a distinction between a course of reasoning resulting in a conviction that a particular war is inexpedient or disastrous and a conscientious objection to participation in any war under any circumstances. The latter, and not the former, may be the basis of exemption under the Act. The former is usually a political objection, while the latter, we think, may justly be regarded as a response of the individual to an inward mentor, call it conscience or God, that is for many persons at the present time the equivalent of what has always been thought a religious impulse.

This was a first key case that moved the concept of religion away from relating directly to a supreme being and towards a focus on how the belief in question related the individual towards the universe and his fellow humanity. The approach clearly used by the court's musings is to examine the role of beliefs in the life and mind of the believer, and it was an approach that increasingly began to appear in cases across the nation. In a case the very next year[7] involving accusations of fraud against a small group of "faith healers," the Supreme Court determined that they must look primarily to the sincerity of a person's beliefs to help decide if those beliefs constitute a religion for the purposes of constitutional protection. The court held that the judicial system has no business in deciding whether or not the religious claims of an organization are *actually* true, only whether or not the members seem to sincerely believe them to be true. Then in 1961, a case, *Torcaso v Watkins,* landed right in the middle of the "incorporation" debates of the 40s–60s, when the American legal landscape was dealing with how to apply the Fourteenth Amendment to the Bill of Rights. This case, a challenge to the Maryland state constitution disqualifying those from public office who refused to declare their belief in the existence of God, contained a footnote that most explicitly signals this shift in thinking. A justice used a footnote, described by at least one author as "dicta upon dicta,"[8] to note: "Among religions in this country which do not teach what would generally be

7. United States V Ballard, 322 U.S. 78 (1944).

8. Ronald B. Flowers, *That Godless Court?: Supreme Court Decisions on Church-State Relationships* (Louisville, Kentucky: Westminster John Knox Press, 2005).

considered a belief in the existence of God are Buddhism, Taoism, Ethical Culture, Secular Humanism, and others."[9]

Now, this sort of footnote does not set legal precedent, and in fact had very little to do with the reasoning involved in arriving at the verdict. However, it has caused a great deal of contentious commentary about where the proper line should be between philosophical non-religious beliefs and religion. But avoiding that conversation entirely in this paper, the purpose in quoting it is to demonstrate that the court had slowly made a remarkable shift from a definition of religion that required belief in a traditional Judeo-Christian creator God and teachings of obedience to Divine Will. Instead, the court had broadened the definition of religion considerably.

Ultimate Concern: The Court fully adopts Paul Tillich

German-American Theologian and philosopher Paul Tillich was enormously influential in the modern understanding of religious attitudes and the essence of religious perception. In his book *Dynamics of Faith* he developed a theory of "ultimate concern" that defined faith and the essence of the religious experience itself as perception of an overwhelming reality separate from ordinary realities, a concern in the face of which it seems all other concerns must be sacrificed and subordinated. Tillich did not exclude atheists from the ranks of the faithful. Tillich's manner of defining religion in such a way did more than provide grist for philosophers and theologians to analyze in countless papers and debates, it provided what would become the legal definition of religion in America as dictated by the Supreme Court.

The Universal Military Training and Service Act governed the draft in the 1960s, and incidentally also contained the government's regulations for defining a conscientious objector who qualified for exemption on religious grounds. The text of the regulations required belief in a "Supreme Being" in order to be awarded the exemption, and the Supreme Court, in 1965, considered three consolidated cases that objected to this regulation on constitutional grounds—the relevant objection in the case was that such a regulation was alleged to discriminate between different forms of religious expression. Put simply, it was a government regulation that

9. Torcaso V Watkins, 367 U.S. 488 (1961).

clearly privileged theistic religious impulses over non-theistic ones. None of the three defendants considered themselves atheist but all of them held that their various religious beliefs, which did not include any traditional conception of an active God, should qualify under the standard because their conscientious objections were based on beliefs in the existence of a supreme reality or universal power beyond that of man.

In their decision, rendered in *United States v Seeger*, the Supreme Court essentially adopted a Tillich definition of religious faith wholesale, in words that could nearly read like a quotation from the theologian's work. They quoted Tillich multiple times within the dicta of the decision, among other quotations meant to display the breadth and diversity of religious beliefs respected as part of American society. The court held that the term "Supreme Being" in the regulation must at the least mean the concept of a power or being or faith to which all else is subordinate or upon which all else is ultimately dependent. The court established a test for determining whether or not a belief was religious as opposed to "merely" philosophical, social, or practical in nature: The belief must be "a sincere and meaningful belief that occupied in the life of its possessor a place parallel to that filled by the God of those admittedly qualifying for the exemption."[10] Freedom of conscience, the court decided, was a principle that must show respect and even admiration for a person's innate convictions, and that such convictions, when not found in conflict with public order and safety, should be honoured as the very grounds of liberty. The right to act, or refuse to act, according to one's most deeply held beliefs, must be accorded the categorical designation of a "religion," at least for purposes of the law. And this was to occur regardless of whether these beliefs were part of an already recognized religious system.

Since 1965 this has largely been the law of the land in terms of a legal definition of religion in America, determining which beliefs are religious and which are not. It is an admittedly vague and subjective definition, but it does at least fulfill the requirements of seeming able to encompass everything that may be considered a religion without excluding anything unnecessarily or in a prejudicial way. The Supreme Court reaffirmed this definition in later decisions, in *Welsh v United States* and *Thomas v. Review Board*, while slightly narrowing and attempting to navigate the distinguishing line

10. United States V Seeger, 380 U.S. 163 (1965).

between personal philosophical choice and truly "religious" belief. Despite this occasional narrowing or clarification, there have been no major cases to be heard before the Supreme Court that challenged the religious test set out by *Seeger* in the 60s.

Problems with the Functional Definition

The astute reader will of course already have thought of an obvious problem of this functional approach of "ultimate concern." It does have the advantage of being as inclusive as possible in respecting the great varieties of religious experience, but in some respects, its greatest strength is also a weakness, for it seems impossible to exclude almost anything from being a religious belief. As some commentators have observed, such a definition of religion as outlined in *Seeger* could potentially include practically any position imaginable. If the terms "religion" or "Supreme Being" are taken to mean whatever occupies a place in a person's life such that they order their actions based upon it and all other concerns are subordinate to it, then one can imagine that communism, capitalism, ethical utilitarianism, and even a particularly fanatical fan's love of his sports team is potentially a religion that we are obliged to constitutionally protect. Indeed, in Tillich's formulation, every single thinking person has an ultimate concern, which need not necessarily be expressed as a religious conception of deity.[11]

This is fine for the philosopher or theologian, but in the practical terms of a judicial system that must review regulations and ascertain the guilt or innocence of a party accused of harm, it seems immediately problematic. "Mere" philosophical, moral, ethical, or political affiliations and convictions are not placed under the penumbra of the Bill of Rights, but the functional definition adopted in *Seeger* provides no easy method for distinguishing between these and religion. However, drawing that distinction, however arbitrary one is aware the line placement is, is precisely the function of the court. The Supreme Court had expressed a worry about this function far earlier, in 1879, while reviewing a case connected to the practice of polygamy:

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11. Paul Tillich, *Dynamics of Faith* (New York: HarperCollins, 2011), 40–50.

> Can a man excuse his practices to the contrary because of his religious belief? The permit this would be to make the professed doctrines of religious belief superior to the law of the land, and in effect to permit every citizen to become a law unto himself. Government could exist only in name under such circumstances.[12]

The title of this paper comes from a famous Supreme Court decision involving definitions of obscenity and pornography, "I shall not today attempt further to define the kinds of material I understand to be embraced within that shorthand description; and perhaps I could never succeed in intelligibly doing so. But I know it when I see it."[13] Religion in the current courts shares this same position of vagueness and unsatisfactory definition. This is problematic in a legal sense. One of the reasons why laws are codified to begin with is to attempt to provide neutral and standard expectations for societal and governmental regulations. It is desirable for the law to be written and judged in such a way that a reasonably intelligent person familiar with the law could read the relevant statutes and know whether or not the action that they were about to undertake was legal or not. For the most part, this is not the case if your question hinges on whether or not your actions are "religious," which is hardly a desirable state of affairs.

The *Seeger* definition of religion can also lead to decisions that seem to fly in the face of conventional wisdom, sometimes in ways that can actually be quite offensive to the people involved. A perfect example is the decision of the Seventh Circuit Court that treated atheism, within the context of the case, as religion. The court overturned a ruling that had prevented a prison inmate from starting a humanism and atheism group because the appellant's atheism was "sincerely and deeply held" and "central to his life," and thus the court decided it must be granted protections. The irony involved in the case is that although this decision provided the appellant with the result desired, it did so while directly ignoring his own insistent feelings on the matter.

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12. Reynolds V United States.
13. Jacobellis V Ohio, 378 U.S. 184 (1964).

> The problem here was that the prison officials did not treat atheism as a "religion," perhaps in keeping with Kaufman's own insistence that it is the antithesis of religion. But whether atheism is a "religion" for First Amendment purposes is a somewhat different question than whether its adherents believe in a supreme being, or attend regular devotional services, or have a sacred scripture.[14]

While I think the question of whether atheism and other stances of unbelief are "religious" or not is certainly a fascinating one worthy of discussion, for this paper's purpose it is enough to note that many atheists would themselves find such a categorization grossly offensive, if not indeed antithetical, as Mr. Kaufman felt, to everything that they believe in. And it serves as just one example of how the functional definition of religion as "ultimate concern" occasionally could lead an observer to determine behaviour is "religious" in a way that encompasses so broad a variety of activities as to be completely emptied of meaning and content.

Mr. Kaufman's case is illustrative in actual cultural and governmental practice; some argue that atheism in particular has fallen to the bottom of a nebulous legal hierarchy in a position that opens it up to persecution. There remains only one openly atheist representative in Congress, and widely cited opinion polls show that atheists are the "most mistrusted minority" in America.[15] Research cited by legal scholar Weiler-Harwell points to poll trends indicative of most Americans opening their arms to embrace, at least superficially, new religious groups as long as they eagerly pledge their allegiance to the nation, the flag, and God in a sort of "generic monotheism." The argument given is that American society cannot accept atheists because there is a ceremonial-deistic aspect to the culture at large that views irreligion as non-normative and even subversive. One illustrative example occurs in the Seventh Circuit Court of Appeals, in *Welsh v Boy Scouts of America*. This case is only twenty years old, and in it the courts explicitly questioned the litigant's patriotism because of their rejection of an oath that mentioned God. The judge implied that rejecting the Boy Scout oath was somehow also a rejection of the Declaration of Independence, on the grounds that that document also contains references to God.[16] The actual

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14. Kaufman V Mccaughtry, 419 F.3d 678 (2004).
15. Nina Weiler-Harwell, *Discrimination against Atheists: A New Legal Hierarchy among Religious Beliefs* (El Paso: LFB Scholarly Publishing, 2011).
16. Welsh V Boy Scouts of America, 993 F. 2d 1267 (1993).

decision of the court avoided the constitutional question, ruling strictly on the statute and arguing that the Boy Scouts did not qualify as a "place of public accommodation" under the legislation. The Supreme Court declined to hear the case, leaving its constitutional challenges currently unanswered. However, it illustrates here the connection in the minds of the public, and even occasionally of the judicial branch, of irreligion with lawlessness.

The example serves to highlight the difficulties and tensions involved in formulating any definition of religion at all, and the debate continues in legal journals as to precisely what methods the courts should undertake. Put simply, the *Seeger* definition seems to be one with which very few people are actually happy, but to which even fewer people seem able to offer a clearly and decisively better alternative.

The Definition Found and Examined

From this examination, by no means exhaustive, we can form a few rudimentary conclusions about the definition of a religion in the American context, at least from the point of view of the justice system and the courts. This definition began as essentially identical to the Judeo-Christian tradition, in which other religions were considered subordinate at best, primitive or mystical traditions that did not correspond in any real way to what the law considered a religion deserving of protection under the constitutional amendment. The early years of American jurisprudence carved out clear preference for the majority religious tradition, privileging the Christian paradigm as the fundamental foundation of all good government.

In the early twentieth century, the scope of religion expanded under cases that addressed issues such as freedom of speech, freedom of assembly, and conscientious objection, until a functionalist definition of religion was adopted that fully embraced Paul Tillich's language of "ultimate concern." Under this definition, a religion is a matter of whatever concerns and beliefs a person subordinates all other concerns to, an over-riding imperative that functions "parallel" to a traditional belief in an active deity. In effect, it leaves to the individual judges involved in a case the decision whether behaviours and beliefs are "religious" or "merely" philosophical/moral/ethical, acknowledging that language is inherently flawed and falls short of being able to encompass the essence of religion in an inclusive way. This

leads me to directly compare the definition to the famous court definition of obscenity, in which the courts "know it when they see it."

There are serious objections that can be raised against such an exclusive but subjective definition of religion in the legal system. The first and most serious is that it seems to destroy the predictive power that is fundamentally assumed to be the advantage of having a codified law in the first place. The rulings and precedent set can vary widely—this has been borne out in practice,—depending on which court and which judges may hear the case in question. Additionally, from the standpoint of either believer or unbeliever, this may result in categorizations that are not only contrary to conventional wisdom, but also directly offensive to those involved. Lastly, but certainly a matter of grave concern, is the way the law continues to focus in the functional definition on beliefs "parallel" to those of traditional belief in a deity. Atheists and other secularists argue that this continues to privilege belief systems that are recognizably deistic. It may be said, looking through the lens of this viewpoint, that in America it is culturally acceptable to believe in *any* God, just so long as one believes in *a* God.

Even though this understanding of religion in the American courts is necessarily a matter of continued debate and contention, it provides us with a solid frame from which to understand certain key questions in our search for a definition of what makes a religion "American." It seems that an answer to that question must at least partially be understood in terms of the American legal system and government, which is meant to reflect the will of the people and the general consensus of society, while at the same time providing a limiting border to the tyranny of the majority. An examination of the Supreme Court cases that have touched on defining religion, supplemented by certain appeals and circuit court decisions, shows that the definition has continued to evolve throughout the history of the country, but that the definition can be said to at least be this: To be considered a religion in America, the beliefs in question must involve a concept of the Ultimate, which is both sincerely held and the basis and source of subordinate beliefs and decisions.

Applying the Rule: The construction of religion in American law

Now that we have found a definition, it is quite another thing to apply that definition. One of the primary features of a robust legal system is the way that it remains flexible and adaptable over time. As precedent is built up in the case law, and the judges and lawyers make their arguments throughout history, laws based in statute become interpreted and re-interpreted. Features of earlier cases also become obscured or re-evaluated in the course of time, taking on new meanings in new contexts. In this, law shares a common feature with many of the world's religions. There is a constant call and refrain stretching back in time to texts and sources that are considered authoritative but flexible. Law changes and decisions are overturned, sometimes in radical ways, but ostensibly not without some justification or grounding in the tradition, which carefully trained and thoughtful experts are believed to safeguard.

In this respect, American jurisprudence's dealings with issues of religion and religious freedom are not exceptions. Earlier, we discussed the evolution of the legal definition of religion over time, and how that definition has been applied in cases with a legal component has had no less of a thorny growth process. The history of religious cases in America is filled with dead-end branches, expansions and contractions of the behaviours considered to be protected, and an often bewildering array of litmus tests designed to instruct legal professionals on what constituted "unacceptable" infringements on a religious belief. Even early on in American history, judicial discretion in religion cases often resulted in anomalies and a diversity of opinions among the different courts. Later, the Fourteenth Amendment was interpreted to extend the Bill of Rights to the states for the first time, and consequently, the number of religious cases exploded in growth. This situation, alluded to earlier, has resulted in a state of affairs that can be most frustrating to the scholar of law and religion. While the Supreme Court has not directly addressed in decades the issue of defining religious behaviour, the result is that, in the mid and late twentieth century, a maze of district court decisions were passed down, often contradictory in such a way that whether or not a behaviour was "religious" could often legally depend on which side of a dividing line between districts the jurisdiction was held.

I will now examine this morass of varying approaches. The hope remains that by selecting a variety of cases over time and examining them for key analogical similarities one may discover an unspoken blueprint for what is considered "real" religion in the American court system. Initially, one expects that these cases will primarily revolve around the First Amendment protections in question. And in fact, this would be ideal for our scholarly assessment; in American law, the Constitution is the foundational law of the land. A ruling on constitutional challenges by the Supreme Court sets the standard by which all other American courts must abide, a ruling which can only be overturned by another act of the same court. Constitutional cases thus provide solid bedrock that could definitively answer the question, at least as concerns the legal scholars, thus providing a solid framework to build the blueprint upon. It is precisely for this same reason that I have mostly, up to this point, limited myself to Supreme Court cases in seeking out an explicit legal definition of religion.

Unfortunately, when we begin to address the issue of application in that definition and attempt to predict what actual courts will decide is "protected religious behavior" versus "merely personal choice," we come to a rather surprising conclusion. Courts rarely address constitutionally conflicts centering on religion. In fact, the courts seemingly make every effort to avoid addressing whether or not a behaviour or group is "religious," and have left a legacy of legal decisions in which virtually any other possible means of deciding the case have been used. Even in cases where constitutional questions have been directly addressed, the religious aspects of the case are frequently subsumed under the umbrella of freedom of expression or the rights of free assembly, leading some authors to speculate that the precedent on religious cases in America has gradually evolved to a state in which religious freedom "is not even an independent discrete freedom"[17] but must be coupled with other constitutional protections in order to be judged.

A fine example of this is the way that judicial practice on questions of *corporate* religious liberty; i.e. the liberty of congregations and groups of believers as opposed to individuals *qua* individuals, developed under laws of corporation. Over the years, in cases such as *Watson v Jones,*[18] *Kedroff*

17. Flowers, That Godless Court?, 159.
18. Watson V Jones, 80 U.S. 679 (1872).

v Saint Nicholas Cathedral,[19] and *Jones v Wolf,*[20] the court interpreted the constitutional requirement for the government to avoid establishing a religion as requiring the courts to avoid using theological or religious principles in adjudicating property or financial disputes between feuding congregational members or sects. In essence, the courts felt the only way to avoid inappropriately establishing "official" government interpretations on the correctness of religions was to handle most legal disputes as a matter of existing corporate and property law. This is the foundational beginnings of the approach of the courts in slowly redefining freedom of religion to be coupled with, if not outright replaced by, a robust interpretation of the freedom of speech. Under circumstances where we are not laying judgment on the ontological *truth* of religious claims, the courts are left to judge the manner in which those claims are *expressed* publicly. The churches and groups involved in these cases had disputes over who owned or controlled certain church properties and which body of believers were the "true" representatives of their respective theological philosophies. Rather than brand one group "true believers" and the other group "heretics," the courts awarded or overturned rulings based on two tests. The first, acquiescence to previously established organizational bylaws or hierarchy, and the second, to rule in favour of the majority membership in the absence of such organization.

This series of decisions established the precedent that has continued to this day, in which the courts avoid any judgment on religious belief at all in these cases and instead use established corporate law as a guideline. In fact, many of the religious liberty cases currently percolating their way through the courtrooms hinge directly on ideas about whether corporations can have, as corporations, a religious liberty or belief. These corporate cases are dependent on tax law or some version of not-for-profit status, neither of which typically has anything to do with a functionally religious definition or academic categorization of behaviour. The IRS, and other administrative functions in local and federal governments, are allowed to maintain their own separate criteria for determining whether a group is non-profit, and whether they are categorized as religious or not. The *Internal Revenue Manual* of the IRS has quite lengthy sections on charitable tax-exempt organizations

19. Kedroff V. Saint Nicholas Cathedral, 344 U.S. 94 (1952).
20. Jones V Wolf, 443 U.S. 595 (1979).

in general, and religious organizations specifically, in a way that relegates religion to a sub-category of charity. The Internal Revenue Service relies on the court's holdings that religious individuals and organizations are not exempt from general laws that advance a compelling public interest; however, they have provided statutory regulation exempting from taxation organizations that have the sole or primary cause of charity and public welfare. They have, then, again statutorily, defined an incorporation or organization with the primary cause of "advancing religious belief" to be a charitable contribution to public welfare.

Doubtless, some militant atheists would disagree with this generous assessment of the purpose of religion. Regardless of that fact, the IRS has both impinged upon and avoided the juridical problem of defining religion by regarding it as "merely" another type of public welfare or charity. And the law, both statutorily and in the form of case law, certainly recognizes the perversion of religious organizations for the purpose of tax evasion. The IRS manual states several times that those organizations which "are operated for private benefit" do not qualify.[21]

While the classification schemes for tax law are interesting in the ways they place emphasis on some criteria over others, they are ultimately outside the scope of this particular paper. Here, it suffices to use them as an example of an interesting workaround that allowed the government to avoid passing judgment on religion directly and, instead, simply assess traditionally easier to understand property rights.

Another long-standing tactic of the American court system, which I have already outlined, is its coupling the religious freedom at stake with another constitutionally protected behaviour, either one that is better understood or less controversial. Out of a selection of forty-two of the most oft cited and influential Freedom of Expression cases, a full fifth of them were decided on the basis of arguments or grounds that revolved around the right to freedom of assembly or the right to freedom of expression. The courts have frequently argued, most notably in a case such as *United States v Ballard*,[22] that the court cannot, and should not, involve itself in attempting to identify the sincerity of depth of religious conviction as a determining factor. The reasons for this reluctance are sound; as long as

21. IRM 4.76.6 Internal Revenue Manual.

22. United States V Ballard.

it remains impossible for us to reach into someone's head and determine their inner emotional states, we can regulate only actions, not beliefs. This was, in fact, the direct holding of *United States v Reynolds* in 1878.[23] The Court, quoting Thomas Jefferson, held that there was a distinction between religious belief and the actions that flow from it, and that the courts can rule only on actions, not opinions. But, if only actions and behaviours can be judged and regulated, we immediately run into a difficulty when discussing what scholars of religion call "lived" or "practiced" religion. It seems that a separation of belief from action that favours only the former with protections disadvantages those religions that have real, communal, and public requirements of either ritual or expression. The founders chose to distinguish freedom of speech from the practice of religion, but that seems a distinction the US legal system has been unable to adequately address.

As a way of trying to avoid privileging "neck up" religions that need little in the way of concrete actions, judgments providing protection came to rest on a foundation of sufficiently robust laws that protect freedom of expression, freedom of assembly, or some other positive freedom of civic interaction that covers the particular ritual or public expression being invoked. Particularly in the latter half of the twentieth century, with the court's interpretation that religious belief was not protection from a law of neutral and general applicability,[24] cases often come to be decided on other grounds than an actual claim to Free Exercise.

Perhaps the most common way in which the courts have proven to avoid the question entirely is the series of tests meant to determine what is and is not an "acceptable" burden on religious practice. These tests have been created, refined, and replaced over the years in a variety of court cases that spread over behaviour such as cemetery coverings, ritual animal sacrifice, and mandatory school prayers. They have been so fundamentally important to case law revolving around the First Amendment religious rights that they deserve an in-depth look at their development. One thing that all the proposed tests have in common, though, is simple: The courts take completely at face value the claims of a party that their behaviour is religiously motivated. In other words, the courts are able to avoid an attempt

23. Reynolds V United States.

24. Employment Division, Department of Human Resources of Oregon V. Smith, 494 U.S. 872 (1990).

to apply some definition of religion, and instead take it for granted that what the case deals with is, by the mere act of claiming it is so, a religious matter. The tests then are not so much an application of the definition, but instead, side-step the question and ask, *given* that the behaviour being regulated or burdened is religious, *is* the burden or regulation being imposed of such importance that it remains permissible even if the right to religious freedom is infringed.

The proto-example of such a test occurred in the *Reynolds* case already discussed. The Court, fearing the anarchy that might result if religious believe were allowed to be positive defense for ignoring any laws a group wished, ruled that while the Court could not constitutionally legislate belief, it certainly had the authority to regulate action. The Court ruled that the outlawing of polygamy was a neutral law to safeguard the fabric of society, a law that had been part of the cultural and common law tradition of Western civilization for some time, and thus it did not fit within the constitutional argument made. The Court essentially ruled that religion was no protection against a law of general applicability. For many decades, this would remain the standard applied to cases, and though occasionally viewed as problematic for the seemingly wide-sweeping powers of infringement that it offered to the government, the bedrock principle was one that would return to dominance later in American law, and remains dominant even today.

In the early 1960s, the case of *Sherbert v Verner*[25] was brought before the Supreme Court involving a member of the Seventh-day Adventist church, Adell Sherbert, who was fired for refusing to work on what she believed to be the Sabbath day in accordance with her church's teaching of biblical commandments. Her claim to unemployment compensation, a category of claims providing numerous cases investigating religious questions, was denied by the state of South Carolina. The denial of her unemployment was, the plaintiff held, a substantial and significant burden on her ability to freely exercise her religion. At the time, her case was that the only option available to her in lieu of unemployment was to accept positions that required her to work on the Sabbath. The choice between financial destitution and adherence to her religious beliefs seemed to create a constitutionally unacceptable compulsion.

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25. Sherbert V Verrner, 374 U.S. 398 (1963).

The Supreme Court found in Adell's favour and created what came to be called the *Sherbert* test for determining whether or not a government infringement on Free Exercise was unacceptably substantial. Writing for the majority, Justice Brennan argued what was at the time a dramatic victory for religious freedom: ". . . we held that the imposition of such a condition upon even a gratuitous benefit inevitably deterred or discouraged the exercise of First Amendment rights . . ."[26] The text of the decision created a four point test: First, the person's claim must involve a sincere religious belief. Second, the government's action must place a substantial burden on the person's ability to act on that belief. Third, if it has placed such a burden, the government must prove that it is acting on behalf of a compelling public interest. And finally, there is no other manner of pursuing that interest possible which would be less restrictive on religion.

A related but different test was created in 1971, *Lemon v Kurtzman*,[27] when the justices faced a case involving the use of public funds to reimburse religious schools for teachers' salaries and textbooks. This case involved the other side of the religious-freedom coin, addressing charges of the government's establishing religion. In their decision, the court sided for the plaintiff, along with delivering a three-prong test for future use in determining whether or not the government's action would be deemed unconstitutional under the Establishment Clause. Failure on any one of the three prongs would render a law or policy in violation: The government's action must have a secular legislative purpose; the government's action must not have the primary effect of either advancing or inhibiting religion; and the government's action must not result in an "excessive government entanglement" with religion.

These tests, which would remain the established standard for law until late into the 1980s, share a few relevant key features. First, they partially avoid the question of religious identity *per se*. In the tests, the identity of beliefs as authentically religious is relegated to only one among many criteria for judging a legal dispute. As expected, in most cases in which the tests are applied, the question of whether something is "really" religious or not is not addressed at all, taken for granted, or of only passing interest in the decision, before deciding the case on the grounds of one of the other

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26. Sherbert V Verrner.
27. Lemon V Kurtzman, 403 U.S. 602 (1971).

criteria. Indeed, the explicit purpose of the tests is to provide guidelines not for whether something is genuinely an exercise or establishment of religious orthodoxy but instead to provide criteria meant to determine whether or not the burden or support at question in the legal case is of a permissible nature or not. They also indicate the first of what will be many attempts at limiting the subjectivity and wide-ranging power of judicial interpretation by providing guidelines that more directly guide decisions. Unfortunately, these tests provide mixed results, at best, in this effort. The phrase "excessive government entanglement" particularly proved for many years after to be a thorn in the side of legislators and judges alike.

In the landmark case *Employment Division v Smith*, these tests were, though not formally overturned, largely ignored and overruled by the Court's surprising return to what can be seen as a *Reynolds*-era criteria for determining infringement of religious freedom, which many commentators and the general public felt vastly restricted religious liberty in the context of the United States. The Court, in a majority opinion delivered by Justice Scalia, for the first time in the history of these cases, found against the believer and for the state, and also for the first time, explicitly tied protection of religious freedom to protection of other related constitutional rights. The Court found that, when a law is "a neutral law of general applicability" that does not have regulating religious behaviour as a specific and obvious goal, religious beliefs *by themselves* offer no reasonable exemption from the law. Observing that in every other case of defending against such "neutral" laws, the courts had found in favour of believers who asserted a "hybrid" right—that is to say, the Court held former plaintiffs had succeeded in successfully arguing their protection because their particular religious expressions were also protected under another generally recognized constitutional right. The Supreme Court urged the believers in this case to lobby their legislature, arguing that states did have the right to explicitly or specifically exempt religious activity from laws, but that the states could not be *required* to do so.

The public outcry against what was seen as a vast restriction on religious freedom lead to congressional efforts to rectify the situation legislatively in the passage of the *Religious Freedom Restoration Act* of 1993.[28] The Congressional act reinstated the *Sherbert* test and restored a standard of

28. Religious Freedom Restoration Act of 1993, Pub. L. No. 103-141, 107 Stat. 1488 (1993).

"strict scrutiny" that would require the government to affirmatively prove an important and compelling state interest before restricting or burdening the practice of religion. Unfortunately, the act itself failed to shed any definitional light on a legislative understanding of religion, the definitions section merely defining religion as follows: The term "religion" means the exercise of religion under the First Amendment of the Constitution. Clearly, no one had given Congress the old schoolyard advice that you should not use a word to define itself. The law was later ruled unconstitutional when applied to the states, the Court ruling that Congress had overstepped its authority in attempting to directly reverse judicial decisions, and so is applicable only at the federal level. However, it spawned a supplemental law in the *Religious Land Use and Institutionalized Persons Act*, as well as a host of copycat laws and legislative motions in other states.

An examination of those state-focused "copycat" laws is somewhat illuminating of legislative application of the definition of religion. The ideas behind RFRA have proven to have wide-spread appeal, and as of 2005, there were twelve different states with direct RFRA analogues passed by their legislature. It is the case that the majority of these statutes simply refer to "freedom of religion" by pointing back to an assumed definition of "the exercise of religion under the First Amendment." However, some of them carve out specific definitions of religion in the state statute itself without referencing the constitution. For ease of comparison, direct quotations from the five state bills related to the RFRA movement that do provide explicit definitions of religion are quoted together:

> Arizona: The ability to act or refusal to act in a manner substantially motivated by a religious belief, whether or not the exercise is compulsory or central to a larger system of religious belief. (A.R.S. 41-1493 [2003])
>
> Florida: An act or refusal to act that is substantially motivated by a religious belief, whether or not the religious exercise is compulsory or central to a larger system of religious belief. (Fla. Stat. 761.01 [2002])
>
> Illinois: An act or refusal to act that is substantially motivated by a religious belief, whether or not the religious exercise is compulsory or central to a larger system of religious belief. (775 ILCS 35/5 [2003])
>
> New Mexico: An act or refusal to act that is substantially motivated by a religious belief. (N.M. Stat. Ann. 28-22-1 [2003])
>
> Texas: An act or refusal to act that is substantially motivated by sincere religious belief. In determining whether an act or refusal to act is substantially motivated by sincere religious belief under this chapter, it is not necessary to determine that the act or refusal to act is motivated by a central part or central requirement of the person's sincere religious belief. (Tex. Civ. Prac. & Rem. Code 110.001 [2003])

Accompanied by the fact that the other state-sponsored RFRA acts not quoted here merely refer religion to the Constitution, we have a masterful display of circular reasoning. Judicially we have examined a variety of methods: deferring the question of religion to instead use corporate law in decision, or creating a test to take "at face value" religious claims as genuine, and merely decide whether the infringement is substantial, by which the courts have been able to avoid a strict or predictable application of a definition for religion. On the legislative side of the law, we see that avoidance brought to its nadir as religion is defined as any behaviour religiously motivated. This is hardly an illuminating revelation, and it continues to leave up to the present day a situation in which the definition of what will be considered religious behaviour is given to individual judge's discretion, with an almost unprecedented degree of latitude.

Nor is this failure to apply a definition merely an abstract problem of legal philosophy or religious musing. The courts are asked to navigate the rocky terrain of avoiding establishment of "official" religious criteria yet also to protect "religion" from persecution; the inability to set firm and definite

boundaries has, past and present, contributed to a legal culture in which deciding whether or not behaviours are protected for individuals under the First Amendment is confusing and often contradictory. The courts have declared that atheism was a protected religious stance under the law,[29] but many atheists would themselves reject that label, and in at least one case, have sued to prevent the government labeling their group as religious.[30] Various Federal District Courts have ruled that the school-sponsored performance of religious music, religious dramas, religious symbols, and religious poetry was not an establishment of religion in public schools during the holidays.[31] They have ruled in Florida that graveside religious shrines were merely personal in nature due to a lack of religious authority explicitly promoting them as necessary, despite Florida's definition of religion not requiring expressions of religion to be central to a larger system of belief.[32] The Tenth Circuit Court of Appeals, in an *Affordable Health Care Act* case, has ruled the contraceptive mandate requiring employers to provide insurance that covers contraception is *not* an infringement of the religious liberty of business-owners;[33] but the Seventh Circuit Court of Appeals explicitly argued, in a nearly identical case less than one week later, that such coercion against religious beliefs is unconstitutional.[34] These cases have not yet risen to the level of the Supreme Court, but seem bound to determine whether or not government regulations of corporations can put a "substantial burden" on the religious lives of the individuals who own them. All of these are very real cases that directly impact the lives of average Americans, and all of which show the often-conflicted results that come about from lack of legal clarity.

Many countries have avoided this problem by setting up a religion—or irreligion in the case of some avowedly secular states such as France—as the national standard. Though these countries might enjoy varying levels of religious freedom, the establishment of an officially privileged state stance on religion generally tends to provide much clearer and more distinct

29. Kaufman V Mccaughtry.
30. Freedom from Religion Foundation, Inc. V. Us, (2012).
31. Florey V. Sioux Falls School Dist. 49-5, 619 F. 2d 1311 (1980).
32. Warner V. City of Boca Raton, 887 So. 2d 1023 (2004).
33. Hobby Lobby Stores, Inc. V. Sebelius, 870 F. Supp. 2d 1278 (2012).
34. Korte V. United States Department of Health and Human Services, (2012).

sets of guidelines by which judgments can be handed down. In effect, acknowledging a privileging of certain points of views, this seems very problematic to the American mind, which is often generalized as being consumed with individual liberties. However, it does at least provide a specific and definite framework from a point of straightforward honesty, a self-awareness of bias in the system that is permitted to operate within certain boundaries considered tolerable, which also vary from country to country. Alternatively, it has been suggested by Dr. Winnifred Sullivan, author of *The Impossibility of Religious Freedom*, that religious freedom as an independent right is too conceptually incoherent to stand, and that religious groups should receive no special protections above and beyond whatever a country normally gives to its citizens in terms of freedom of association and freedom of expression.[35] A view which on first glance seems quite controversial, but which the Supreme Court appears to have implicitly agreed on in the *Smith* decision, which distinctly linked freedom of religion to having been historically protected in America as a "hybrid" right.

Whatever the answer, what becomes clear, even by this all too brief survey into the way the standard legal definitions of religion have been applied in major court cases in America, the problem is a mess of conflicting opinion. One can see quite clearly the tension inherent in judicial decisions that must avoid defining something as religious in order to respect the Establishment Clause, while simultaneously embracing and protecting expressions of religion with a constitutionally mandated privilege distinct and separate from other forms of expression. At present, there seems no easy way to navigate through this maze. There have been more in-depth commentaries and studies of the conflicting opinions and twisting history of the legal religious landscape in America, and most of them share one thing in common: no one is quite satisfied with the status quo, but there seems to be few better alternatives.

35. Winnifred F. Sullivan, The Impossibility of Religious Freedom (New Jersey: Princeton University Press, 2011), xxxvii.

Making All Things New: The Mystical Anti-Modernism of *Lacouturisme* in Québec

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> For too long, too little had been expected of us. When Christ spoke, he spoke from the Mount to the multitudes. He called on all men to take up their cross and follow Him. When we listened to Fr. Lacouture's retreat, we began to understand the distinction between nature and the supernatural (we understand that grace builds on nature and we saw for the first time man's spiritual capacities raised as he is to be a child of God). We saw the basis of our dignity. . .The retreat gave us hope and courage, as retreats are supposed to do, and we will be everlastingly grateful for it, grateful to Fr. Lacouture, who made the retreat possible for us. We feel that we have been participants in a great spiritual movement which is still going on, though it is perhaps now in shadow. The seed has fallen into the ground and has died. But we know that it will bear great fruit.[1]

> It was the personal decision of our Very Reverend Father General, and on his expressed orders, that the Reverend Father Lacouture has ceased to give his retreats to the clergy, and has been transferred to one of the Society's American provinces. . .I should add that before these many urgent recommendations of the Very Rev. Fr. General and the provincials, we did not find in Lacouture the respect, deference, and submission that would demonstrate in him to be a man animated by the spirit of God. He was resistant, and spread sharp, contemptuous, and unedifying criticism against his superiors—not excepting the Very Rev. Fr. General, nor the ecclesiastical authorities which did not fully approve of his teaching… If he had known to humbly accept the comments and recommendations of his superiors, he would have avoided the debates that his teaching and presentation raised, and would not be responsible for the interruption of an apostolate that could have been much more successful.[2]

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1. Dorothy Day, "Death of Father Onesimus Lacouture, S.J." in *The Catholic Worker* (December 1951): 1, 6, http://www.catholicworker.org/dorothyday/daytext.cfm?TextID=944.
2. Émile Papillon, SJ, to Ildebrando Antoniutti (AJC [BO-0167-1,1], 29 March 1940).

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The funeral of Onésime Lacouture, SJ, was by all accounts an underwhelming affair. The once-iconic mystical revivalist preacher had languished in relative obscurity for upwards of a decade, having been stripped of his priestly faculties, and reduced to working as a bursar in Upstate New York's impoverished St. Regis mission to the *Haudenosaunee*, before dying suddenly from a stroke November 15, 1951. None of his small cadre of devoted clerical disciples from the United States were present, having all been forbidden from making a final pilgrimage north. The single non-blood-related American in attendance was, as it were, also his most celebrated. Dorothy Day, co-founder and unofficial "mother superior" of the Catholic Worker movement, had made the trip on short notice, and gave an emotional eulogy at the funeral mass—presided over by the Bishop of Valleyfield, Alfred Langlois. Lacouture—who blazed a trail of ultrasupernaturalist anti-modernism that galvanized thousands of *Canadien* seminarians and clergy to a vigorous spiritual reform—was laid to rest with little fanfare or public acknowledgement. Although the movement that he founded sputtered in his native province, following his formal suppression in 1939, the occasionally cinematic controversy over "*Lacouturisme*" served as a bellwether for a subtle but tectonic transformation in the Québécois social order that came to fruition in the Quiet Revolution of the 1960s.

The Lacouture controversy saw perennial Christian theological debates firmly root themselves on *Canadien* soil—the relationship between human nature and divine grace, the universality of the call to perfection, self-renunciation. However, it was fundamentally a rivalry between competing "alternately modern" visions of freedom. The tide of reactionary nationalist Catholicism galvanized Depression-era *patriotes* around an ethic of self-determination and *Canadien* spiritual supremacy that pushed back against the cultural apostasy of Anglo-assimilation. Alternately, a nascent personalism prefigured the creative *aggiornamento* codified in the Second Vatican Council of the 1960s, and concomitant disestablishment of the institutional Québécois Church. Onésime Lacouture's own virtually *anti*-social doctrine called for a maximalist asceticism that rejected the perceived snares of modern "social Catholicism"—conceived in terms of worldly material addiction, rather than real liberation. Lying just below the surface was the classic Augustinian distinction between the freedom of self-determination and the well-ordered freedom to choose the objectively "Good," which undergirded more practical disagreements over Church involvement in

union organizing, politics, and free-market capitalism—although the dispute eventually devolved into a peculiar fixation on more leisurely moral quandaries over car radios, bingo, and tobacco.[3] Although the very generation that come of age amidst a militant nationalist spiritual ferment—ferociously marshaled by Lionel Groulx—eventually oversaw the almost wholesale dismantling of Catholic infrastructure and clerical hegemony in the postconciliar era, Lacouture and his rigorist disciples interpreted this social orientation as an ignorant abdication of authentic spiritual freedom. However, his suppression signaled the entrance of mainstream *Canadien* culture into a more cosmopolitan, "secular" environment.

Mark Massa, SJ's treatment of "The Boston Heresy Case"—the suppression and eventual excommunication (1953) of Leonard Feeney—employs Émile Durkheim's theory of social deviance and boundary maintenance in contending that the case of Feeney and his Slaves of the Immaculate Heart of Mary inadvertently empowered an evolutionary shift in the Catholic consensus on American pluralism:

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3. Augustine of Hippo, *De Libero Arbitrio*, III.21, in *Augustine: Earlier Writings*, ed. J.H.S. Burleigh (Philadelphia: The Westminster Press, 1953), 183: "If, therefore, you wish to escape misery, love the very desire you have to exist. For if you wish more and more to exist, you will draw near to him who exists supremely.…All things are to be praised for the reason that they exist; for what exists is for that reason alone good. The more fully you love to have being the more fully will you desire eternal life, and choose to be formed to that your affections will not be set on temporal things.…He who loves existence approves them [things] so far as they have existence, but loves what has eternal existence. If, loving temporal things, he was weak and variable, loving eternal things he will be made strong. If he was distracted by love of transient things, by love of that which abides he will be made stable." In modern times, this was explicitly defined during the Second Vatican Council by the pastoral council *Gaudium et Spes*, 17, in *Vatican Council II: Constitutions, Decrees, Declarations*, ed. Austin Flannery, OP (Northport, NY: Costello Publishing Company, 1966), 179: :But genuine freedom is an exceptional sign of the image of God in humanity. For God willed that men and women should "be left free to make their own decisions: so that they might of their own accord seek their creator and freely attain their full and blessed perfection by cleaving to God. Their dignity therefore requires them to act out of conscious and free choice, as moved and drawn in a personal way from within, and not by their own blind impulses or by external constraint. People gain such dignity when, freeing themselves of all slavery to the passions, they press forward towards their goal by freely choosing what is good, and, by their diligence and skill, effectively secure for themselves the means suited to this end. Since human freedom has been weakened by sin it is only by the help of God's grace that people can properly orientate their actions toward God."

> […] Feeney and the entire Boston Heresy Case served an absolutely essential function for North American Catholicism at a crucial moment in its history: Feeney and his disciples provided the occasion for boundary maintenance in a new cultural context. Doctrinal positions that had been considered rigorous but nonetheless orthodox at an earlier moment in North American Catholic history were now perceived to be beyond the pale—beliefs that the collective now declared to be deviant and even dangerous to the life of the community. The collective conscience had changed, the boundary between what constituted inside and outside had moved or been scaled down, and the official interpretation of "outside the church" had changed with it.[4]

As Massa notes, the irony of Feeney's transgressions was born from the harsh truth that his position was actually vintage orthodox Catholicism. Leonard Feeney's wild popularity emerged from his position as a reactionary culture warrior, electrifying an elite class of Ivy Leaguers from his post as chaplain of Cambridge, Massachusetts's St. Benedict's Center, just a stone's throw away from the prestigious and traditionally WASP-heavy quad of Harvard University. Although Feeney's expulsion from the Society of Jesus and temporary excommunication (he was reinstated in 1972) was formally based on his transgression of vows of obedience, his inflexible fidelity to St. Cyprian's proclamation, *extra ecclesiam nulla salus* ("outside the Church there is no salvation"), marked a clear disconnect with the traditional position of the post-Constantinian Church.[5] In this sense, for American Catholicism to sever its ties to the late nineteenth century's fixation on the invasive "Americanist" heresy, Feeney's hard-line rigidity made for a convenient—and *necessary*—scapegoat that empowered the Church to redefine its relationship to the "melting pot" of modern industrial culture.[6] This antedated the wider Church's official "Declaration on Religious Freedom" (*Dignitatis Humanae*), but clarified a doctrine that had already been passively received in less explicit form.

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4. Mark S. Massa, SJ, "On the Uses of Heresy: Leonard Feeney, Mary Douglas, and the Notre Dame Football Team," *The Harvard Theological Review* 84:3 (3 July 1991): 340.

5. Augustine of Hippo's caveats about the hopeful exception made for the "good pagans" notwithstanding; *City of God*, 1.35, 5.12, trans. Henry Bettenson (New York: Penguin Books, 1972).

6. Will Herberg, *Protestant, Catholic, Jew: An Essay in American Religious Sociology* (Chicago: The University of Chicago Press, 1955), 27.

The Lacouture affair, while somewhat less theatrical due its dearth of anathemas, was potentially even more dynamic, and similarly marked the entrance of Catholicism into a new phase of development in respect to "the world." In a different time and place, Lacouture's "doctrine"—which he defended to his death as orthodox and decidedly *un*innovative—found itself ill-suited to the new "plausibility structures" of Québécois society as it settled into twentieth-century urban-industrial capitalism and cosmopolitan culture. Michael Gauvreau's treatment of secularization in Québec—which saw the almost complete dismantling of Roman Catholic infrastructure and clericalism—traced the roots of this "Quiet Revolution" to the turn-of-the-century militant social Catholicism that inspired a generation of *Canadien* youth (including future prime minister Pierre Elliott Trudeau) to envision themselves as crusading rebels, rejecting their predecessors' more passive assimilation of oppressive Anglo-Protestant norms.[7] Gauvreau's thesis posits that the spirit of revolution that emerged among these self-consciously militant Francophone Catholics psychologically amputated itself from attachment to its immediate generational predecessors, and thus, when the full weight of modernity struck *la belle province*, religious observance dissolved, along with the garishly medieval social structures that predominated.

In grossly abridged form, the conventional narrative of American Catholicism follows a linear pattern (modeled on the classical "American Dream"), wherein a dirty, impoverished, and persecuted refugee class of European Catholics (in the caricature, mostly Irish, with scattered showers of Italians) suffer at the hand of "Nativist" discrimination, xenophobia, and exploitation. Through sheer grit, numbers (the "revenge of the cradle"), faith, and blood sacrifice (military service), Catholics proved their patriotism and assimilated into the mainstream of American culture—the 1960 election of John F. Kennedy to the U.S. presidency cementing the process of integration. This streamlined narrative ignores major complicating evidence, but it has—and continues to—set the tone. Will Herberg's triple-melting pot model of American civil religion posited a mainstream amalgamation of respectable "Protestant-Catholic-Jews." While the validity of this thesis might have been more aspirational than actual—or at least geographically

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7. Michael Gauvreau, *The Catholic Origins of Quebec's Quiet Revolution, 1931–1970* (Montréal: McGill-Queen's University Press, 2005).

restricted at the time of composition, it nevertheless reflected a widely accepted vision of American Catholic progress. Québec was a quite different animal: from its formal colonial origins, the history of Catholicism in the region was one of clerical domination—or at least lack of competition, until France's nineteenth-century abandonment of its North American holdings to the Crown in 1763. Whereas in the majority of US land holdings and other portions of what is now Canada, Catholic immigrants formed an underclass minority population; in Québec they dominated.

Although one must be careful not to overstate the pervasiveness of messianic self-awareness within the pre-revolutionary *Canadien* psyche, at the very least, Francophone rhetorical spin adopted a clear, if sometimes internally inconsistent, eschatological tone. In the wake of the trauma of the French Revolution, *Canadien* settlers envisioned migration to their newly adopted home through a cosmic lens that recapitulated the biblical sojourn in the wilderness from the Book of Exodus. The fusion of "French" and "Roman Catholic" identities facilitated the production of a colonial self-identity as a "remnant" of God's chosen who preserved the faith in exile from their native land, which had been overrun by the apostasy of secular modernism—sealed in blood by the martyrdom of thousands of Catholic faithful who died at the hands of their revolutionary countrymen.[8] The harsh wilds of North America were welcomed as a promised land wherein the Church might take refuge from the waves of atheistic secularism that swept over Europe. This model, although particular to the context of the French Catholic *mentalité*, bore a strong resemblance to the stereotypical American "Manifest Destiny" interpretation of colonization as self-evidently providential.

An alternate, but no less epic, *Canadien* origin myth that gained prominence as the cloud of English domination loomed ever larger seemed to take a lesson right out of Ireland's rhetorical playbook, depicting "Lower Canada" (as it was formally named until 1841) as an indigenously Roman Catholic land, toiling under the bondage of Anglo-Protestant oppression from without. Again, this vision harkened back to Exodus, but this time drew inspiration from the Babylonian Captivity. Although in both cases, *Canadien* patriots might be excused for their hyperbole as par for the course, these were

8. Gregory Baum, *The Church in Quebec* (Ottawa: Novalis, 1991); David Martin, *A General Theory of Secularization* (New York: Harper & Row, 1978).

poignant narratives. Most prominent among the vanguard of "Laurentian" revivalists was the *Canadien* supremacist, "clerico-nationalist historian" (and sometime novelist) Lionel-Adolphe Groulx (1878–1967).[9] Groulx called for a vigorous fusion of Catholicism and Québécois nationalism. He envisioned "*un peuple français dans un pays français*," presupposing a direct correspondence between French ethnicity and Catholic faith.[10] The survival of French Canada depended on a cultural renaissance, and the renewal of a "French mystique."[11] Groulx's separatist interpretation of Canadian political history, and his vision for Francophone renewal, had a profound impact on Québécois social identity, and was critical in forming a pointed pedagogical mission among elite secondary schools of the 1930s—if only retrospectively, given the political titans that they produced. As a young

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9. The "Laurentie" was the poetic name contemporary secessionists gave to an imaginary independent Québec. Max Nemni and Monique Nemni, *Young Trudeau: Song of Quebec, Father of Canada, 1919–1944* (Toronto: McClelland & Steward Ltd., 2006), 73.

10. Nemni and Nemni, *Young Trudeau*, 62.

11. Lionel Groulx's novel *L'Appel de la Race* was a classic example of his preferred medium of proselytizing *Canadien* patriotism. His character Wolfred (André) functions as the paradigmatic rehabilitated Francophone, who—previously bent under the weight of English rule and cultural inferiority—awakens to the wellspring of Québécois dignity, then beginning down a course of patriotic re-education and self-discovery. Lionel Groulx, *The Iron Wedge (L'Appel de la Race)*, trans. Michel Gaulin (Ottawa: Carleton University Press, 1989), 174–175: "All at once, the land spoke to me with a beauty and charm all its own, and the lesson was not lost. Once begun, my evolution was nurtured by very thorough readings of carefully chosen French works, which soon restored in me a sense of coherence and balance.…You may not believe it, but the defections among our own people gave me the second push. At the sight of those men and women who had ostentatiously taken on a mentality that wasn't their own, I felt that an iron hand had descended on the soul of my people. My young pride revolted. I was reading our history at the time. In it I discovered, every day, the old soil in which my spirit had its natural roots. Besides those deserters, few in number, I could see the others, those who have resisted, and who go on resisting and who carry a whole people with them. Shall I admit it? The sight of that little group of Frenchmen, surrounded by a hundred or so millions of Anglo-Saxons, but magnificently persistent in not giving in, the sight of that American Alsace-Lorraine, more alone and more forgotten that [*sic*] the other one, but no less enduring, no less faithful to itself for a period of one hundred and sixty-six years, the sight of a people that places above all material ambitions the pride of its culture and the worth of its soul, that is a sight which I assure you I found to be of stirring beauty, superior to anything that the other civilization had shown me until then. I noted also to my great joy, that if the Anglo-Saxons subjugate a few odd groups pretty well everywhere as they do here, with their money and their customs, they subjugate no one by their literature and their arts."

student at Montréal's Jesuit Collège Jean-de-Brébeuf, Pierre Elliott Trudeau (1919–2000) was indoctrinated into a messianic Francophone Catholicism of cultural salvation, as was his eventual Parti Québécois nemesis from across the province, René Lévesque. This infused a generation of adolescent patricians with an Anglophobic siege mentality, and instilled an ethos of revolutionary *noblesse oblige*—Groulx's "*l'appel de la race*"—among the ascendant political class.[12]

Although it was a self-consciously reactionary movement pitted against the blossoming socially conscious Catholicism of the era, *Lacouturisme* emerged from the same muscular, supernatural *mentalité* that undergirded the collective lifeworld of post-Confederation Québec. The narrative of *Canadien*—and particularly Québécois—Catholic history dovetails occasionally with its counterpart in the United States, but simultaneously also mirrors colonized "native" Catholic environs such as Ireland and Poland, where the Church emerged as a symbol of resistance identity politics.[13] Late nineteenth- and early twentieth-century Québécois Catholicism mimicked conventional stereotypes of American "ghetto Catholicism": racially insular, sectarian, largely uneducated, proletarian, politically conservative, clannish. In the decades bookending World War I, French-Canadians—*les Canadiens*—displayed a schizophrenic self-identity, simultaneously immigrant and xenophobe, colonizer and colonized, nationalist (relative to Québec) and assimilationist (relative to Canada), socially and politically conservative, while revolutionary and messianic. *Canadiens* were almost willfully naïve in their plagiarism of indigenous status in the face of Protestant British occupation. As such, even without raising the specter of Québécois nationalism—an issue that precipitated a broad spectrum of responses within the province following Canadian Confederation in 1867—French Canada largely maintained a partisan sensibility and siege-mentality defensiveness regarding its adoptive sibling. *Canadiens* (reductively, it must be admitted) envisioned themselves as a

12. John English, *Citizen of the World: The Life of Pierre Elliott Trudeau, Volume One: 1919–1968* (Toronto: Vintage Canada, 2007), 29.

13. Gregory Baum, "Comparing Post-World War II Catholicism in Quebec, Ireland, and the United States" in *The Church Confronts Modernity: Catholicism since 1950 in the United States, Ireland, & Quebec*, ed. Leslie Woodcock Tentler (Washington, DC: The Catholic University of America Press, 2007), 269.

remnant vestige of authentic Catholic Christianity from a modernized Europe overrun by atheist humanism and materialist individualism.[14] Somewhat ironically, this all evaporated during the rapid cultural and political overhaul of Québec society in the 1960s—in many respects spearheaded by the very individuals who had trumpeted Catholic exceptionalism decades earlier.

Industrialization and urbanization increasingly fractured the population of Lower Canada, challenging the ultramontane zeal during the late nineteenth century.[15] *Les Canadiens* faced a mounting concern over the corrosive threats of cultural dilution and Anglo-assimilation. Irish Catholics, while co-religionists and fellow travelers in British oppression, nevertheless also posed a clear and present danger to Francophone norms. Particularly in Montréal, the Irish established a minority presence substantial enough to cause concern among *Canadien* "nativists." Simultaneously, waves of French Canadian emigration to the United States—particularly New England—in the decades following the American Civil War exacerbated the situation, as "Little Canadas" blossomed in industrial hubs such as Manchester, Fall River, and Lowell. The pressures of English ascendancy, the lure of The City, and the loss of a *Canadien* agrarian identity to the manifold trappings of urban vice combined with the gravitational pull of American-style secular union organizing to threaten clerical authority in both the social and political spheres. This perceived threat to the French Catholic way of life in early-twentieth-century Québec spawned a self-conscious retrenchment among traditionalist *Canadiens*—particularly as administrated by the clerical hierarchy, who had dominated the first generation of post-Confederation provincial history.

The closing decades of the nineteenth century saw a "veritable exodus" of *Canadiens* from the province of Québec to Louisiana, New England, and *L'Acadie*. The militant secessionism of the Louis Riel affair had soured Francophones to westward relocation, leaving the east coast a more desirable migratory option for those looking to escape to more

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14. Cf. David Martin, *A General Theory of Secularization* (New York: Harper & Row, 1978).

15. Terence J. Fay, *A History of Canadian Catholics: Gallicanism, Romanism, and Canadianism* (Montréal: McGill-Queen's University Press, 2002), 81. Cf. Jay Dolan, *The American Catholic Experience: A History from Colonial Times to the Present* (Garden City, NY: Doubleday, 1985), 436; Jacques Lacoursière and Robin Philpot, *A People's History of Quebec* (Montréal: Baraka Books, 2009), 121.

promising environs.[16] Although a sagging economy and urban decay may have supplied the emigration "push," US factory owners lent a carrot in the form of vigorous recruitment, in the hope of capitalizing on Québécois job scarcity and the *Canadien* reputation as docile laborers—a vigorous work ethic, with low compensatory expectations, and a negligible history of collective organizing.[17] Québécois expatriation diluted the concentration of French within their home province, leaving those remaining even more susceptible to encroachment from Protestant proselytism and assimilative pressure. Furthermore, émigré *Canadiens* were profoundly at risk without proper support and infrastructure from their native community:

> At first the Church was bitterly opposed to the movement. It saw its children being carried off into a Protestant and alien atmosphere where doubtless they would be lost to the fold. Within a few years, however, the priesthood began to shift its point of view. A few self-sacrificing *cures* had followed their flocks and had succeeded in keeping them together. Why should not a new province be added to French Catholicism? From despair and doubt the Church came almost to rejoice and to believe that the migration of its people was taking the form of the stronghold of Puritanism. They were engaged upon a crusade, and the prize was no less than the eventual Gallicanization ["Frenchification"] of New England.[18] It should be noted that any oppression on the part of the Church in Quebec was definitely not a cause of the exodus. Catholicism in that province is a democratic (or at least popular) religion.[19]

It is not remarkable that those left behind would interpret this defection pessimistically, both as a rationalization for being abandoned, and a method of propaganda to dam the flood. The triumphalist, itinerant Québécois spirit drew on an earlier French biblical interpretation of their New World colonial enterprise, and a conviction that the French apostolic commission remained unfulfilled. This transplant vision was at least intermittently successful in New England, if falling somewhat short of its grandiose evangelical plans—the Québécois were themselves largely amalgamated into the teeming cornucopia of ethnically segregated American immigrant

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16. Lacoursière and Philpot, *A People's History of Quebec*, 121.
17. A. R. M. Lower, "New France in New England," *The New England Quarterly* 2:2 (April 1929): 284.
18. N.b. The use of the word "Gallicanization" here is a reference to French ethnic identity, and not to ecclesiastical collegiality among Catholic bishops, as it is in the rest of the chapter.
19. Lower, "New France in New England," 285.

Catholicism.[20] Among Québécois on both sides of the border, the goal of liberation from Anglo-Protestant bondage was conceptualized in terms of socio-economic independence, political self-determination, cultural preservation, and civil rights.

While English cultural and economic domination was facilitated by political conquest, American influence from the south was in some ways even more insidious. The weekly *La Vérité*, published under the stewardship of Jules-Paul Tardivel (1851-1905), a Québécois transplant, originally hailing from Kentucky, voiced some of the more rabid allegations regarding the influence of American culture. *La Vérité* was a leading organ of reactionary conservative politics and ultramontane Catholicism, having acquired an air of respectability on account of its affiliation with Québec's archbishop and Canada's first cardinal, Elzéar-Alexandre Taschereau. *La Vérité* maintained the strong conviction that American culture bolstered a rampant spirit of materialism, crime, divorce, immoral gender politics, secular education, and frivolity.[21] Tardivel campaigned with Taschereau against the Knights of Labor, a fraternal organization that the Holy See condemned in 1884 as an illicit, Masonic-like secret society, largely due to the archbishop's zealous campaigning. As reported in Taschereau's spring 1887 letter to his clergy, informing them of their duty to solicit penance from the Knights' Catholic membership, sacramental extortion was prescribed in order to extract their flock from the K of L:

> In September 1884, the Holy See, consulted by me on the society of the knights of labor [*sic*], condemned it under pain of grievous sin, and charged the Bishops to deter their diocesans therefrom. . .
>
> In consequence, I authorize the confessors of this diocese to absolve the knights of labor [*sic*], on the following conditions, which it is your bounden duty to explain to them, and to make them observe:

20. Lower, "New France in New England," 294–295.

21. Pierre Savard, *Jules-Paul Tardivel, la France et les États-Unis: 1851–1905* (Québec: Les presses de l'Université Laval, 1967), 207.

> 1. That they confess and sincerely repent the grievous sin, which they committed by not obeying the decree of September 1884;
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> 2. That they be ready to abandon this society, so soon as the Holy See shall ordain it;
>
> 3. That they sincerely and explicitly promise absolutely to avoid all that may either favor masonic and other condemned, [*sic*] societies, or violate the laws either of justice, charity or of the state;
>
> 4. That they abstain from every promise and from every oath, by which they would bind themselves either to obey blindly all the orders of the directors of the society, or keep absolute secrecy even towards lawful authorities.
>
> In behalf of those penitents only, and by virtue of an indult, I prolong the time of the paschal communion until the feast of the Ascension inclusively.[22]

The Knights narrowly escaped universal condemnation as a secret society by Pope Leo XIII through the intervention of Baltimore's archbishop James Gibbons, who made a direct plea to the Holy Father when he visited Rome to receive his cardinal's hat in 1887.[23] As the Knights gained traction in Québec, Tardivel openly excoriated Gibbons. Although the fraternity managed to steer clear of excommunication, the controversy sparked by New York's temporarily anathematized progressive Edward McGlynn (1837–1900)—a supporter of Henry George's "single tax" collective land rights philosophy—furthered Tardivel's suspicions that American Catholicism was irredeemably toxic.[24]

On a more grassroots level, spiritual self-empowerment was nurtured by clerically-dominated Catholic youth groups, most notably *L'Action*

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22. Elzéar-Alexandre Taschereau, "Circular Letter to the Clergy," No. 154 (5 April 1887) [Seminary of Quebec Library; Ottawa – Canadian Institute for Historical Microreproductions, 1986], accessed 25 January, 2013, http://ia601207.us.archive.org/19/items/cihm_55919/cihm_55919.pdf.

23. "Cardinal Gibbons' Defense of the Knights of Labor, 20 February 1887," in *Documents of American Catholic History*, ed. John Tracy Ellis (Milwaukee, WI: Bruce Publishing Company, 1962), 464, 471; Henry J. Browne. *The Catholic Church and the Knights of Labor* (New York: Arno Press, 1949, 1976), 182–274.

24. Savard, *Jules-Paul Tardivel*, 220.

catholique, which was later derided by a disillusioned Lacouture for its emphasis on the social at the expense of the interior—a criticism he also applied to the more radical Catholic Worker movement, in some ways his own spiritual progeny.[25] Michael Gauvreau has argued that the apparently sudden socio-political transformation of the Quiet Revolution was a direct result of socio-spiritual reforms in the '30s, rather than being purely the result of "inevitable" secular forces, and had deep roots within the Catholic community itself. By inspiring a triumphalist revivalism among a generation of *Canadien* adolescents, predominantly under the auspices of Catholic Action, the Church unwittingly planted the seeds for its own demise. An ethic of spiritual heroism endowed Québécois youth with a disgust for Christian mediocrity perceived in their immediate elders.[26] Gauvreau contends that the unique blend of personalism that evolved in Québec during this period was critical in fostering a sense of "spiritual revolution," which manifested politically some decades later in a massive exodus towards secularism. By liberating themselves from their filial tradition, post-war *Canadiens* resuscitated a muscular spiritual vocation, which eventually, ironically enough, persisted even decades later, when clerical Catholicism was deemed archaic. This backdrop of spiritual renewal, Christian perfectionism, and social engagement laid the foundation for Lacouture's alternate, maximalist "return to the Gospel"—his suppression prefigured the tidal shift that manifested more explicitly some decades later.

As a work of historical revision, Gauvreau's study looks for alternate sources of cultural transformation, and is oriented towards a more lay-focused account of *Canadien* Catholicism, rather than restricting his research to the Church hierarchy and the neoconservative political regime

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25. E.-Martin Meunier and Jean-Philippe Warren, *Sortir de la "Grande noirceur": L'horizon "personnaliste" de la Révolution tranquille* (Sillery, QC: Les Éditions du Septentrion, 2002), 33.

26. Gauvreau, *The Catholic Origins of Quebec's Quiet Revolution*, 32: "The most common indictment of old-style Catholicism was that its spiritual character was flawed because it equated salvation with the mere performance of the duties of individual piety and observance of a restrictive moral code, and thus presented the Church as accessible only to certain elect individuals who were able to conform to these moral imperatives, a view that hobbled its ability to function in a modern world where collective effort and purpose alone would assure the intersection of Catholicism with all facets of human existence."

of Maurice Duplessis, according to historiographic custom.[27] Primarily under the auspices of Catholic Action, young Catholics became acclimated to a more democratic form of community organizing and balked at the clerical retrenchment that marked post-war Québec, which they saw as needlessly authoritarian and spiritually vapid. By the late 1930s, "François Hertel" (otherwise known as Rodolphe Dubé, SJ, an iconic schoolteacher at Montréal's prestigious Collège Jean-de-Brébeuf and mentor to Pierre Elliott Trudeau) was giving voice to a maximalist spirit of "rupture" that inspired young Catholics who towed their spiritual formation in Catholic Action into their adult lives as labour organizers and politicians:

> Justice and charity cannot truly rule until those who preach and strive for them intend, first and foremost, to become saints themselves, in order to convince others of the overwhelming need for personal sanctification.
>
> All this is very austere, no? Yes! Young people, a truly Catholic life, a life that excludes camouflage, is an austere life.
>
> If you feel yourself weak, lacking courage, lacking enthusiasm, address yourself to Him who gives energy, to the strength of God. If you don't want to pray, suffer, fight…you are to be pitied. Because there is nothing more noble in this world than to continually pick oneself up on the rocky, steep path that leads to holiness.[28]
>
> The salvation of our society, of our nation, of our providential destiny itself, depends on keeping spiritual values—*supernatural* values—in the foreground of our consideration of individuals, and consequently, of society.[29]

Over against what was perceived as holistic mediocrity among their immediate forebears, disciples of Hertel and Groulx demanded a fresh *modus operandi* that was both spiritually *and* politically vibrant. Gauvreau's basic thesis is that it was precisely the tone of Catholic revivalism in Québec during the 1930s that, paradoxically enough, laid the groundwork for the rampant secularization that renovated the socio-political climate of the

27. Gauvreau, *The Catholic Origins of Quebec's Quiet Revolution*, 7.
28. François Hertel, *Leur Inquiétude* (Montréal: Éditions Jeunesse, 1936), 235.
29. Hertel, *Leur Inquiétude*, 237.

'60s, embodied by both Trudeau and Lévesque.[30] This period sustained a corporate messianic self-awareness, however secularized and unfamiliar to traditionalists, which sat on the cusp of a tectonic shift that stimulated socio-political renewal in Québec. Although *Canadien* revivalists depicted themselves as divinely protected refugees of the French Revolution, within just three decades, many would come to view the traditional vice grip of clericalism as not only a socio-economic impediment, but also one that limited cultural progress and freedom of conscience—a concern that also animated the personalist reforms promulgated in Vatican II. However, while the proactive end of this progression marked a distinct shift within the *Canadien* Catholic psyche, the Lacouture controversy marked a point of severance with tradition.

Some commentators have argued that Gauvreau's narrative artificially overemphasizes the polarities between "religious" and "secular" dimensions of Québécois society, while minimizing creative cultural aspects of the Quiet Revolution that staved off the creeping threat of both Anglo-Canadian and American influences.[31] Gregory Baum's writing on the period has emphasized the effervescent irruption that this period represented in Québécois history, which had staved off the socio-economic threat of "Anglo capital" and political absorption, which was facilitated by Duplessis' leadership during "The Great Darkness," despite his self-proclaimed nationalism.[32] Catholicism's effective disestablishment in the 1960s opened up avenues for self-empowerment, particularly among lay "elites," who looked forward to increased opportunities for industrial and cultural modernization, but, more fundamentally, personal agency.[33] For those Catholics who

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30. Cf. Nemni and Nemni, *Young Trudeau*, 64–65.

31. Matthew Hayday, review of *The Catholic Origins of Quebec's Quiet Revolution, 1931-1970* by Michael Gauvreau, *Historical Studies* 73 (2007): 111–114; Gregory Baum, review of *The Catholic Origins of Quebec's Quiet Revolution, 1931-1970*, *The Catholic Historical Review* 91:1 (January 2007): 217–218.

32. Gregory Baum, "Catholicism and Secularization in Quebec," *Cross Currents* 36:4 (1 December 1986): 438: "With the fall of Duplessis party and the election of a liberal government on June 22, 1960…[w]hat too place was the modernization of Quebec society.…These changes were accompanied by an extraordinary popular enthusiasm, a new pride in being French Canadian, and an outburst of cultural creativity."

33. Baum, "Catholicism and Secularization in Quebec," 441: "The role of the Church in this historical context is not without ambiguity. On the one hand, the creation of a powerful Catholic ideology helped the people to withstand assimilation and decline; it created for them

remained, the spirit of Vatican II provided an innovative framework within which the *Canadien* Church could re-conceptualize its new position as a denomination, rather than the unbending, normative spiritual authority. The reality—even mutual benefit—of pluralism in post-Revolutionary Québec marked the coming of age of that trend of personalism that prevailed, almost simultaneously, within the confines of Vatican II's *aggiornamento*, which flung open the windows of the Church.

Onésime Lacouture was born on April 13, 1881, some forty-five miles northeast of Montréal. His father, Xavier, a widower who married twice, had twenty-one children in total, of which Onésime was the second youngest.[34] When Onésime was six years old, the entire brood joined the Francophone exodus to New England and immigrated to the United States—first to Woonsocket, Rhode Island, and one year later to what is now Wayland, Massachusetts.[35] Following his high school graduation, in 1900, Onésime returned to Québec to enroll in the College of the Assumption, where he was introduced to the Society of Jesus. The Jesuit reputation for scholastic excellence and missionary frontier dramatics exerted an irresistible pull on the budding seminarian. Following his entry into the Society, Lacouture immersed himself in a period of intense philosophical study and spiritual direction at St. Andrew-on-the-Hudson, the scholasticate of the recently amalgamated Maryland and New York Provinces in Poughkeepsie (today more properly known as the campus of the Culinary Institute of America). When the time came for his regency, a period of on-the-job professional training and ongoing vocational discernment, Lacouture's interest had piqued at the prospect of a teaching opportunity at a newly-opened Jesuit university in Tokyo. However, his provincial thwarted his zealous aspirations when he saw it fit to send him, rather unwillingly, into the remote, frigid

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an independent cultural identity that now serves as resource for political struggle.…In a certain sense, the whole people was in search of a new, more contemporary self-image and was the carrier of the Quiet Revolution."

34. Onésime Lacouture, SJ, *Mon séjour en Alaska* (Québec: Éditions Scivias, 1998), 12. Cf. Karl Strauch, *La Thème de la "folie de la Croix" dans l'œuvre du Père Onésime Lacouture [1881-1951]* (Montréal: Cahiers Scivias, 1998), 22. Strauch seems to misread Lacouture's account, and claims that he was the ninth of Xavier's first ten children. Additionally he states that Xavier only had eleven children in total.

35. Lacouture, *Mon séjour en Alaska*, 13.

wilderness of the Alaskan tundra, which Lacouture would come to call his "white desert."

Throughout his adult life, Lacouture appears to have maintained a remarkably consistent supernaturalist worldview. Although he wavered slightly in his early years in the Society as to the exact nature of his priestly vocation, he appears to have virtually never questioned that he did, in fact, have one. Once his Japanese fantasy evaporated into thin air, Lacouture quickly pivoted and embraced his harsh assignment, modelling himself on perennial Jesuit favourite, the itinerant saint Francis Xavier. The mania he experienced upon being commissioned soon turned to dread and extreme malaise during his first months at the Holy Cross Mission, along the coast of the Bering Sea. Feeling isolated, unappreciated, and (as it were) claustrophobic, Lacouture sank into a deep depression. However, it was the intensification of his solitude in the wilderness that served as the locus for his radical spiritual conversion.

On account of having missed an annual community retreat due to work, Lacouture received permission for a solitary retreat. Although he would return to his normal residence in the evenings, Lacouture spent days isolated in the forest wilderness, uninterrupted by missionary labour, or social obligations. Armed with high spiritual expectations, a romantic supernatural imagination, and a copy of Ignatius' *Exercises*, Lacouture was invigorated by these days spent in prayer and meditation under the open sky, or huddled under some natural shelter or snowdrift along the banks of a nearby lake. The conditions were intimidating, and Lacouture expected that malevolent forces might be conspiring to derail his progress in prayer. Through a series of mystical revelations, Lacouture came to "know many things"—which he later interpreted as an analogue to St. Ignatius' experiences at Manresa. He suddenly found himself living on the supernatural plane. It was this sequence of transmissions that he later credited as his primary formation in the Christian spiritual life, superseding any formal training from his order:

> Little by little a light dawned in my soul, and I began to see the divine side of human affairs. I understood that the evil was only in my twisted pagan spirit which judged everything solely from the point of view of this world, while God does all in view of the next.

> This was a revelation for me: I began to love my immense solitude which spoke to me of God and of eternity. Like a bird freed from its cage, my spirit soared joyously in the serene regions of that other realm which is more perfect than the visible world. . .The face of the earth was renewed for me: my pains and my sorrows vanished and I learned to treasure that which I had despised, and to despise that which I had treasured. I began to love my poor cabin, my desert of snow, and my long solitary evenings. The splendid Aurora Borealis was just a feeble sample of the divine emanations that God poured into my soul.[36]

Lacouture's arctic transfiguration in the sparse wilds was foundational in the development of both his spiritual rigor and his anti-intellectual distaste for institutional mediation and mainstream tepidity.[37] This marked a pivot-point in his life trajectory, diverting him from a more conventional life as an academic, parish priest, or socially-conscious public intellectual, and towards his vocation as an evangelist.[38] The practical experience of God that he had acquired now superseded the abstraction and theory that consumed his formation studies, and, he believed, persisted among his Jesuit brethren.[39]

Although he essentially stowed away on a ship heading back to civilization in order to avoid an additional year at the mission, Lacouture almost instantaneously integrated his Alaskan sojourn into a narrative of his calling to renew authentic, "primitive" Christianity. The young seminarian who now dubbed himself "God's scalpel" seems to have suffered through what remained of his theological studies, and was ordained to the priesthood in 1916. After a stint as a military chaplain in Europe and India, Lacouture eventually made his way back to Québec, and began his ministry as a semi-itinerant circuit preacher. Lacouture's ten-day silent retreats were essentially a redaction of the *Exercises*, tailored to conform to his revelations in Alaska. It was humbly enough received at the beginning, with a grand total of four participants the first time around in 1931. Nonetheless, as Lacouture continued to plug away, his client base began to swell—his

36. Lacouture, *Mon séjour en Alaska*, 4–5.
37. Lacouture, *Mon séjour en Alaska*, 98–99.
38. Lacouture, *Mon séjour en Alaska*, 131.
39. Lacouture, *Mon séjour en Alaska*, 121.

own statistics indicate that his retreat participants numbered close to three thousand (2,932), with many returning for repeat performances.[40]

Lacouture preached a rigid asceticism—largely inspired by the writings of St. John of the Cross—as part of a more tectonic project of resuscitating traditional *Canadien* spirituality, which he saw being threatened by the then-ascendant social Catholicism that emerged as a side-effect of Québec's somewhat tardy entrance into the urban-industrial world. Lacouture's "doctrine" was self-consciously countercultural, with an uncompromising focus on the supreme dominion of God, over against any and all interpersonal and socio-economic concerns. Avarice, desire for cosmopolitan "respectability," apparently innocuous or even principled social organizing runs the risk of moral hazard, by virtue of their self-referential intention, which express and deepen the soul's disordered affections. Although Catholic moral theology traditionally argues for the objective sinfulness of particular actions, Lacouture located the spiritual combat in the intention—allowing that *any* activity might be an occasion for sin, depending on what transpired below the surface:

> It is the intentions that form the scene of the battle between good and evil angels, between grace and nature, between God and man…and this is the most neglected aspect of all theology. Theology manuals barely mention the question of motives, and professors never discuss the question in class…It is quite ignored by priests, sparsely employed, as one can see by the absolute ignorance of the faithful on the topic of difference between natural and supernatural motives. Above all, they have never heard of their radical opposition in the work of salvation.
>
> We Christians know that, sometimes, we must renounce some things in our lives—like during Lent, when we give up dessert, abstain from dancing, etc.… But who knows how to CONQUER ONESELF like the saints, and even more so,

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40. Anselme Longpré, *Un mouvement spirituel au Québec (1931-1962): Un retour à l'Évangile* (Montréal: Fides, 1976), 18. It should be noted that John Hugo misrepresents Lacouture's statistics in *Your Ways Are Not My Ways* (vol. 1, p. 3), apparently based on a faulty reading of Longpré's text, which he self-admittedly leans heavily on for historical background. Hugo claims that 2,932 clergy participated once, while 2,478 repeated (which, either way, is off by ten); Longpré's actual appendix states that a total of 2,932 individuals went on the retreat, with a collective of 2,468 total repeat performances (made up of the original 2,932). The statistics do not indicate how many people returned how many times, just that there were 2,468 repeat participations during the nine years.

> like Jesus? Where are the priests who know this? Where are those who can preach it, for example, in a retreat to cloistered religious who profess strict renunciation?
>
> . . .This is his little kingdom, where he uses all his natural motives for his own satisfaction, praise, and service. A natural motive is directed towards this small sample of God! A supernatural motive is directed towards God in Heaven.
>
> . . .To conquer ourselves, therefore, is to slaughter something of our little god on a daily basis; it's to wage a war to the death with him EVERY DAY![41]

Along with John of the Cross, the Desert Fathers, and other contemplative luminaries, Lacouture drew inspiration from Christ's counsel to vigorously safeguard humility and tend to our motivations. Lacouture never argued that socio-political engagement is *categorically* iniquitous; rather, he argued that it manifests a disordered internal disposition—an addiction to "the world" that necessarily relegates supernatural concerns to the sidelines. Nevertheless, Lacouture emphasized the interiority of self-mortification—its secrecy—over against exterior practices.[42] In his system, self-mortification was a process engaged in for the purpose of annihilating what he called our inner "pagan." "Pagan" is a term that Lacouture used as code for base sensuality and materialism. Very rarely, if ever, was Lacouture talking about *actual* pagans—it was a purely pejorative term in his usage. In Lacouture nomenclature, "the pagan" remains attached to things of the flesh, at the expense of the divine. Lacouture was not implying that there is actually some sort of demon possession occurring in this instance; rather, he discussed "the pagan in us" as that aspect of the soul that delights in "the world"—which Lacouture believed must be stifled, indeed, *eradicated*. Lacouture's ascetic program, although apparently restrictive, was actually aimed at liberating Christians from bondage to the lower aspects of the soul.

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41. Onésime Lacouture, SJ, *Mes retraites, première s*érie: *Doctrine Surnaturelle pour se défaire de toute mentalité païenne* (Québec: Éditions Scivias, 1998), 16-7.

42. Cf. Mt. 6:5–8: "When you pray, do not be like the hypocrites, who love to stand and pray in the synagogues and on street corners so that others may see them. Amen, I say to you, they have received their reward. But when you pray, go to your inner room, close the door, and pray to your Father in secret. And your Father who sees in secret will repay you. In praying, do not babble like the pagans, who think that they will be heard because of their many words.Do not be like them. Your Father knows what you need before you ask him."

Although the retreat was never actually *restricted* to priests, they were Lacouture's ideal target audience. His retreat's mission was to inoculate the clergy from the creeping mediocrity that infected *Canadien* morals. He believed the loss of a pious, rural, agrarian lifestyle among the native Québécois to be rooted in clerical corruption, which left the laity ill-equipped to resist the onslaught of Anglo-industrialist values. In Lacouture's mind, this was evinced by clerical sanction of "frivolous" activities on church grounds, such as youth sports and social gatherings (including, as it were, *bingo*). The proliferation of Catholic infrastructure in the face of growing secularism and Protestant hegemony, as in the United States, allowed Québécois Catholics to insulate themselves against spiritual-cultural threats by providing a complex social matrix that was culturally "pure" and empowered clerical oversight. However, Lacouture saw this as precisely a symptom that the "pagan spirit" had already compromised the Catholic psyche. His rigorist ethics drew accusations of a whole cornucopia of heresies (some of which seem mutually-exclusive): Pelagianism; Manichaeism; crypto-Calvinism; and, most commonly, Jansenism.[43]

For someone frequently charged with being a Jansenist heresiarch, Lacouture's writings are relatively sparse in regard to Augustine citations and formal references. Ignatius of Loyola appears throughout—particularly on the subject of ordered affections and supernatural motives—which is exactly what one would expect, given the central position of the *Exercises* in framing Lacouture's retreat.[44] Although he never formulated it systematically, Lacouture foreshadowed the contemporary distinction between "Ignatian" and "Jesuit" modes of spirituality—implicitly holding a firm fidelity to the founding charism of the Society's founders over against its perceived subsequent decline.[45] Whatever the considerable obstacles Lacouture had with his order, he never seems to have flinched in his devotion to his Jesuit Fathers. Francis Xavier, Lacouture's original archetypal saint from his days as an aspiring missionary, continued to be a model of the heroic Christian life. Additionally, Lacouture regularly cited Thomas Aquinas—the modern

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43. Roland Fournier, PSS, "Grâce et Nature," *Le Séminaire* (15 August 1941): 145, n. 8.

44. Cf. Lacouture, *Mes Retraites, première s*érie, 37.

45. Ronald Modras, "The Spiritual Humanism of the Jesuits," in *An Ignatian Spirituality Reader: Contemporary Writings on St. Ignatius of Loyola, the Spiritual Exercises, Discernment, and More*, ed. George W. Traub, SJ. (Chicago: Loyola Press, 2008), 4–15.

era's ultimate theological trump card—lending an air of doctrinal orthodoxy to his teachings.[46] Nevertheless, Lacouture's bedrock understanding of "paganism" as a kind of interior, affective disorder, and his strict moral dichotomies evinced a strong absorption of classic Augustinian concepts, most systematically treated in the *City of God*:

> We see then that the two cities were created by two kinds of love: the earthly city was created by self-love reaching the point of contempt for God, the Heavenly City by the love of God carried as far as contempt for self. In fact, the earthly city glories in itself, the Heavenly City glories in the Lord. The former looks for glory from men, the latter finds its highest glory in God, the witness of a good conscience. The earthly lifts up its head in its own glory, the Heavenly City says to its God; "My glory; you lift up my head." In the former, the lust for domination lords it over its princes as over the nations it subjugates; in the other both those put in authority and those subject to them serve one another in love, the rulers by their counsel, the subjects by obedience. The one city loves its own strength shown in its powerful leaders; the other says to its God, "I will love you, my Lord, my strength."[47]

Augustine's "City of God" and "City of Man," while allowing for some variation outside the strict confines of the Catholic Church—echoed in more contemporary theological terms such as "anonymous Christianity" and "implicit desire"—were largely defined by formal religious affiliation. However, Augustine's own more existential treatment of ethical topics such as concupiscence, continence, and charity prefigured Onésime Lacouture's consideration of the moral life, and coloured his vision of the dangers of contemporary forms of idolatry. Just as virtue can be developed by vigilant discipline, the root sin of self-absorption is cultivated over time into a *habitus*, a disposition towards sin. Drawing heavily on John of the Cross's hierarchy of affections—a hallmark feature of Augustinian thought—Lacouture vigilantly scrutinized all manner of phenomena as potential sources of ego-attachment that would undermine its fidelity to God's "supreme dominion." Thus, while affirming the goodness of all creation "*in se*," Lacouturites never tired of underlining their oppressive character as

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46. Pope Leo XIII, *Aeterni Patris* (August 1879), http://www.vatican.va/holy_father/leo_xiii/encyclicals/documents/hf_l-xiii_enc_04081879_aeterni-patris_en.html

47. Augustine of Hippo, *The City of God*, book XIV, chapter 28, trans. Henry Bettenson (New York: Penguin Putnam, Inc., 1972), 593.

experienced "*in nobis*"—a distinction that corresponded to their disdain for abstract intellectual theology at the expense of the practical.[48]

Lacouture's decidedly immoderate supernatural imagination conceptualized his "mission" in cosmic terms as a battle between Good and Evil. Characteristically, his deeply ingrained iconoclasm paired with Lacouture's semi-apocalyptic worldview, prompting him to theorize—without any overt sense of irony—that disapproving diocesan and Jesuit superiors were, in fact, demonic emissaries of Satan, conscripted to malevolently undermine his holy mission. His arch-apologist and inheritor of the retreat's mantle, Pittsburgh's diocesan priest John Hugo, channeled Lacouture's own supernatural conspiratorial hypotheses:

> Throughout this time of increasing success there had been also increasing opposition. The devil could not tolerate such work as this! To turn priests to the spiritual life would undo all his work! And so, being the father of lies, he found no difficulty in circulating numerous lies about these retreats and the many who preached them. And there were many who were ready to believe these lies, even among superiors, without examination. The edifying conduct of all these priests on retreat, the edifying lives that they lived afterwards at their homes, were a reproach to many of the clergy. To the Jesuits also they were a reproach; not only because of the tepid among them, but also because the sensational success of this preacher, so plainly lacking in *finish*, was apt to cause questioning glances to be directed at their other more skillful teachers. Surely such success can be explained only in terms of black magic![49]

Lacouture's constitutional inability to let well-enough alone precipitated a formal censure, wherein he was forcibly silenced and circulated among western Jesuit provinces, which he dubbed his "exile." Although he managed to leak a few subsequent communiqués under the essentially unbelievable guise of private interpersonal correspondences, Lacouture's public ministry was effectively shut down by 1940—Lacouture continued to protest privately about this until his death. However, "Lacouturisme" had a colourful future south of the border, piloted by his intractable devotee John Hugo (1911–1985).

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48. Lacouture, *Mes Retraites, première série*, 408.

49. John J. Hugo, *Your Ways Are Not My Ways, Volume* 1 (Pittsburgh, PA: Encounter with Silence, 1986), 197–198.

While Lacouture appealed on a grassroots level to the province's vowed religious, his suppression indicated a normative ecclesiastical shift towards the modern. In the Lacouturite narrative, whatever interior opposition may have impeded his spiritual progress had now been supplanted by the malevolent machinations of a "paganized" institutional hierarchy. In the electric ferment of the Lacouturite supernatural imagination, skepticism and calls for moderation were interpreted as sadistic persecution, likened to the *Blitzkrieg*, Spanish Inquisition, Holocaust, and Passion of Christ.[50] Critics, whom Lacouture stigmatized as "Pharisees" for their allegedly sterile formalism, megalomania, and spiritual tepidity, somewhat understandably fretted over the retreat theology's popularity among clerical greenhorns. Roland Fournier, a Sulpician theologian at Montréal's *Grand Séminaire*, launched the first public volley, which would be taken up in earnest as the retreat migrated southward under the stewardship of John Hugo.[51] However, by this time, the whole thing was rather moot, as the controversy—at least its Québécois iteration—had already been sorted through covert backdoor dealing, with Lacouture forcibly relocated to more temperate environs. His first stop: Santa Barbara, California—not exactly the most bleak of outposts, although Lacouture's ministerial abilities had been crippled. Forbidden from giving retreats, publishing, or preaching openly, Lacouture's public life was essentially terminated. He subsequently was circulated to Los Angeles, Alberta, and finally back east to the St. Régis Mission, his final resting place.

At the time of his death, Onésime Lacouture's once-bright flame had largely petered out in Québec, although a small fan base persisted below the radar. The combined efforts of antagonistic archdiocesan and Jesuit superiors coupled with academic and pastoral authorities in derailing the spread of Lacouture's maximalist retreat doctrine—unsystematically coordinated as it was. Without Lacouture's proximity—either physical or remote—to stoke his personality cult, the substance of the retreat lacked endurance. Retrospectively, its popular failure seems somewhat inevitable, and one must wonder what Lacouture would have done without opposition stoking his countercultural sense of mission. The tide of Québécois Catholicism—even of the triumphalist, crusading sort that viewed itself as leading the vanguard in defending against cultural Anglo-assimilation—represented

50. Lacouture (11 May 1941) in Longpré, *Un mouvement spirituel au Québec*, 53.
51. Fournier, "Grâce et Nature," 140–151.

a fundamentally different conception of human nature, and the nature of authentic liberation. For his part, Lacouture never ceased quixotically pressing for his rehabilitation. As late as 1944, he petitioned the newly minted Jesuit Superior General, Norbert de Boynes, seemingly hoping that the recent Allied deliverance of Rome might leave him favourably disposed.[52] His letter is saturated with adulation and cosmic conspiracy theories—such as had coloured his traditional self-depiction as a persecuted martyr. There is no indication that de Boynes responded to his appeal, and Lacouture's formal restoration remained out of reach in perpetuity.

Onésime Lacouture's devoted following languished outside of his presence in Québec, and his *Canadien* flock proved insufficiently robust to fend off the onslaught of modernism. Even though his primary opponents were no left wing radicals or secularizing progressives, their antipathy to his extreme ascetic reforms marked a distinct shift in the mainstream ethical positions of Catholic orthodoxy in Québec. The mainstream Francophone brand of revivalism that swept through *Canadien* cultural retrenchment fused a rigorous Catholic spirituality with practical socio-economic concerns informed by the signs of the times and practical necessities. The uncompromising doctrine of the "Folly of the Cross" that Lacouture peddled contrasted with the itself-countercultural position that the Church was digging in opposition to the looming tide of Anglo-Protestantism. At the close of his final retreat, prior to Lacouture's sun-drenched "exile," he managed to fire one, typically volatile, parting shot across the bow of Catholic Québec that proved prophetic:

> People call me crazy, nobody wants to believe me, but I tell you this, even though I know this may be the last time I speak publicly: your churches are filled now—in twenty-five years, they will be empty and serve as bingo halls! The seminaries and novitiates overflow with students; in twenty-five years, they will all be closed! Because of you priests, through your laziness and negligence, you who'd rather smoke your pipes on the balcony, and ride around in Chryslers than teach the Catechism in schools: in twenty-five years, all the doors to these schools will be shut because of you religious; instead of living evangelically, you live "like the pagans!" . . .In twenty-five years, you will be expelled from the schools and hospitals![53]

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52. Lacouture to de Boynes (AJC [BO-0167-1,3], 6 June 1944).

53. Lacouture, quoted in Longpré, *Un mouvement spirituel au Québec*, 12–13. This "prophecy" was given at Lacouture's final retreat, prior to his "exile" in 1939.

In a different context, Lacouture's self-conscious anti-modernism would have played better, and circumvented the rather unbecoming internal hysterics that largely flew below the public's radar. A generation of elite *Canadien* youth evolved into powerful spheres of influence, eventually shedding their clerical framework and eradicating Québec's bulwark of clerical infrastructure during the Quiet Revolution. The suppression of Onésime Lacouture's maximalist spirituality prefigured the entrance of the Church into the cosmopolitan world of twentieth-century industrialism. His extreme, if short-lived, popularity and the corresponding gravity with which he was dealt (deservedly or not) spoke to the liminality of post-Depression Québec.

The respective suppressions of Onésime Lacouture and Leonard Feeney spoke to the distinct issues at play as Catholicism negotiated its newfound embrace of modernity. While Feeneyites championed the ultraorthodox position of *extra Ecclesiam nulla salus*, Lacouturites assailed "paganism" in its more subtle forms, *within* the Church. While the "Boston Heresy Case" addressed US institutional boundary maintenance, and prefigured the Second Vatican Council's ecumenical shift, the Lacouture affair symbolized a redefinition of Québécois plausibility structures in a pluralistic society.[54] While Lacouture's enigmatic brand of asceticism may have been perennially countercultural, its initial appeal—and thus the cause for its suppression—evinced a prevailing cultural anxiety about *Canadien* social "progress." Ironically, although Lacouturisme sputtered in its home province, it had more enduring legs further south, and eventually morphed into spiritual fodder for the Catholic Worker movement—arguably the United States' most radical expression of praxis-based liberation theology. Dorothy Day's permutation of the retreat's theology fused the extreme self-abnegation of Lacouturite asceticism with an immersion-based spirituality of voluntary poverty and political agitation—which Lacouture himself found honourable but also disconcertingly temporal.[55] Reflecting back on her first encounter with Lacouture theology, Day gushed that it was like "hearing the gospel for the first time."[56] Subsequently, she became a great evangelist

54. Cf. Peter L. Berger, *The Sacred Canopy: Elements of a Sociological Theory of Religion* (Garden City, NY: Doubleday, 1967).

55. John J. Hugo interviewed by Miller in Pittsburgh, 1976 (DD-CW [W-9, Box 2, Folder 2]).

56. Dorothy Day, *The Long Loneliness*, (New York: Harper, 1952), 250–251.

of the Lacouture retreat, pushing it enthusiastically upon her sometimes-unwilling extended Catholic Worker community. While Lacouture's world-denying "Sermon on the Mount theology" looked to revive "primitive" Christian visions of human nature and supernatural liberation as a response to the perceived bondage of cultural materialism, his rise spoke to the cultural anxieties of tradition in the face of an alternate, socially-engaged Catholicism that eventually broke through in the personalist, secularizing coup that was the Quiet Revolution.

Audience Participation: The Role of Witness in Hans Urs von Balthasar's *Theo-Drama*

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Theology and theatre have been collegial conversation partners at different points in history, especially in medieval times, when large theatrical pageants were mounted to portray the history of the world from Genesis to Revelation, and liturgy-inspired mystery plays and morality productions were popular. However, for the most part, the relationship between the two has been a rocky one. In early Christianity, the theatre mocked Christians and martyrs, and the church returned the sentiment, refusing to let actors receive the Eucharist and demanding that they abandon the profession upon conversion.[1] Despite the overall reluctance of theology to align itself with theatre, Hans Urs von Balthasar insists that the structure of drama appropriately reveals the dynamic complexity and relational nature of theology. In fact, he goes so far as to suggest that all theatre ultimately stems from the original drama: God's story revealed in history.[2]

Before addressing the role of witness in this divine drama, let me offer a very brief overview of Balthasar's theological dramatic theory. According to Balthasar, the triune God has the chief role(s): God the Father is the story's author, God the Son translates to the play's hero, and God the Spirit is seen as the director.[3] While Balthasar admits that these are somewhat poor metaphors for the transcendent nature of the divine subject, the dramatic platform serves him remarkably well in conveying the action of the Absolute as well as serving as a converging point for numerous theological trends. He identifies nine streams of modern theology which he believes find a place within theo-drama: event; history; orthopraxy; dialogue; political theory; futurism; function; role; and the tension between freedom and evil.[4] For

1. Hans Urs von Balthasar, *Prologomena*, vol. 1 of *Theo-Drama: Theological Dramatic Theory*, trans. Graham Harrison (San Francisco: Ignatius Press, 1988), 97. Hereafter cited as TD1.
2. TD1, 9.
3. TD1, 9.
4. TD1, 25–50.

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Balthasar, all of these emphases can be embraced within a larger, dramatic theological approach, because drama by its very nature involves tension, development, and mystery. In fact, it is hard to imagine what could *not* be included within a dramatic framework. This expansive approach illustrates the close connection between drama's inclusive and dynamic nature and Balthasar's commitment to what Margaret Turek calls "a dynamic program of openness to the world."[5] In other words, the theologian's method follows his conviction.

Throughout *Theo-Drama*, one can find many instances of Balthasar's openness, especially in his broad, yet surprisingly detailed, sweep through theatre history from Greek tragedy to twentieth-century playwrights. His eclectic list of sources indicates his vast knowledge of theatre and a certain reliance on patristic writers. Ben Quash notes that Gregory of Nyssa and Maximus the Confessor are especially important to Balthasar in revealing "a sense of God's dynamism and freedom," key themes that Balthasar keeps coming back to in *Theo-drama*.[6] While his centre throughout remains solidly Christological, there is no doubt that Balthasar means to stretch the reader's understanding of God's engagement with humanity by utilising categories usually reserved for the stage. His purpose, as he indicates in the preface to *Theo-Drama*, is to "[erect] an apparatus, as it were, so that gymnasts may eventually exercise upon it."[7] The model of theological dramatic theory that he carefully constructs in volume one is meant to be a robust structure that can withstand vigorous theological application while remaining flexible enough to act as a springboard for new understandings. Here, again, we see the dual values of dynamism and freedom at work in his methodology.

In theo-drama, Balthasar's emphasis is always on the action of God; therefore, the action, or more precisely *reaction*, of humanity becomes a secondary theme. This disproportional interaction poses certain difficulties, the primary one being the tension between divine and human freedom. In response to the troublesome question, "If God is on the stage, who else *can* act?" Balthasar introduces the idea of witness, a responsive role that addresses

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5. Margaret Turek, forward to *Engagement with God* by Hans Urs von Balthasar, trans. R. John Halliburton (San Francisco: Ignatius Press, 2nd ed., 1986), vii.
6. Ben Quash, "The theo-drama," in *The Cambridge Companion to Hans Urs von Balthasar* (Cambridge; New York: Cambridge University Press, 2004), 145.
7. TD1, 9.

the abyss between God's ultimate, absolute existence and humanity's finite, limited one.[8] In exploring the concept of witness, I will draw heavily upon a short section of volume two of *Theo-Drama* entitled "No External Standpoint," which contains many of the topic's core elements.[9] First, I will look at the context of drama and explain how it applies to theology, paying special attention to certain tensions within both disciplines and noting how the concept of witness addresses them. Second, I will discuss the role of the audience from a theatrical standpoint and show how this relates to Balthasar's concept of witness. Third, the identity of witness and the use of witness in the New Testament will be briefly explained. Finally, having demonstrated that the notion of witness and its theatrical parallel, audience participation, serve as appropriate roles for humanity within the divine drama, I will point out a few of the limitations and potential pitfalls in adopting these ideas as theological models.

At all times, it is important to remember that the paradoxes or tensions that Balthasar identifies are not meant to indicate irreconcilable differences but to reveal the movement of ongoing drama. Dynamic openness is key to understanding theological dramatic theory, and Balthasar's methodology reveals this as well. While the insights he offers are meticulously reasoned and more than adequately supported, he manages to make a few leaps on the dramatic "apparatus" that invite the reader to consider unusual and perhaps challenging angles from which to view theology. Throughout, his method remains scripturally robust and practically flexible, thereby demonstrating the suitability and adaptability of his dramatic theology.

The Drama

We first encounter Balthasar's role of witness in an introductory piece at the beginning of volume two, which explores the *dramatis personae*, or characters, in the drama. In brief succession, Balthasar assigns the main role to the triune God, relegates mankind to the audience, and then breaks what is called "the fourth wall" between stage and spectator. His animated

8. Hans Urs von Balthasar, *The Dramatis Personae: Man in God*, vol. 2 of *Theo-Drama: Theological Dramatic Theory*, trans. Graham Harrison (San Francisco: Ignatius Press, 1990), 17. Hereafter cited as TD2.
9. TD2, 54–62.

language is indicative of the dynamic nature of the interaction: "In theo-drama…man is startled out of his spectator's seat and dragged onto the 'stage.'"[10] In effect, Balthasar is proclaiming humanity to be both audience and participant, passive and active, external to the story yet involved in its outcome. He incorporates all of these paradoxes quite effectively into one role: the role of witness. In order to adequately address the implications of this role and its many facets, we must first turn our attention to the context of drama and its association with theology.

A truly dramatic story needs to incorporate both tension and unity. A narrative is not believable unless the actions of the characters demonstrate integral consistency and a cohesive theme guides the story's development. Aside from established characters and a comprehensible storyline, development must also be present in drama; a change or transformation is usually precipitated by an obstacle that is not easily overcome. In theo-drama, the main character of God encompasses both dynamism and immutability. In this way, God's life as revealed to us is already dramatically complete.[11] However, somewhat inexplicably, the main character, due to an absolute yet generous nature, makes room on the stage for other players.[12] There is no other way for anyone else to enter the drama except in response to a divine invitation. One of Balthasar's points in positioning God as the central actor is to recognise that the divide between infinite and finite can only be overcome by an initiative from the infinite one.

As mentioned earlier, Balthasar believes that the core of the unfolding theo-drama is the ultimate abyss between divine, infinite freedom and human, finite freedom. How can the two co-exist when one seems to preclude the other? In addressing this dramatic obstacle, Balthasar begins with the difference between epic and lyrical drama. By epic, he is referring to the universal significance of a story and its grand scheme evident through historical events.[13] Lyrical drama, on the other hand, is linked with internal instead of external movement, and is more focused on the individual, unique perspective relevant in the here and now. Balthasar associates the notions of epic and lyrical drama with the fields of theology and spirituality,

10. TD2, 17.
11. Ben Quash makes a similar observation. See Quash, "Theo-drama," 144.
12. TD2, 91.
13. TD2, 55.

respectively. He suggests that theology can be viewed as taking on an objective stance, much like a reporter who is trying to make sense of events. In this way, theology reads the scriptures like a third-party account of what has happened, invariably acting as judge over what it reads. In contrast, spirituality takes a much more subjective attitude, engaging in personal involvement with the scriptures and the larger story. Instead of judging events and accounts, its function is seen most clearly in prayer. Simply put, theology talks *about* God and spirituality talks *to* God.

The problem one encounters here is that an infinite God is arguably unknowable. It is a misconception to suppose that one can really talk *about* God in a definitive manner. Likewise, talking *to* God presupposes that his transcendence is not absolute. In both cases, the mysterious otherness of the absolute subject, God, sets insurmountable restrictions on discourse or interaction. The abyss between God and humanity gapes widely on both fronts. It is at this point that Balthasar turns to the lives of the apostles, introducing an approach that overcomes these obstacles without compromising the integrity of any of the characters. The role of the apostles was to be a witness to the life and works of Jesus, to recount not only what they saw but also to give personal, living testimony to it. In this way, they fulfilled both objective and subjective functions. Similarly, their witness was based on observation as well as participation, making them an integral part of the story.

Another dimension present in the apostles' role of witness was that of divine revelation, which, Balthasar indicates, is the point of unity between epic and lyrical drama or theology and spirituality.[14] In revelation, we see the generous nature of the transcendent One at work, graciously supplying what finite human understanding cannot. This gift is only possible through the initiative of the main character, once again firmly grounding the drama in God's action and not the apostles' works. However, one must be careful to view the nature of God's activity as not complete and final in a static sense, rather as dynamically contagious. In other words, action begets action. When the God-man appeared on the world stage, reaching out in a salvific gesture to humanity, it demanded a response. Humanity, having been acted upon, had to react. Balthasar attempts to capture the somewhat paradoxical nature of obligatory, yet free reaction when he states that the

14. TD2, 57.

event of revelation "challenges the believer, takes him over, and appoints him to be a witness."[15] It is important to note that this is not a denunciation of human freedom or an endorsement of passivity. By incorporating the term "believer," Balthasar indicates that the free choice of faith has already been made on the part of the responder. What he is emphasizing here is the notion, that when infinite freedom is at work, it catapults finite freedom into action. Later on in volume two, Balthasar describes the structure of freedom in this way: "Only after God has uttered his absolute Yes to man can man utter his absolute No to God."[16] To put it in dramatic terms, the audience's freedom to utter either a Yes of participation or a No of rejection is dependent on the action of the main character onstage. Without infinite freedom, there can be no finite freedom. The two are inextricably linked to each other; the first by love and generosity and the latter by response and reaction.

While it may seem contradictory to associate freedom with obligation, the nature of witness demands that the two never be separated. On the one hand, being a witness carries a strong involuntary element. One cannot always choose what one sees or experiences. The element of choice is evident, however, in the early Christian sense of "martyr," which Balthasar defines as "bearing witness with [one's] whole existence."[17] While many people were no doubt casual observers of Jesus' life and work, only a few were called to be active witnesses, giving testimony with their lives to his messianic identity and miraculous actions. The integration of the two aspects of freedom and obligation in the single concept of witness can be demonstrated by the common use of the word. A crowd of people can passively "witness" a crime, but only those who step forward to give official testimony are called as "witnesses" in court. By their participation, they have now become an integral part of another person's story. Their obligation is to give an accurate account, and, by so doing, be a "witness" to the truth.

The paradox of freedom and obligation also reflects the communal nature of drama. We do not act in isolation; our story inevitably affects the

15. TD2, 57.
16. TD2, 123.
17. TD2, 57.

stories of others, which in turn influence a larger story.[18] Balthasar addresses the tension between individual freedom and corporate responsibility by explaining the actor's responsibility in relation to the director.[19] First, he indicates that the actor is not a slave to the director; however, the actor's freedom is only fully realised through the "distinction of roles, which, in turn, is part of an all-embracing social whole."[20] Here we observe that freedom *within* a role is not the same as freedom *from* a role. If one has been given a role to play, there is some measure of restraint and restriction necessary in order to serve the larger story. When a role becomes confused and inconsistent, the story begins to unravel, rendering the role irrelevant and perhaps unnecessary. In essence, by neglecting the parameters of a role, actors can in effect write themselves out of the story.

Second, the dual role of originator/director is never one of a passive spectator. Though the director may not be explicitly involved onstage, the drama is performed in his presence. And since he is responsible for the whole play, he must be involved in an integral way, especially in assigning and defining roles and setting the action in motion. As originator or writer, he outlines the acting area, plots the course of action, and ensures that all roles work together as an ensemble to build a cohesive story. He does not seek to manipulate the actors but to assist them in understanding their roles. As writer, he is intimately acquainted and involved with the story. As director, he is intimately acquainted and involved with the actors. This dual role serves to illustrate the transcendent (overseeing the whole story) and immanent (intimately involved in the action) nature of God.

Balthasar incorporates theological themes within dramatic categories in order to demonstrate how tensions and paradoxes are inherent to both. Paradoxes serve to flesh out the story, and tensions provide the impetus for transformation and development. One is never left with a choice between

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18. Balthasar also equates the role of witness with representation in an ecclesial sense. "Witness, *martyrion*, is always the individual's response to Christ, but it is always made in the name of the church and concretely represents her. Whether the martyrdom is bloody or unbloody, the person who gives it, staking his whole existence on it, speaks and 'acts', not for himself, but in *persona ecclesiae*." Hans Urs von Balthasar, *The Dramatic Personae: The Person in Christ*, vol. 3 of *Theo-Drama: Theological Dramatic Theory*, trans. Graham Harrison (San Francisco: Ignatius Press, 1992), 453. Hereafter cited as TD3.

19. TD2, 254–255.

20. TD2, 254.

epic and lyrical, action and reaction, freedom and obligation, subjective and objective, or individual and social aspects; all of these are part of the dynamic narrative. By setting up a dramatic framework, Balthasar shows that theology is never static.

The Audience

Balthasar's configuration of God as author, actor, and director and of humanity as audience is representational of the structure and order he establishes in his larger theological trilogy, of which *Theo-Drama* is the middle part. Balthasar begins with the beauty of God in *The Glory of the Lord*, continues with the action of God in *Theo-Drama*, and finishes with God's truth in *Theo-Logic*. The overall theme is the self-revelation of God, evident through a different lens in each of the three sections. In general, the revelation in aesthetics is invitational, in drama it is confrontational, and in truth it is existential. This is necessarily an oversimplification of what Balthasar takes fifteen hefty volumes to develop, but the point is that the primary subject, in fact, the only subject, is God. It is God who is revealed, God who is acting, and God who exists. Though Balthasar's extensive study is by no means an exhaustive portrait of the divine and does not pretend to approach the totality of meaning, it does provide three distinct models for interpreting God's self-revelation, which are meant to clarify and open up the topic.[21] In all three sections of his trilogy, Balthasar never veers from the primacy of God. As a result, in theo-drama the activity of human history is always presented within the larger context of divine action. Because Balthasar is dedicated to the all-encompassing supremacy of God, he has no choice but to relegate humanity to the role of audience.

While it might appear that I am belabouring this point and only stating what is obvious, it appears to me that Balthasar's positioning of humanity as audience is somewhat unique. On closer observation, we find that even in religious drama God rarely plays the primary role. In the case of Calderon's medieval *The Great Theatre of the World*, God becomes what Balthasar

21. "…[beauty] is meant to be the communication of a meaning with a view to meaning's totality; it is an invitation to universal communication and also, pre-eminently, to a shared humanity." TD2, 29–30.

calls the "sublime spectator."[22] In the dramatization of biblical stories, such as *The Prodigal Son*, the deplorable state of humanity takes up a large part of the drama, and Balthasar notes that "the 'world' can claim half the scenes."[23] In thirteenth-century passion plays that enacted the life, death, and resurrection of the God-man, the portrayal of Christ was inevitably focused on his humanity and earthly ministry.[24] In some cases, Balthasar observes, Jesus was even portrayed as a loser, death and hell rendering him powerless.[25] Similarly, in morality plays such as Goethe's epic *Faust*, evil forces appear to have resources virtually equal to God's. In dramatizations of the classic battle between good and evil, it is interesting to note that the main characters are usually not God and Satan, but a representative of the human race.

Balthasar identifies this human representation as a Platonic notion, where one character is employed to mirror all of humanity. If one takes this indication of representation and applies it to all the characters in a morality play, the dramatic tension becomes about more than good and evil or even the dilemmas brought on by humanity's free choice, it centres on multiple "rival claims to totality."[26] What is important to note here is that while all these plays on religious themes involve the characters of God and Satan or various concepts of good and evil, the power position is almost always held by humanity. In contrast, Balthasar assigns *all* the roles to God and places humanity in the audience, thereby positioning the freedom to act first and foremost in the infinite realm.

From Balthasar we now turn to the world of theatre to glean some insights into the role of the audience. Not surprisingly, in comparison to the more active theatrical roles, relatively little has been written on the topic of audience; perhaps this is because its role is usually assumed instead of explained. Nevertheless, the audience remains a crucial element of drama. Cynical types might be tempted to conclude that today's audience has largely taken on the role of consumer. However, Dale Savidge suggests

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22. TD1, 69.
23. TD1, 106.
24. Todd E. Johnson and Dale Savidge, *Performing the Sacred: Theology and Theatre in Dialogue* (Grand Rapids: Baker Academic, 2009), 39.
25. TD1, 107.
26. TD1, 191.

that a theatrical event is reciprocal, and not merely in the sense that money is exchanged for a fulfilment of certain expectations. He insists that there is a communication that flows back and forth between the actors and the audience.[27] In addition, the social aspect of audience must not be overlooked. While some define audience members as a rather passive group of spectators who reflect the general values of the society of the time,[28] Savidge uses more active and participatory language. He observes that the group of people gathered for a dramatic performance form a temporary community and, as such, have the power to impact what happens on stage.

There is no question that the audience plays a vital role in drama. Certainly live performance is not possible without an audience, but what exactly is the function of the audience? Meg Pearson makes a direct connection between audience and witness when she observes that "[certain] spectacular moments in plays recruit their audiences to transform…from spectators into witnesses."[29] She goes on to explain what this role of witness entails. While Pearson identifies only two main elements, I believe that there are four distinct functions to be extrapolated from her observations. First, being a witness is a response to the playwright's summons to pay careful attention.[30] Again, we note that the "first move" comes from the author. Pearson's choice of the word, "summoned," is similar to idea of "calling" in Balthasar's example of the apostles. Likewise, the element of being an eye-witness is paramount to both audience and apostle. Second, a witness is called to be trustworthy. In the judicial realm, a witness must be able to demonstrate their reliability; certainty is based on first-hand knowledge and not on hearsay. Therefore, watchfulness is closely associated with a faithful rendering of dramatic events.

Third, the witness is asked to make a judgment. In a live performance, an audience witnessing a rather dynamic scene often registers its approval or disapproval by applauding or booing. The witnesses are making a judgment on what is taking place before their eyes, deciding whether or not it is just

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27. Johnson and Savidge. *Performing the Sacred*, 118.

28. Susan Bennett, "Audience," in *The Oxford Encyclopedia of Theatre & Performance*, ed. Dennis Kennedy, vol. 1 (Oxford: Oxford University Press, 2003), 88–89.

29. Meg F. Pearson, "Audience as Witness in Edward II," in *Imagining the Audience in Early Modern Drama, 1558–1642,* eds. Jennifer A. Low and Nova Myhill (Palgrave Macmilllan, 2011), 93. Accessed online.

30. The following points taken from Pearson, "Audience as Witness," 93–95.

or appropriate to the story as it unfolds. An audience who sits passively and does not register any reaction is not acting as witness, and being a rather poor audience, I might add. Interestingly, Pearson also draws a link between death scenes in plays, which often elicit strong audience reactions, and Christian martyrdom as a form of witnessing.[31]

Finally, a witness must be prepared to testify. Those who have witnessed a theatrical performance or beheld astonishing events are often called on to recount the story to those who were not present. Hearers of their tale receive not only details about what the witnesses observed, but also their interpretation of the events. Part of the value (and no doubt frustration) of eye-witness accounts is that due to no two vantage-points being exactly the same, each eye-witness account is unique in some aspects. In light of this, when two or more witnesses provide precisely matching testimonies in a court of law, they come under suspicion of collusion. In the same way, audience members in a theatre setting tend to remember different details of the play and offer various interpretations of the plot or meaning. By testifying about the event, the members of the audience have in fact become unofficial contributors to the story, even though they are not written into the script.

Pearson's observations about a theatre audience align very closely with Balthasar's concept of witness. His example of the apostles demonstrates all four of the traits described above. The apostles were summoned to be first-hand witnesses to the life and works of Jesus, attentive to what was happening around them. Their trustworthiness was based on their eye-witness accounts, made possible because of their consistent presence in Jesus' ministry and mission. The apostles also registered their approval and disapproval of certain events, especially the death event. Peter, in particular, disagreed several times with how Jesus' destiny was unfolding.[32] Though this revealed his ignorance about the overall plot, it did not disqualify him as a witness. As often happens with a theatre audience, the apostles' judgments developed and changed during the course of the story, but their

31. Pearson, "Audience as Witness," 94–95.

32. Matthew 16:21–23 and John 18:1–11 are two examples of Peter trying to intervene in the plot.

sense of engagement remained consistent.[33] Finally, the apostles' testimony became evident through their writings, their leadership in the church, their missionary endeavours, and, for some, their martyrdom. It seems clear that, in many ways, the theatrical concept of audience as witness serves to address the gap between actor and audience as well as the abyss between divine action and human response.

The Identity of Witness

In a passage quoted earlier, Balthasar appears to equate "witness" with "believer."[34] This association would seem to coincide with the words the apostle Paul utters in Acts, when, in his defence before King Agrippa, he recounts these surprising words he heard from a divine voice on the road to Damascus: "I am Jesus whom you are persecuting. But get up and stand on your feet; for I have appeared to you for this purpose, to appoint you to serve and testify to the things in which you have seen me and to those in which I will appear to you."[35] In this brief text describing Paul's appointment as a witness, we find many of the same elements that Balthasar identifies in his theological dramatic theory. There is a startling confrontation, an obligation to respond to a summons or calling, an acknowledgement that a finite freedom serves a greater freedom, the centrality of eye-witness account, and the obligation to testify or recount what has been seen.

However, the believer as witness is only part of Balthasar's dramatic theory. He incorporates two different angles in his identification of the witness. As noted earlier, in a judicial sense there is a distinct difference between witnessing an event and being summoned to bear witness in court. Similarly, Balthasar utilizes both universal and particular notions of witness. The title of the brief section in question, "No External Standpoint," is relevant in regard to the universal aspect. By this title, Balthasar acknowledges that no created being is outside of the divine drama. He states

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33. Two of the most dramatic reversals of testimony are that of Peter who both denied Christ and publicly proclaimed him as Messiah and Paul who persecuted Christianity and later became one of its chief advocates.

34. "…in the context of God's action, which challenges the believer, [it] takes him over and appoints him to be a witness." TD2, 57.

35. Acts 26:15–16, New Revised Standard Version.

that "[it] so overarches everything, from the beginning to the end, that there is no standpoint from which we could observe and portray events as if we were uninvolved narrators of an epic."[36] Here, Balthasar indicates that there is no truly objective approach to theology. Moreover, it is evident that he is speaking to more than just theologians when he goes on to state: "In this play, all the spectators must eventually become fellow actors, whether they wish to or not."[37] Balthasar suggests that all interpretations of world events and final destiny (such as Nirvana, evolution, etc.) are not abolished by a dramatic structure, but can be incorporated into it.[38] Balthasar's openness is in full bloom when he calls the Christian to adopt an "all-embracing" attitude toward the world and engage in what he calls "subjective catholicity."[39] While not endorsing universalism in the sense that all are destined to be Christians, Balthasar indicates that, since the divine drama is infinite, none is outside its purview. While involvement within the drama is universal, specific roles within the drama are not.

The particular role that Balthasar assigns to the Christian believer, in keeping with the paradoxical nature of theo-drama, incorporates both patient non-resistance and active warfare.[40] This duality is not only indicative of one who imitates Christ, but also echoes the final dramatic role of the Lamb in Revelation. In the final scenes of the divine drama, Balthasar identifies the ultimate examples of witness as *martyrium*: those who give testimony, both in life and in death.[41] These are the ones who, like the Lamb, have been "called and chosen and faithful."[42] Balthasar expands on these three characteristics of Christian witness by introducing the concepts of election, vocation, and mission. Through these three elements, universal witnesses become participants or co-actors in theo-drama.[43] It is no surprise that these ideas sound very similar to those Pearson identifies in her observations about theatre audiences. Her suggestion that the playwright summons the audience to attentive participation very closely relates to election, whereby a person

36. TD2, 58.
37. TD2, 58.
38. TD2, 59.
39. TD2, 59.
40. TD2, 60.
41. TD2, 60.
42. Revelation 17:14.
43. TD3, 263.

is called into the acting arena by God. The elect, for Balthasar, refers to an entire people chosen by God, be it the nation of Israel in the Old Testament or the Church in the New Testament.[44] According to Balthasar, election does not refer to God's eternal summons; rather, it denotes the "effect of this call on the freedom of the person called."[45] In this way, election is temporal in application while eternal in origin. Once again, infinite freedom spurs finite freedom to action.

Vocation, on the other hand, has a more individual emphasis. As exemplified by the apostles, the vocation of witness can take on various forms as each person contributes her unique eye-witness account of what it means to be "in Christ." As a result of this calling and vocation, a witness naturally participates in a greater mission, which involves being sent forth to testify about what they have seen. Balthasar observes that the summons to a vocation of witness is often unexpected (as in the case of Abraham, Moses, and Mary).[46] In addition, the call is sometimes given to those who seem ill-fitted for the role. Nevertheless, the concern, as always, is not primarily with the performance of the witness but the action of God.[47] It should also be noted that the role of witness is only made possible in and through Christ; witnesses are given the authority to participate through the grace extended to them by his action. In effect, their participation in the divine drama is essentially identification with Christ and his election, vocation, and mission.

A few observations on the concept of witness in the New Testament might be helpful at this point. Allison Trites suggests several ways in which scripture sheds light on the concept of witness. She indicates that biblical texts not only explain the role of witness but also serve in that role. For example, some scholars believe that the gospel of John can be viewed as a skilful apology meant to convince non-believers that Jesus is the Son of God and that salvation is available through him.[48] To support this claim, Trites notes that the word "witness" is "particularly conspicuous" in John's gospel, appearing thirty-two times in its verb form, constituting almost half

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44. TD3, 266.
45. TD3, 266.
46. TD3, 264.
47. TD3, 265.
48. Allison A. Trites, *The New Testament Concept of Witness* (Cambridge: Cambridge University Press, 1977), 78.

of all New Testament occurrences of this verb.[49] In the fourth gospel, we find the concept of witness applied to many different subjects, such as John the Baptist, the Samaritan woman, the works of Jesus, the Old Testament, a multitude of people, the Holy Spirit, the apostles, and God the Father. All of these are called upon to bear witness to Jesus. Jesus, as well, is said to bear witness to the truth in agreement with his Father's testimony.[50] According to Trites, the concept of witness here is strongly judicial, as if the author is proving his case in response to a challenge.[51] Trites interestingly observes that Pilate serves as a representative voice of the overall theme of witness in the fourth gospel. In effect, he states the case that the writer is trying to make, declaring Jesus' innocence and proclaiming him King of the Jews.[52]

In the book of Acts, however, the concept of witness is decidedly more missional: the apostle's words and works serve as testimony meant to encourage the early church and disseminate the message of Jesus. While legal terminology is still evident, the purpose of witness in Acts is primarily for the development of the church in a hostile environment.[53] As is evident in all the gospels, the importance of eye-witness testimony is vital in establishing the authority of their message. Of special importance is the apostles' witness to the resurrected Christ.[54] One further detail should be mentioned when discussing the concept of witness in biblical texts. According to Old Testament law, the testimony of at least two witnesses was required in order to substantiate any claim (Deuteronomy 17:6). This principle is carried over into the New Testament concept of witness where we find plurality a consistent theme, perhaps most significant when the human testimony of the apostles is linked to the divine witness of the Holy Spirit (John 15:26, Acts 15:28).[55] In the scriptural concept of witness, as in Balthasar's notion of spectators called onto the stage, we see the intersection of divine and human intent as both testify to the primacy of the mediating action of God.

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49. Trites, *New Testament Concept of Witness*, 72.
50. C.K. Barrett as quoted in Trites, *New Testament Concept of Witness,* 80.
51. Trites, *New Testament Concept of Witness*, 80–81.
52. Trites, *New Testament Concept of Witness*, 85.
53. Trites, *New Testament Concept of Witness*, 128.
54. Trites, *New Testament Concept of Witness*, 144.
55. Trites, *New Testament Concept of Witness*, 121.

As stated at the beginning, at the heart of Balthasar's model of theo-drama lies the abyss between divine and human. However, this separation is not an insurmountable obstacle. In fact, he indicates that it is a necessary precursor to unity.[56] However, the "leap" necessary to overcome the abyss between divine and human is one that only God can make, and this action leaves us with the mystery of how the Absolute can be both *in* and *above* human history.[57] Aidan Nichols views this paradox as one to be celebrated because of its generous implications for humanity. He states: "And if the God who alone can untie the knot of existence himself appears on the world stage, this does not invalidate the basic comparison of existence to the drama but gives that drama of lived existence new, transcendent dimensions."[58] By introducing the role of witness, Balthasar acknowledges the transcendent and privileged nature of humanity's part in theo-drama. Situating humanity as the audience firmly establishes God as the central character; however, the audience is not passive. Pearson's observations about the functions of an audience summoned to act as witness prove the strength of Balthasar's designations in theo-drama. The biblical concept of witness also supports Balthasar's idea that the witness is one summoned by God, one who accepts the gift of grace and unites their life with the calling, vocation, and mission of Christ.

The Challenges of Theo-drama

While the concept of witness is a strong model for divine-human interaction, it nevertheless presents the theologian with several challenges. The first lies not so much in the nature of the role itself nor in Balthasar's quite extensive exploration of its function, but in its application. Early on in *Theo-Drama*, Balthasar poses the question, "If God is acting, who else

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56. By way of illustration, he speaks about the relationship between yeast and dough. Alone, he acknowledges, yeast is nothing. But thrust it into dough and a dynamic process is set in motion. The gift of grace, Balthasar suggests, is yeast that, when mixed thoroughly with the dough of a person, initiates a transformation process that enables the person to grow in Christ and participate in his divine mission. See: Hans Urs von Balthasar, *Engagement with God,* trans. R. John Halliburton (San Francisco: Ignatius Press, 2008), 11–12.

57. TD2, 62.

58. Aidan Nichols, *No Bloodless Myth: A Guide through Balthasar's Dramatics* (Edinburgh: T & T Clark, 2000), 28.

can act?"[59] The short answer he proposes is that God, through Jesus, makes room on the stage for humanity as witness, but perhaps a more nuanced approach would be to question the question itself. Balthasar addresses through his query a fundamental theological (and dramatic) problem, but it is (as he acknowledges) a static issue relating to character and not action.[60] By exploring the list of characters prior to engaging with the dramatic text or witnessing the dramatic action, the query becomes premature. How can one define the nature of the characters before they have acted? The point of drama, after all, is to reveal characters not through exposition but through action. The question seems strangely at odds with Balthasar's central thesis, and, though he writes many pages in an effort to unravel the complex relationship between role and person, the question serves to reveal an inherent difficulty.

In expounding a theological dramatic theory through the written word, the characters necessarily remain somewhat flat on the page, unpreventably remote. Similar to an action-packed script that does not lift off the page until actors speak the words and perform the stage directions, Balthasar's theo-drama leaves one with a method which describes dynamic movement but never totally delivers it. Despite his insistence that theology is not static, the volumes of *Theo-drama*, for the most part, end up describing and analysing the drama of God instead of presenting a script that invites action. This is no doubt partially due to the limitations of the printed page and the nature of theological discourse. In addition, perhaps enactment is one of the exercises that Balthasar purposely leaves for his readers to perform on the theological dramatic "apparatus."

Balthasar's role of witness is an attempt to bridge the gap between passivity and action, and, though it is an adequate model in many ways, it still falls somewhat short of a satisfying union of *being* and *action*. The very reason that drama is employed in the service of theology is to show that God is not just divine Being but also divine Actor. By inference, humanity's engagement with God must bear this same quality. One example of this imbalance is reflected in his choice of words. The term "believer," used by Balthasar and many modern theologians to refer to followers of Christ, hints at a subtle downplay of action. The common use of the word refers

59. TD2, 17.
60. TD2, 18.

essentially to a mental exercise of acceptance, or, in religious terms, to an expression of trust based on certain convincing factors. In contrast, the word most often used to refer to followers of Jesus in the gospels is "disciple," a word that incorporates a whole way of life, not merely an intellectual assent or reasonable deduction. In the gospel accounts where Jesus calls his disciples to follow him, their actions seem to occur concurrently if not prior to belief. In light of this, the first challenge I see in putting forth a theological dramatic method is that of moving beyond description to the place where the drama lifts off the page.

The second challenge has to do with the role of humanity. Though Balthasar incorporates drama effectively and innovatively to introduce us to the person of Christ in the primary role of ultimate mediator, his commitment to a theology from above tends to place humanity in the background to such an extent that one is left wondering what, if anything, the human race contributes to the drama. At the end of volume five, Balthasar briefly addresses this question by suggesting that the world is "a gift made by the Son to the Father, and by the Spirit to both."[61] While a Christocentric emphasis is in keeping with Balthasar's insistence that God is the author, director, and actor in this drama, this prioritization serves to take much of the potency or punch out of what is meant to be a theological confrontation. I am no doubt stating the matter too simply and perhaps doing Balthasar a disservice by suggesting that his elevation of Christ as the central character creates a slight dramatic problem. He most certainly addresses the suffering and humility of the Son of God through the concept of *kenosis* and from the very beginning asserts that divine freedom does not negate or denigrate human freedom but empowers it. Nevertheless, I would suggest that Balthasar's *Theo-drama* would be better served if it allowed the supporting human cast to flesh out their roles a bit more in keeping with the gritty, blow-by-blow accounts of conflict and struggle that we find in the gospels and in the history of Israel. The tensions and paradoxes of which Balthasar writes, those elements central to dynamic movement, demand that the role of humanity not be devalued or deemphasized but be given the same weight as that found in the biblical texts.

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61. See "What Does God Gain from the World?" in Hans Urs von Balthasar, *The Last Act*, vol. 5 of *Theo-Drama: Theological Dramatic Theory*, trans. Graham Harrison (San Francisco: Ignatius Press, 1998), 506–521.

What theo-drama must show us, and what those of us who engage with Balthasar's substantial theological contribution must unravel, is how to retain God as author, director, and primary actor while leaving room for all manner of awkward and malevolent characters, who not only interrupt the drama but appear to derail it. We must discern how to engage with this theo-drama, not as objective and unmoved audience members seated at a comfortable distance, but as participants and witnesses who are thrust on stage, compelled by the scenes unfolding before us. As audience participants, we must also become accustomed to the unsettling circumstances which accompany this role: we have limited access to a script; we have little opportunity to rehearse our scenes; and we are not told specifically what is required of us other than to say Yes and keep on saying Yes. This is the promise and the challenge of Balthasar's theo-drama.

Philosophical Rhetoric and the "Divine Embodiment" in Origen of Alexandria

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The subject of this article is the philosophical rhetoric of late Platonism and its significance for the development of the notion of "divine embodiment" within the cultural horizon of third-century Alexandria. I briefly review the role and significance of rhetoric in classical culture and in third-century Christian tradition. I submit that the origin of the "non-Incarnational" Christology and of double subjectivity in Christ in the third century can be best thought of as a result of Origen of Alexandria's—one of the most remarkable figures of third-century Christianity—appropriation of the philosophical rhetoric of late Platonism. I attempt to demonstrate here that a natural outflow of Plato's late-period metaphysics of the *Nous*, and of his philosophical rhetoric in third-century Christian discourse, was associated with the introduction of the concept of Jesus' pre-existing soul as a medium through which *Nous*/Logos could "come-to-be," the attribution of *kenosis* to the soul of Jesus, and the evocation of a participational model in Christology as the foundation of Christological thought at the time.

Rhetoric was defined by classical culture as an art of persuasion. In Plato, rhetoric refers to public speech and persuasion in a most general way.[1] One should note Plato himself had an ambivalent attitude to rhetoric. For example, in the early-period dialogues, Plato classified rhetoric as an "art" of flattery of the Sophists (the *Gorgias* is a perfect manifestation of such an attitude).[2] However, the middle-period dialogues, the *Phaedrus* in particular,

1. For instance: "You assert that rhetoric is a creator of persuasion, and that all its activity is concerned with this, and this is its sum and substance" [*Gorgias* 453a]. The qualification then follows: "The kind of persuasion employed in the law courts and other gatherings…" [454b]. All translated texts of Plato come from *The Collected Dialogues of Plato*, ed. E. Hamilton & H. Cairns (Princeton: Princeton University Press, 1989).

2. "What I mean by rhetoric is part of an activity that is not very reputable…the activity as a whole, it seems to me, is not an art, but the occupation of a shrewd and enterprising spirit, and of one naturally skilled in its dealings with men, and in sum and substance I call it 'flattery'" [*Gorgias* 463a-b].

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introduced the notion of true rhetoric, which emerges out of dialectic and intends to educate those who are not properly trained in philosophy.[3] This ambivalent attitude can be interpreted in two ways: as reflecting the natural development of Plato's philosophy, which initially denied rhetoric its proper place in philosophy, and later reincorporated it into philosophical discourse; or, as pertaining to the polemical character of the dialogues characterized by the constant shifts of emphasis during the clashes with the Sophists. However, the common denominator of both interpretations is that for Plato, rhetoric was something significant, an extension of dialectic that should not be ignored. This attitude echoes later in Aristotle's *Rhetoric*, where the link between philosophy and rhetoric is fully substantiated through the classification of persuasion as a sort of demonstration,[4] as a form of philosophical discourse utilized in the public domain. Thus, Aristotle tells us, "persuasion is clearly a sort of demonstration, since we are most fully persuaded when we consider a thing to have been demonstrated [*Rhetoric* 1355a 5]." Rhetoric, therefore, is the counterpart of dialectic.

As Aristotle noted, there are three kinds or "modes of persuasion furnished by the spoken word" [1356a1]. The first mode depends on the personal character of the speaker.[5] The second depends on the emotional response of the audience to the speech. The third depends on the speaker's proof, or apparent proof, of truth. It is the third mode of persuasion that is important in the scope of this article. It is here that "persuasion is effected through the speech itself when we have proved a truth or an apparent truth

3. Thus, "but now by what means and from what source can not attain the art of the true rhetorician, the real master of persuasion? . . .Rhetoric is in the same case as medicine…In both cases there is a nature that we have to determine, the nature of body in the one, and of the soul in the other, if we mean to be scientific and not content with mere empirical routine when we apply medicine and diet to induce health and strength, or words and rules of conduct to implant such convictions and virtues as we desire" [*Phaedrus* 269d-270b]. Similar in Aristotle's *Rhetoric*: "What makes a man a sophist is not his abilities but his choices" [1355b18].

4. Demonstration is defined in the *Posterior Analytics* as "a syllogism which produces scientific knowledge" [71b10-15]. All translated texts of Aristotle come from *The Complete Works of Aristotle*, ed. Jonathan Barnes. Vols. 1–2. (Princeton: Princeton University Press, 1995).

5. The personal character of the speaker is determined by the allocation of virtues and vices in the soul. For instance, a virtuous person is such as to be trusted in all occasions, whereas a vicious soul is the source of deceit and, thus, not to be trusted. Hence, a virtuous character is a necessary and sufficient condition for the persuasiveness of the spoken word, in this mode of persuasion, i.e., in which the spoken word uttered by a virtuous person persuades the audience.

by means of the persuasive arguments suitable to the case in question" [1356a20]. What is important in this context is that "what is persuasive is persuasive to someone; and something is persuasive because it is directly self-evident or because it appears to be proved from other statements that are so" [1356b25-30]. We can easily infer from the last phrase that for an effort to persuade, the intellectual horizon of the audience is formative.

Another important feature of rhetoric to note relates to how the rhetorical argument is structured. Thus, "the duty of rhetoric is to deal with such matters as we deliberate upon without arts or systems to guide us, in the hearing of persons who cannot take in at a glance a complicated argument, or follow a long chain of reasoning" [1357a1-3]. It is indeed "possible to form deductions and draw conclusions from the results of previous deductions" [1357a7]. However, this kind of reasoning "will necessarily be hard to follow owing to their length, for we assume an audience of untrained thinkers" [1357a12].[6] This situation necessitates a certain adjustment in the form of argumentation. Thus, instead of extensive stretches of reasoning—which characterize dialectical syllogisms—, an enthymeme, an incomplete syllogism, is used—which has a lesser degree of complexity and operates with fewer propositions, as one of the premises or a conclusion is missing and has to be supplied by the audience.[7] Yet, the argument runs from the general to the particular via a common middle term and thus follows the proper rules of inference.

Moreover, "there are few facts of the necessary type that can form the basis of rhetorical deductions. Most of the things about which we make decisions, and into which we inquire, present us with alternative

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6. If, on the contrary, one argues from the premises that have not been proved, the argument won't be persuasive, being established upon the premises that are not generally admitted or reputable.

7. Thus, "the enthymeme must consist of few propositions, fewer often than those which make up a primary deduction. For if any of these propositions is a familiar fact, there is no need even to mention it; the hearer adds it himself. Thus, to show that Dorieus has been victor in a contest for which the prize is a crown, it is enough to say 'For he has been victor in the Olympic Games,' without adding 'And in the Olympic Games the prize is a crown,' a fact which everybody knows" [1357a15-20]. Moreover, "dialectic deals with what is "the true," while rhetoric deals with what is "the approximately true." However, he insists, "the true" and "the approximately true" are apprehended by the same faculty, and usually do arrive at the truth. "Hence the man who makes a good guess at truth is likely to make a good guess at probabilities" [1355a15].

possibilities" [1357a25]. Thus, the materials of rhetorical deductions are probabilities (things that do not necessarily happen, but do for the most part, and thus can turn out otherwise)[8] and signs.[9] Thus, the premises of rhetorical deductions are mainly contingent (neither necessarily true nor necessarily false) premises commonly accepted by public opinion (by the "many").

Moreover, instead of induction, rhetoric utilizes examples. Thus, "a rhetorical induction [is] an example" [1356b 4-5]. Here, the argument runs from the particular via particular to the general, and the premises are justified *a posteriori*. Yet, the criterion for choosing premises is not necessarily their plausibility but their familiarity to the audience. Finally, the use of allegory, which Aristotle defined as an extended metaphor and whose rhetorical utility later scholars significantly amplified (especially those in Alexandria), is important in our context. As A. Juthe argued, "analogical reasoning is about solving problems, describing something, learning or explaining things by extending our thought from things we do understand to things we do not, at the time, comprehend."[10] In rhetorical argument, analogy allows the speaker to argue from particular to particular; hence, no universal premise is involved in such reasoning. The assignment of a particular predicate to the subject at stake takes place in virtue of an analogical relation between two particulars (i.e. certain similarly or isomorphism). This type of reasoning can perhaps accommodate all kinds of audience (of any educational and social background). It is easy to follow and thus serves the purposes of persuading a general and diverse audience in the best possible way.

It is clear also that public speech necessitates a certain type of reasoning that takes into account the audience as being capable of an immediate grasp

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8. "The enthymeme and the example must deal with what is for the most part capable of being otherwise" [1357a15]; "For it is about our actions that we deliberate and inquire, and all our actions have a contingent character; hardly any of them are determined by necessity" [1357a25].

9. "Of signs, one kind bears the same relation as the particular bears to the universal, the other the same as the universal bears to the particular. A necessary sign is an evidence, a non-necessary sign has no specific name" [1357b1-5]. "Suppose…it were said, 'The fact that he has a fever is a sign that he is ill'…Here we have the necessary kind of sign, the only kind that constitutes an evidence, since it is the only kind that, if true, is irrefutable. The other kind of sign, that which bears the relation of universal to particular, might be illustrated by saying, 'The fact that he breathes fast is a sign that he has a fever.' This argument also is refutable, even if true, since a man may breathe hard without having a fever" [1357b15-20].

10. A. Juthe, "Argument by Analogy," *Argumentation* 19 (2005): 3.

of underlying assumptions and of supplying the missing premises in the process of argumentation in which some inferences are made. Moreover, the use of examples and various rhetorical figures (especially an array of analogies) familiar to the audience is a solid foundation for persuading people, and so should be taken into account.[11] Thus, the question of to whom a particular speech is addressed is important in this context, as the audience, to a large extent, determines the argument's content and structure, and the premises used in constructing such arguments represent common opinions, i.e. *doxa*.[12]

It should be noted in this context that the use of rhetoric, at the time, was not limited to the sphere of public speech but extended to written treatises intended for the general public. In a sense, means of persuasion had various forms of expression, including both spoken and written communication.

Rhetoric, as has been indicated above, is an art of persuasion. Early church apologists were in the business of persuading their audiences of the truth of Christianity. I think, therefore, almost all third-century Christian theology/philosophy was rhetorical. Did third-century Christian discourse ever move to the so-called "scientific" ways of reasoning, at the time associated with the notion of demonstrative syllogism? This question is not an easy one to answer. But it is clear that reasoning, in the context of third-century Christian apologetics, was not based on necessary, immediate, and self-evident premises.[13] Moreover, there is no apparent evidence that any early Christian apologists aimed at running common opinions (taken as premises for their arguments) though the *logoi* in order to reduce them to necessary, immediate premises. The fact that the truth of Christian faith, at the time, was hardly thought of as capable of being deduced from a few simple premises partially explains this situation. Thus, the role of

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11. Aristotle defined "example" in the following way: "The example is a kind of induction. Its relation to the proposition it supports is not that of part to whole, nor whole to part, nor whole to whole, but of part to part, or like to like. When two statements are of the same order, but one is more familiar than the other, the former is an example" [1357b27-30].

12. Cf. L.C. Montefusco, "Aristotle's Rhetoric: the Speaker and his Audience," in *Papers on Rhetoric II*, ed. Lucia C. Montefusco (Bologna: Clueb, 1999), 74ff.

13. The criteria for the premises of demonstrative syllogism presented in the *Posterior Analytics*: "Now if knowledge is such as we have assumed, demonstrative knowledge must proceed from the premises which are true, primary, immediate, better known than, prior to, and causative of the conclusion" [71b20-22].

"demonstration" in third-century Christian discourse was perhaps quite limited. An example of Aphrahat's so-called "demonstrations"[14] clearly shows that scriptural examples and various rhetorical tropes, rather than demonstrative syllogisms, laid the ground for the arguments made at the time.

The third-century Alexandrian tradition of rhetoric seemed largely founded upon the tradition of Aristotle's *Rhetoric*. As we learn from R. Smith:

> It may be true that Aristotle's *Rhetoric* was known in Alexandria—though no papyri attest to this—and that, on the other hand, no peripaticist in Alexandria authored a techne of rhetoric. Further, perhaps no rhetorical work as important as the *Rhetoric* was authored or even used there . . .[15]

The rhetorical manual of Theon, *Progymnasmata*, apparently followed the same tradition, though it lacked "the kind of originality or depth of understanding one finds in Aristotle's *Rhetoric*."[16] This manual, "despite any lack of imagination. . .constitutes the best theoretical treatise of any Alexandrian which has survived."[17] The conceptual link between Aristotle's *Rhetoric* and the Alexandrian rhetorical curriculum here represented by Theon is important in this context. This same tradition can be traced in the works of Philo and later in that of the Catechetical School of Alexandria to which Origen belonged.

Classical culture entered Christian discourse from the time of Jesus and had immense implications for newly emerging Christian theology. The categorical taxonomies and rhetorical tropes of the time determined the structure of such discourse. Christian apologists successfully used many of the rhetorical devices. However, the use of certain rhetorical tools had significant implications for the newly constructed theological framework. Origen of Alexandria was one of the most learned Christians of the time, and, in a sense, gives us a perfect example of the elite appropriation of late antique philosophy and rhetoric into Christian discourse, thus perfectly

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14. See E. Lisorkin, *Aphrahat's Demonstrations*, Corpus Scriptorum Christianorum Orientalium (Leuven, Peeters Publishers, 2012).
15. W. R. Smith, *The Art of Rhetoric in Alexandria* (The Hague: Martinus Nijhoff, 1974), 136.
16. Smith, *The Art of Rhetoric*, 135.
17. Smith, *The Art of Rhetoric*, 136.

manifesting the intrinsic third-century Alexandria connection between Christian thought and classical heritage.

M. Duncan recently gave a very enlightening account of Origen's rhetoric on the basis of the studies of *Contra Celsum*. Duncan argued that Origen's philosophical rhetoric "combats Celsus's charge of deceptive Christian rhetoric by claiming that the Christian message is not rhetorical in nature and is therefore truthful, as well as self-evident."[18] Moreover, Duncan suggested that Origen's Jesus himself is essentially a rhetorician, i.e. "someone who knows the limitations of his audience and constructs an audience-based message."[19] Duncan also highlighted "a repeated emphasis on this 'accommodation to the capacity of the hearers' and 'what may be appropriately addressed to each individual according to his fundamental character'"[20] in Jesus' speaking. It followed that, despite some random passages in which Origen scorns rhetoric and rhetoricians, he nevertheless fully internalized rhetorical *techne*, to the extent of ascribing them to Jesus. Duncan also elaborated on the theme of Origen's allegory as the most vivid manifestation of rhetorical devices in Origen.

Thus, the significance of rhetoric for Origen's apologetic endeavour and exegetical efforts (i.e. commentaries, homilies, etc.) was quite extraordinary. Yet, it is also apparent to any reader of Origen that the use of rhetorical *techne* extended beyond the boundaries of his apologetics and homiletics. The Christology of Origen, i.e. his "science of Christ," is also characterized by multiple rhetorical utilities. As A. Cameron rightly pointed out:

> What we might call the "rhetoric" of early Christianity is not, then, rhetoric in the technical sense; rather, the word is used in its wider sense, denoting the manner and circumstances that promote persuasion.[21]

Its traces, therefore, can be found in various genera actualized in speeches and treatises that aimed at persuading the audience. Therefore, its relevance to Christology should not surprise. Yet, the philosophical novelty of Christological ideas required a special and very careful elucidation. The

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18. M. Duncan, "The New Christian Rhetoric of Origen," *Philosophy & Rhetoric* 46 (2013), 91.
19. Duncan, "The New Christian Rhetoric of Origen," 92.
20. Duncan, "The New Christian Rhetoric of Origen," 92–93.
21. A. Cameron, *Christianity and the Rhetoric of Empire* (Berkeley: University of California Press, 1991), 20.

audience could not easily absorb them. Origen seemed to run some of his ideas through the *logoi*, thus attempting to discursively substantiate them and hence persuade his audience by giving them some sort of "demonstrative" account. Another way, in order to arrive at conclusions substantiating matters of Christology, i.e. the truth of the Incarnational narrative, was to assume the most foundational *doxa* in which the audience puts its faith as the premises. Here, again, Cameron's notes seem to grasp the very essence of the subject at stake, stating:

> Christian discourse too made its way in the wider world less by revolutionary novelty than by the procedure of working through the familiar, by appealing from the known to the unknown.[22]

Hence, he continues, the apologetic grip of early Christian thinkers and their discourses "were designed explicitly to persuade, and to explain and justify Christian belief and practice."[23] And indeed the best way of constructing such discourses, in order to conclude that which represents the core of Christian kerugma, was to assume the premises well known to the audience.

Origen's thought was, in a sense, formative for the development of Christology; he introduced various schemas and notions into Christian discourse. Origen's peculiar non-Incarnational Christology found in *On First Principles* is the natural outflow of his Platonism, which itself emerged from Plato's late metaphysics of *Nous* and of the rhetoric of the late Academy that used philosophical premises from Plato's metaphysics and cosmology for the sake of educating people. It should not surprise to learn that Origen composed *Periachon* (*On First Principles*) according to the rules and theorems of rhetoric[24] and that he "utilized the art of rhetorical logic to argue his first principles as well."[25]

The notion of the Incarnation, of God becoming human, was the agenda of the third-century apologists and necessitated a coherent account of how the immutable Word of God could experience self-emptying

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22. Cameron, *Christianity and the Rhetoric of Empire*, 25.
23. Cameron, *Christianity and the Rhetoric of Empire*, 79.
24. R. M. Berchman, *From Philo to Origen: Middle Platonism in Transition* (Chico, California: Scholars Press, 1984), 230.
25. Berchman, *From Philo to Origen*.

(*kenosis*) and assume human conditions.[26] The categorical taxonomies and rhetorical tropes were to be found to substantiate the truth of Christian faith discursively. Here, a critical appropriation of Plato's cosmology and of his late-period metaphysics was not unexpected. By that time, Platonism had canonized Plato's *Timaeus*, *Philebus*, and *Laws* as orthodox treatises on metaphysics, cosmology, and philosophical anthropology (and thus became a part of a standard curriculum in Alexandria).[27] However, the appropriation and creative rethinking of classical heritage was not meant to reinforce classical culture but to make a newly emerging religion comprehensible for contemporaries. Thus, in the scope of the third-century Alexandrian classroom, the role of *didaskalos* was to find proper taxonomies and tropes to persuade a largely pagan *intelligentsia* of the truth of Christian faith. It is from this perspective that Origen of Alexandria and his heritage should be analyzed. It is, in turn, this audience educated in the philosophical tradition of late Platonism that determined Origen's ways of reasoning and his choice of categorical taxonomies.

What is important to the scope of this article is not as much the technical means of persuasion and the rules of inference associated with Origen's discourse, as his reliance on the premises the audience commonly accepted in the process of persuading such an audience (i.e. mainly pagan at the time) in the truth of Christian faith. As R. Smith rightly points out, Origen's concern "with his immediate audience…is abundantly clear,"[28] even in the treatises that were not intended for the general public.[29] Hence, the philosophical currents used for the sake of persuading the audience were essential elements of Origen's discourse in general. It was the overriding power of commonplaces of third-century Alexandria that in many instances

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26. In this case, we need to take into account that "self-emptying" is associated with change and mutation, and that the phrase "God becoming man" might be easily taken as signifying a mythical intervention of the divine into the realm of becoming, a way of thinking which is utterly alien to an educated Platonist as it fails to distinguish between the realms of being and becoming.

27. For instance, L.G. Westerink, *Anonymous Prolegomena to Platonic Philosophy* (Prometheus Trust, 2010) provides the reader with an insight into the educational curriculum of Platonism in Alexandria.

28. Smith, *The Art of Rhetoric*, 94.

29. Hence, "…he simply accommodated himself to the realities of the speaking situation" (Smith, *The Art of Rhetoric*, 94).

determined Origen's choices in his theology and homiletics. One of the most vivid manifestations of such power can be found in Origen's exegetical preaching, in which, according to K. Trojesen, "it is the presence of the hearer that dominates the hermeneutical process, not the historical past of the scriptural text."[30] The same thing is equally applicable to Origen's Christology.

It is quite obvious that Plato's philosophical heritage was formative for Origen, who allegedly studied under Ammonius Saccas, a prominent representative of third-century Alexandrian Platonism and also a teacher of Plotinus.[31] Thus, the philosophical rhetoric of the third century's Alexandrian Platonism constituted an intellectual horizon of Origen. One of the key notions of Platonist cosmology and metaphysics at the time was the notion of soul as the medium that bridges two dissimilar realms: on the one hand, the realm of *eide* or forms and of their eternal contemplator, *Nous*; on the other hand, the realm of created realities that are subject to change and mutation, realities that come-to-be and cease-to-exist.

The distinction between the two realms is well introduced in the commencing paragraphs of Plato's *Timaeus*:

> First then, in my judgment, we must make a distinction and ask, What is that which always is and has no becoming, and what is that which is always becoming and never is? That which is apprehended by intelligence and reason is always in the same state, but that which is conceived by opinion with the help of sensation and without reason is always in a process of becoming and perishing and never really is [27d-28a].

This argument is followed by the identification of the world of becoming with created realities. Now "everything that becomes or is created must of necessity be created by some cause" [28a-b]. Thus, there is a single creative or efficient cause of the universe, the *demiugros* of the universe, and there is an unchangeable pattern after which the universe is fashioned.

It is *Nous* in Plato's late metaphysics that is the *diakekosmekos* of all things, the *demiurgos* of the universe. As Stephen Menn notes:

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30. K. J. Trojesen, "Influence of Rhetoric on Origen's Old Testament Homilies," *Origeniana Sexta* (Leuven University Press, 1995), 15.

31. Cf. J. W. Trigg, *Origen: the Bible and Philosophy in the Third-century Church* (SCM Press LTD, 1983), 66ff.

> Nous is the orderer of the world. The god of the *Timaeus* is described as acting "for the best" [and] decides for this reason to bring the world "into order (*taxis*) out of disorder (*ataxia*)…" the gods of the *Timaeus* and *Statesman*, like the nous of the *Philebus*, *Phaedo*, and *Laws*, all introduce limits, and thus some degree of intelligibility, into a sensible totality, which without their causality would not reflect the intelligible forms in any orderly way.[32]

An unchangeable pattern is comprised of forms or *eide*, ontologically foundational, unchangeable, and apprehended by reason *archai* of the universe. Thus, "the world has been framed in the likeness of that which is apprehended by reason and mind and is unchangeable" [29b] and manifests order and intelligibility. The problem of how the creation is accomplished or how the two worlds are bridged is of primary importance. *Nous* is the orderer of the world, of the world of becoming that needs to be organized based on the eternal and unchangeable pattern; however, it is utterly impossible for the immutable *Nous* to interfere directly in the realm of sensible multitude in order to make it good, beautiful and rational. The *Timaeus* clearly affirms, "it is impossible for *Nous* to come-to-be in anything apart from soul" [30b3]. Thus, the soul, through its intellectual (noetic) phase, brings order to the realm of sensible particulars.

The soul is described in the *Timaeus* as an intermediate kind of being made by the *demiurgos* out of the following elements: from the eternal being "which is indivisible and unchangeable and from that kind of being which is distributed among bodies" [35a]. Thus, this type of being is composed of both.[33] Being made in this way, the soul mediates the work of *Nous* (as being

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32. S. Menn, *Plato on God as Nous* (Carbondale: Southern Illinois University Press, 1995), 8.

33. Cornford classified this complicated sentence (part of which I have just quoted) as one of the most obscure in the whole dialogue. He divided the argument into three parts and presented it in the following way: "The things of which he [the *demiurgos*] composed soul and the manner of its composition were as follows: (I) Between the indivisible Existence that is ever in the same state and the divisible Existence that becomes in bodies, he compounded a third form of Existence composed of both. (2) Again, in the case of Sameness and in that of Difference, he also on the same principle made a compound intermediate between that kind of them which is indivisible and the kind that is divisible in bodies. (3) Then, taking the three, he blended them all into a unity, forcing the nature of Difference, hard as it was to mingle, into union with Sameness, and mixing them together with Existence" (Cornford, *Plato's Cosmology* [Indianapolis/Cambridge: Hackett Publishing Company, 1997], 59–60). Cornford marked off Proclus' interpretation of the passage regarding the composition of the world-soul as the most fitting.

akin to eternal and indivisible) and facilitates the process of bringing order and intelligibility into "this" worldly realm (to which it is not alien either).[34] The role of the noetic, i.e. intellectual phase of the soul, is important in this regard as it participates in *Nous*, through the participation possesses intelligibility, and consequently, introduces order and intelligibility into the corporeal motions.

It should be noted that individual souls could not perfectly manifest intelligibility and order on their own in the created universe and thus needed a certain coordinating principle. As Menn notes, "it is crucial for Plato that there should be a one-over-the many, a single supreme nous with the power to coordinate the actions of the many rational souls, and so to impose a single master plan on the universe."[35]

Plato's cosmological commitment can be well expressed in the words of Francis Cornford:

> Reason (*nous*)…as Plato says here and elsewhere, "cannot be present in anything apart from soul"; *if it is "present" in the body of the universe, in man's body, that body must be alive, endowed with soul*, which is defined in the *Laws* and the *Phaedrus* as the self-moving source of all motion.[36]

Thus, if *Nous*, the *demiurgos* of the universe, is to be present in the body, that body should be necessarily endowed with the soul, especially with its highest, noetic phase. However, it should be noted, that the meaning of "presence" is purely participational in this context. Thus, it is "present"

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34. Menn rightly pointed out certain ambiguities of the creation account in the *Timaeus*. Thus, the medium of the soul is required for nous to reach bodily motions and make them orderly. Thus, the mythical intervention of Nous into the corporeal realities is denied and the "range of situation where nous must accomplish its work by violence" (Menn, *Plato on God as Nous*, 50) is either significantly diminished or eliminated. However, "The criterion of non-violence does imply that the causal relations between nous, soul, and body cannot be the same on the ideal account as they are in the speech of Timaeus. In the first place, it seems that nous can act on bodies without violence only if its action is mediated by soul, and Plato seems to commit himself to accounting for the rationalization of bodies purely through the presence of a soul that participates in nous, moves itself in a rational way, and so imparts rational movement to bodies" (Menn, *Plato on God as Nous*). However, it appears that "Timaeus' speech falls short of this ideal" (Menn, *Plato on God as Nous*). Nevertheless, late Platonism unequivocally affirmed this principle of non-violence as one of the most foundational for the Platonist cosmology.

35. Menn, *Plato on God as Nous*, 24.

36. Cornford, *Plato's Cosmology*, 39.

through the medium of the soul by being "participated-in" by the soul that, upon the event of descent and incarnation, becomes part of the world of becoming and through its intellectual phase organizes its own motions and the motions of other bodies in rational and orderly manner. This is the way *Nous* can be "present" in or to the body.

As J.N. Rowe rightly points out, Origen's cosmology is deeply rooted in the tradition of the *Timaeus* (i.e. of the commentaries to the *Timaeus*). Thus, he argues:

> When Origen describes the method of creation, he seems to regard the Son of God as performing the role of the Demiurge or Craftsman described in Plato's *Timaeus*, in so far as He implants form upon chaotic matter in accordance with the archetypes residing in Him as the Wisdom of God.[37]

It follows that the Word of God is the *demiurgos* of the *kosmos*, i.e. that which the ancients thought of as *Nous*.[38] This is one immediate ramification of Origen's appropriation of the metaphysics of the *Nous* to his theology. Yet, there is another Christological ramification of Origen's creative appropriation of the tradition associated with the theory of the Incarnation. It is deeply rooted in Christian faith in the Word of God as the savior of the world. This tradition of St. John affirmed the self-same Word through whom all things were made (John 1:3) as the subject of descent and self-emptying, who in the last days came down from heaven and was incarnate.[39] Origen's Christology represented one of the first coherent accounts of Christological discourse. The core of Origen's Christology was associated with the notion of God the Word "becoming" man. Origen indeed argued that it was the self-same God the Word who performed the demiurgic functions "in the beginning" and was the creator of the universe, and who also took part "in the last days" in the restoration of humanity. The point of concern for Origen was the mode of such "becoming" and "partaking in flesh," i.e. the theory of the Incarnation. How did Origen proceed?

Origen's Christology, as we have already noted, is rooted in his exegeses of the prologue of John, where it is said that *kai o Logos sarx egeneto*. This

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37. J.N. Rowe, *Origen's Doctrine of Subordination. A Study in Origen' Christology* (Bern: Peter Lang, 1987), 9.

38. Cf. Trigg, *Origen*, 77ff.

39. Cf. the *ekthesis* of Nicaea.

passage, in harmony with the notion of *kenosis* found in the Pauline epistles, was a major stumbling block for the third-century apologists, as well as for the subsequent generations of Christian philosophers and rhetoricians. This phrase, if understood literally, would have necessarily led a third-century intellectual to the conclusion that Christianity attempted to justify the divine intervention into the realm of created realities, a notion utterly unthinkable at the time. Origen's predominantly pagan and philosophically trained audience could not accept the mythical intervention of the divine *Nous* into "this" realm.

It is important to keep in mind that the development of dogma does not take place in a vacuum. Thus, a discursive account of God becoming man was to a large extent determined by the philosophical clichés found in the popular manuals on Platonism circulating in Alexandria at the time.[40] Moreover, for the third-century Christian apologists, persuasion of the pagan contemporaries to the truth of Christian faith as found in Scripture (which facilitated the subsequent conversion of pagans into Christians) was certainly the most foundational goal. Thus, all interpretative efforts to make Scripture intelligible were subordinated to the primary evangelical mission to spread the word of God and convert the nations to Christianity. As a consequence, theologians seemed to feel free in choosing whatever means to persuade their audience. Thus, we may be unsurprised to find certain notions from Platonism in Origen's writings, for instance, the introduction of soul as a medium of incarnation. The metaphysical assumptions of Platonism were formative for the thought of third-century Alexandrians, and thus should have been premised upon any Christian discursive efforts at the time.

Now in the third century, the question to ask was how *Nous*/Logos is present in the flesh? What is the mode of presence? It is clear that, on the one hand, the Word of God is omnipresent, filling all things; on the other hand, the principle of divine omnipresence should not violate the divine transcendence. Thus, God is everywhere and nowhere. No one can catch God (either partially or as a whole) in the net. Therefore, while being present to the world of sensible particulars, God is not separated from self and is not divided. It is precisely in the same way that the late Platonists'

40. In particular those of Numenius of Apamia and perhaps Albinus, some of which are extant, having been preserved either in their original form or in the commentaries of later scholars.

Nous and its intellectual objects (*noeta*) are "present" in all things, things that manifest intelligible pattern in the realm of becoming. In this case, "all things" participate in the order and rationality of the intelligible realm, or in "wisdom and truth." This meaning of *Nous*/Logos' "being present-in" has, therefore, a clear participational significance. However, the notion of God becoming man in Christianity goes beyond a mere positing of the omnipresence of the Word of God.

This notion was rather meant to express that God is, in a sense, "present-in" the flesh; that God the Word is somehow in a mysterious way "made" visible; and that the Word, in a sense, "descended" from heaven and was incarnate. According to the classical account of the Incarnation, developed in the fourth to fifth centuries, the "descent" and "human conditions" are the real properties of the Word as being in *pros ta alla* (i.e. to the other) relation;[41] the Word of God displayed these features while emptying himself out in order to take care of his household, which was in disarray. Yet, as far as his divinity is concerned, i.e. in relation to self (*pros heauto*), he remained what he was, thus displaying just a different set of features that define his deity, immutability, ontological stability, etc.. We can thus conclude that the Word/*Nous*/Logos is simple, immutable, immovable, etc. as far as its inner structure is concerned. Yet, as far as it is in the *pros ta alla* relation, it exhibits a host of properties that it does not exhibit in relation to itself and which may appear as contradictory to the former set of properties. Hence, when the Word of God/Intellect/*Nous* reaches out to the world, it is other than itself and other than other while remaining same-self and being other than self in relation to itself. The *pros* qualifications explain the possibility for the Word of God to be in self and other and exhibit sameness and otherness, etc. in relation to self and other. This was the meaning of the "Word becoming human" that received a Christian ecumenical endorsement in the fifth century.

The "classical" account of the Incarnation as Athanasius of Alexandria, Cyril of Alexandria, etc. presented it took on the tradition of the commentaries on the *Parmenides*, following the theological core of the Athenian and Alexandrian Academies of the time. Origen chose a different pass and aimed at harmonizing the conception of the Incarnation with the tradition of the *Timaeus*. For him, the main accent of the theory of

41. Cf. C. Meinwald, *Plato's Parmenides* (Oxford: Oxford University Press, 1991), 46ff.

the Incarnation was an imposition of a mediating entity, which can happily resolve the *aporia* of the compresence of opposite properties attributed to the Word of God in Scripture. Thus, for instance, the Word is impassionate being immutable; yet, he suffered on the cross. Thus, he suffered and did not suffer. How is it possible to affirm both conflicting properties to the same entity?

It seems to me that Origen's reasoning on this matter was something like the following: since the divine intervention in the realm of becoming was utterly unthinkable at the time, the passage from the prologue of the Gospel of John the Divine could not be understood literarily or taken at face value. Moreover, even if we assume the possibility of such an intervention, we will posit the subject of the Incarnation as mutable, and thus deprive it of its divine properties, jeopardizing its divinity. On the other hand, a mere allegorical account of the Incarnation would not do the job either (though at times Origen used allegories to substantiate his case, i.e. those of a doctor and his patient, etc.).[42] Thus, the allegorical accounts of the Incarnation used by Origen clearly demonstrated that no essential theory could be mounted upon them. I side with N. Rowe who notes allegorical accounts of Origen exhibit certain inconsistencies in their exposition of the subject. At times, Origen presents the Word as the subject of descent and self-emptying, whereas some other passages "seem to indicate that in Origen's view the self-emptying of the Divine Word was only apparent."[43] Thus, from a doctrinal perspective, the use of analogical reasoning was simply insufficient for building up the theory of the Incarnation.[44] Can the same thought be extended to Origen's discourse in general?

There was a heated debate in the second half of the twentieth century over the meaning of descent in Origen, which aimed at testing a general coherence of Origen's thought along with its possible ramifications. This debate has not actualized in the offering of an account upon which scholars

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42. See *Hom. in Cant*. II.3.

43. Rowe, *Origen's Doctrine of Subordination*, 119.

44. These inconsistencies lead Rowe to think, "here as much as anywhere that Origen reveals himself as not being a systematic theologian, because he does not really attempt to reconcile the disparate elements of His thinking" (Rowe, *Origen's Doctrine of Subordination*, 119). Rowe argues against M. Harl's proposal that there existed in Origen's discourse primary and secondary hypotheses, the secondary ones in no way affecting the coherence of the entire discourse. Thus, Rowe admits a certain lack of coherence in Origen's thought.

could reach a mutual agreement. As J. W. Trigg and N. Rowe rightly indicate, an admission of the ideas of descent, self-emptying into theological discourse implied an admission of a subordinationist schema into theology, a novelty that was not appreciated by future generations of theologians, since it, in a sense, precipitated the fourth-century controversy over the nature of the Word.[45] However, as far as *On First Principles* is concerned, it seems Origen offers a not altogether incoherent account, the question of its orthodoxy being irrelevant in this case. So, we may ask, what had Origen to offer to solve the puzzle of the Incarnation?

In order to solve the puzzle, Origen, in *On First Principles*, following Plato's *Timaeus*, posits the soul as a medium between the two realms that gives way to *Nous* in the realm of becoming. The introduction of soul, thus, was premised on the assumption that *Nous* cannot "come-to-be" apart from the soul. The soul mediates between the two realms, as *Nous* cannot "come-to-be" or "descend" from one realm to other, apart from soul. What is the meaning of "descent" in this context? Does it mean that the Word of God had, in some way or another, mingled with the *sarx* and thus actually descended into the realm of becoming? The answer was negative. On the other hand, Origen does not go as far as to say that the "descent" is mere metaphor. It is a "real" thing. Yet, the meaning of "descent" in Origen's discourse seemed to have purely participational significance. Thus, *Nous*/Logos can be "participated in" by the highest phase of the soul, its noetic phase. Through the participation, the soul acquires virtues and becomes an active mediator between the two realms, thus bringing order and rationality to the created *kosmos*. This is precisely the reasoning that one would find in Platonism's philosophical manuals.

However, Origen argues, because of the original sin of pre-existent souls (which resulted in the fall or descent to the lower realms) and the consequent corruption of their nature, their capacity to see or contemplate (*theorein*) *Nous*/Logos and the intelligible entities (*noeta*) was significantly diminished, as the eye of the soul became incapable of contemplating pure beings.[46] Consequently, it could not be just any soul. It was the pure,

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45. Trigg, *Origen*, 98ff; Rowe, *Origen's Doctrine of Subordination*, 37ff.

46. Thus, "by some inclination towards evil these souls lose their wings [the image taken from Plato's *Phaedrus*] and come into bodies…" (Origen of Alexandria, *On First Principles*. ed. Henri De Lubac [Gloucester, Mass: Peter Smith, 1973], 73). However, "The only-begotten

uncorrupted soul of Jesus that had not experienced the original fall and was thus a perfect medium for *Nous*/Logos to restore order and rationality in the *kosmos* slipping into chaos.

In the second book of *On First Principles* we read the following passage:

> That soul of which Jesus said, "No man taketh from me my soul," clinging to God from the beginning of the creation and ever after in a union inseparable and indissoluble, as being the soul of the wisdom and word of God and of the truth and the true light, and receiving him wholly, and itself entering into his light and splendor, was made with him in a pre-eminent degree one spirit, just as the apostle promises to them whose duty it is to imitate Jesus, that "he who is joined to the Lord is one spirit." This soul, then, acting as a medium between God and the flesh (for it was not possible for the nature of God to mingle with a body apart from some medium), there is born, as we said, the God-man, the medium being that existence to whose nature it was not contrary to assume body. Yet neither, on the other hand, was it contrary to nature for that soul, being as it was a rational [noetic] existence, to receive God, into whom, as we said above, it had already completely entered by entering into the word and wisdom and truth.[47]

Origen seems to think that it is utterly impossible for *Nous*/Logos to "come-to-be" on its own, so to say, or, in other words, to "descend" from one realm to the other. However, even if he was convinced that the truth of Christianity is founded upon the kenotic account of the Incarnation, taken at its face value, he would have been incapable of convincing his fellow students that the notion of self-emptying of the deity is anything more that the product of primitive religious piety. One of the reasons for such an attitude was that the descent of *Nous*/Logos into the realm of sensible particulars necessarily makes *Nous* susceptible to mutation and change, and thus immediately deprives *Nous*/Logos of its divine status, re-classifying the

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Son of God…since he is the invisible 'image' of the 'invisible' God, he granted invisibly to all rational creatures whatsoever a participation in himself, in such a way that each obtained a degree of participation proportionate to the loving affection with which he had clung to him. But…by reason of the faculty of free will, variety and diversity had taken hold of individual souls, so that one was attached to its author with a warmer and another with a feebler and weaker love…" (Origen, *On First Principles*, 110). Thus, the weakness and imperfection in participating capacities are attributed to the original sin.

47. Origen, *On First Principles*, 110.

Word of God as *ktisma*, a created being capable of change and mutation.[48] Nevertheless, the notion of *kenosis* or self-emptying of *Nous*/Logos was crucial for Christian discourse and had to be explained in one-way or another.[49]

Origen attempts to work out this issue by attributing *kenosis* to the pre-existent soul of Jesus rather than to *Nous*/Logos.[50] Though the text is quite ambiguous in this respect, what is clear is that the impossibility of self-emptying is affirmed for the immutable Logos, who is not a subject of change and alteration. Origen's insistence on the participational model supports such a conclusion. Thus, the attribution of *kenosis* to the pre-existent soul of Jesus can be easily inferred from the text. It is the pre-existing soul of Jesus that is the subject of the Incarnation. It is the soul of Jesus that experiences self-emptying and descends from heaven. As H. Crouzel rightly argues, "le Christ-homme existe donc des le préexistence, bien avant l'Incarnation; et jusqu-à elle il a déjà toute une histoire."[51] It is this pre-existing soul that is the subject of the Incarnation *per se*. Yet, the Incarnation is also attributed to the Word through the exchange of names.

There seems to be two entities that are at work during the "divine embodiment," namely, the soul of Jesus (the subject of self-emptying) and the Word of God. Both entities are, in a sense, self-subsisting (i.e. hypostatic), and thus represent two centres of operations (two centres of volition and rationality) in one Christ, though the reality of each entity "exists in one and the same person."[52] Thus, a kind of personal or prosopic union[53] is posited

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48. The implications of divine mutability were fully explicated in the following century during the Arian crisis.

49. Origen notes elsewhere, "When, therefore, we consider these great and marvelous truths about the nature of the Son of God, we are lost in the deepest amazement that such a being, towering high above all, should have 'emptied himself' of his majestic condition and become man and dwelt among men" (Origen, *On First Principles*, 109).

50. Thus, "It was this soul which Origen in one passage declares to have emptied itself and to have taken the form of a servant" (Rowe, *Origen's Doctrine of Subordination*, 130). Hence, it is the soul of Jesus that is the proper subject of the Incarnation.

51. H. Crouzel, *Origène* (Namur: Culture et Vérité, 1984), 252.

52. Origen, *On First Principles*, 109.

53. The word "personal" comes from the Latin *persona* and the Greek *prosopon*. Their original meaning was "mask" or "face," the Latin term also connoting the notion of amplification of the actor's voice on stage (*personare*—lit. to sing through). Both terms had a similar significance in the third century, namely an appearance, a mode of presentation, etc. One important

to unite two ontologically dissimilar self-subsisting entities. Yet, this union is established upon another union, that of the soul of Jesus with the Word of God, which pre-existed the descent and self-emptying of the Word. As A. Grillmeier rightly points out:

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ramification of this application for a third-century thinker was that these notions were not ontologically grounded, pertaining to the mode of appearance rather than denoting being *per se*. We can better apprehend the difference by contrasting the notion of "nature" with that of appearance. Nature, in the mind of a third-century thinker, stood for the inner constitution of a thing, i.e. its very being.

Despite all intricacies associated with the notion of nature or being, we can also detect some commonsense applications of the word. For instance, the nature of a particular human being can be associated with animality, rationality, etc.; yet, it could also be connected with the social status or title of a concrete individual, indicating something lasting and distinguishing one human being from another. In this context, "this" particular human being is a king. And kingship is his "nature." Yet, when he puts on the soldier's robe, he appears in the *prosopon* of a soldier. For someone not familiar with the real "nature" of this human being, he is indeed a soldier. But this is a temporary appearance, which won't last for long. A king is still king even when he puts on a different "personality" or *prosopon*. Similarly, God is God by nature; God retains his proper nature even when he appears as a human being. The Antiochian thinkers very often utilized these imageries.

An immediate offshoot of this illustration is that *prosopon* is not what a thing is. Further, it is something that can be deceitful. Thus, if a kind appears in king's robes (his proper vestment), his appearance corresponds well with his "being"; whereas, his appearance in soldier's robes does not.

Another application of the terms person or *prosopon* has to do with the notion of unity. A good example here is a family in which two beings create a relational unity while retaining their subsistence. Hence, the two are united, but the unity does not affect their beings, rather indicates a certain relation that they enter. Hence, here the notion of relationality is accentuated.

The fifth-century Christological development made certain amendments to the notion of person/*prosopon*. The council of Chalcedon equated the notion of person with that of hypostasis, a more ontologically grounded notion, which was used extensively in the Trinitarian debates of the fourth century. Hence, from then on the notion of person or *prosopon* acquired a new significance, i.e. standing for a particular being that instantiates its nature/*ousia* (a general set of properties). Hence, the hypostasis or person of Christ is a particular instantiation of divine nature; yet, a peculiar feature of the person of Christ is that his hypostasis/person/*prosopon* also instantiates human nature by allowing it to subsist in himself (his own hypostasis).

As far, however, as Origen's use of the notion is concerned, it is purely relational, having to do with an appearance or mode of presentation rather than with being or nature.

> Unity in Christ is achieved through the mediacy of the soul of Christ between *sarx* and Logos, which the Platonic dualism of Origen is otherwise unable to unite. This soul, however, has already been united from eternity with the divine Logos in complete understanding and love.[54]

And once again, the union spoken of in both cases is relational, so to say, since "the two are directly conjoined through direct vision in love,"[55] while differing in nature, as it were. Hence, they appear to be one, since they share "direct vision in love" (whatever this vision may consist in), while in reality retaining their subsistence.

Later on in Book II, Chapter VI of *On First Principles*, Origen proposed an account of Christology in which the notion of double subjectivity in Christ is even more intensified. Here, the personal subject of Christ is a man, an incarnate soul, and an emphasis is made on the perfect participation of the Word of God (or in wisdom and truth) and acquisition of virtues. Thus:

> It was on this account also that *the man* became Christ, for he obtained this lot by reason of his goodness…(II.VI.4)…it was the perfection of his love and the sincerity of his true affection which gained for him this inseparable unity with God, so that the taking up of his soul was neither accidental nor the result of personal preference, but was a privilege conferred upon it as a reward for its virtues…As a reward for its love, therefore, it is anointed with the "oil of gladness," that is the soul with the word of God is made Christ…[56]

The last phrase of the paragraph, "it was appropriate that he who had never been separated from the Only-begotten should be called by the name of the Only-begotten and glorified together with him,"[57] clearly delineates the two hypostatic entities, two subjects in Christ. The meaning of separation here is again participational.

In Platonism, the higher principle of the composite of soul and body constitutes the principle of human identity; thus, it is soul that constitutes the identity of a human being; moreover, it is the highest phase of the soul, its

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54. A. Grillmeier, *Christ in Christian Tradition*. Vol. I (Atlanta: John Knox Press, 1975), 146.
55. Grillmeier, *Christ in Christian Tradition*, 146.
56. Grillmeier, *Christ in Christian Tradition*, 111.
57. Grillmeier, *Christ in Christian Tradition*, 112–113.

noetic phase, that is the ultimate seat of personal identity.[58] This principle of human identity has been unequivocally stated in the *Alcibiades* [129e 5ff.] of Plato, and since then became a commonplace in Platonist philosophical rhetoric. This is also Origen's understanding of the subject. Therefore, it is the soul of Jesus that primarily constitutes the identity of Christ. The purity of this soul gave it a special capacity for creating a conjuncture with the Word of God through its noetic phase, and thus, for becoming Christ. However, in the union, two self-subsisting realities, as it were, are present: the one of the man Jesus (of the incarnate soul of Jesus) and the other of the Word of God, the Second Hypostasis of the Trinity. Their relation seems to be the relation of participation. One can clearly see in this account an emerging "theology of two sons," which Diodore of Tarsus and Theodore of Mopsuestia later introduced (though the reason for Diodore's introduction of double-subjectivity in Christ was different, emerging out of the post-Arian theological development).[59]

To sum up, Origen's philosophical rhetoric, represented by various sets of assumptions and premises and used for the purposes of persuasion of Alexandrian audiences, brought a major change in the Christological thought of the third to fourth centuries and was responsible for the introduction of what can be designated a non-Incarnational Christology (in which the subject of self-emptying and Incarnation is someone other than the Word of God), as well as of the notion of double subjectivity in Christ. Origen thus evoked the participational model of Plato and denied the *kenosis* of the Word of God. This *kenosis* is attributed to the soul of Jesus.

It is worthwhile noting that, in Christological discourse, the unity or duality of subject/s in Christ is normally tested against the use of the so-called *communicatio idiomatum*. A discourse characterized by the use of such *communicatio* posits one subject of attributions and actions in Christ. On the contrary, the absence of the principle of *communicatio idiomatum* is considered to be a sign of the affirmation of double subjectivity in Christ,

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58. Cf. Rowe, *Origen's Doctrine of Subordination*, 131: "The highest element in human nature is in fact called by Origen indifferently *pneuma* or *nous*."

59. A very lucid explanation of the subject matter can be found in Francis Sullivan's *The Christology of Theodore of Mopsuestia* (Romae: Apud Aedes Universitatis Gregorianae, 1956), where the post-Arian Christological development is presented as definitive for the development of Theodore's account of Christ.

where two ontologically dissimilar entities (natures) manifest themselves in two centres of operations in Christ; hence, attributes and actions of each nature are predicated of their proper personal subjects (Word and Jesus). What, then, can we find in Origen? The following passage gives us some clues on the subject under consideration:

> It was therefore right that this soul, either because it was wholly in the Son of God, or because it received the Son of God wholly into itself, should itself be called, along with that flesh which it has taken, the Son of God and the power of God, Christ and the wisdom of God; and on the other hand that the Son of God, 'through whom all things were created,' should be termed Jesus and the Son of man. Moreover, the Son of God is said to have died, in virtue of that nature which could certainly admit death, while he of whom it is proclaimed that 'he shall come in the glory of the Father with the holy angels', is called the Son of man. And for this reason, throughout the whole scripture, while the divine nature is spoken of in human terms the human nature is in its turn adorned with marks that belong to the divine prerogative.[60]

G.W. Butterworth classifies this passage as an example of *communicatio idiomatum*. It should be noted, however, that *communicatio idiomatum* can mean either an exchange of attributes/properties or an exchange of names—the notion of exchange of properties entails an exchange of names, whereas the notion of exchange of names does not necessarily contain the idea of mutual interpenetration of properties. Unfortunately, the Latin expression does not distinguish between these meanings and leaves them indiscriminate;[61] this, in turn, causes some confusion about the precise meaning of what is "communicated." A Greek *idion*, from which *idioma* is derived, signifies "property"; however, in Latin, *idioma* also means name. Thus, this expression has a dual significance and can be used equivocally. However, it also hints that the use of *communicatio idiomatum* may not necessarily function as a suitable test for the conception of unity of personal subject of Christ. What is the import of this distinction in our case?

It seems to me that the difference in meaning, in this context, is associated with different conceptions of the union of natures in Christ. Thus, a conception of prosopic union, in which two ontologically dissimilar entities (in Origen's case, divine and psychic) create a union of appearance,

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60. Origen, *On First Principles*, 111.

61. The Greek term was *antidosis idiomaton*.

affirms *communicatio* or exchange of names in the single *prosopon*; hence, two self-subsisting entities give the names of their properties to the single *prosopon*, which can be thus designated by both sets of names, or by their combination. However, an ontologically grounded conception of hypostatic or natural union entails *communicatio* or mutual exchange of properties, in which case two natures joined in one hypostasis exchange their properties; hence, the human nature (without ceasing to be human) which is mutable and mortal acquires the property of immutability and becomes immortal (which is a theological justification of the notion of *theiosis* or *theopoiesis*, "deification"). In the case of Origen's use of *communicatio idiomatum*, the "exchange" concerns predication and names; no traces of mutual interpenetration of properties of two dissimilar natures can be found in this passage.

There seems to be no necessity for the exchange of properties, as the soul of Jesus was already pure and incorrupt, its nature being unsusceptible to sin, etc.[62] Thus, it was already immutable. Taking into account that "the nature of his soul was the same as that of all souls,"[63] each soul seems to have an equal capacity to acquire virtues and become a christ through the participation in the Word of God. This is an exemplarist model of salvation. The sinless and immutable soul of Jesus makes the invisible Word of God manifest to the other souls that fell and lost their capacity for seeing God. It enables them once more to contemplate God in Christ, and thus, following the same pattern, creates a conjuncture of the souls with the Word of God, in order to permit their re-ascent.

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62. The following quote I think supports well my conclusion: "But if the above argument, that there exists in Christ a rational soul, should seem to anyone to constitute a difficulty, on the ground that…souls are by their nature capable of good and evil, we shall resolve the difficulty in the following manner…since the ability to choose good and evil is within the immediate reach of all, this soul which belongs to Christ so chose to love righteousness as to cling to it unchangeably and inseparably in accordance with the immensity of its love; the result being that by firmness of purpose, immensity of affection and an inextinguishable warmth of love all susceptibility to change or alteration was destroyed, and what formerly depended upon the will was by the influence of long custom changed into nature. Thus we must believe that there did exist in Christ a human and rational soul, and yet not suppose that it had any susceptibility to or possibility of sin" (Origen, *On First Principles*, 112–113).

63. Origen, *On First Principles*, 112.

It is of no surprise that Origen concludes the paragraph quoted above by saying, "for to this more than to anything else can the passage of Scripture be applied, '[t]hey shall both be in one flesh, and they are no longer two, but one flesh.' For the Word of God is to be thought of as being more 'in one flesh' with his soul than a man is with his wife,"[64] which sounds very much like the prosopic union of God the Word with "those with whom he is pleased by reason of their zealous devotion to Him,"[65] which, in the following century, Theodore of Mopsuestia propagated. Thus, two self-subsisting entities create a prosopic union (in which two hypostatic realities share one external manifestation or a form of appearance) that is similar to the one of wife and husband.

In light of what has been said so far, I should argue that diverging accounts of the scholars of our time regarding Origen's essential rationale for the introduction of the soul of Jesus as a medium between the Word and flesh and as the subject of descent, indeed, in one way or another explain the "why" of Origen's imposition of the soul of Jesus. The references to the inner logic of Origen's Logos Christology, his mid-Platonist mysticism of the ascent of the soul to God, his Trinitarian schema, anthropological concerns, etc. do not appear superficial, as far as the subject at stake is concerned. Thus, the question why Origen chose to construct his account of the Incarnation through the imposition of the soul of Jesus may have more than one legitimate answer; and Origen's diverging *theologoumena* can perhaps accommodate all of them. Yet, it seems to me that an explicit heterodoxy of the account of the Incarnation offered in *On First Principles* makes the "why" of Origen's imposition really pressing. One way to proceed will be, once again, to accentuate Origen's Platonism. Hence, "Origen spoke above all as a Platonist in his explanation of the mediacy of the soul of Christ."[66] Yet, one may also question why Origen chose the tradition of the *Timaues* (i.e. of the middle-Platonist commentaries on the *Timaeus*) and not that of, say, the *Parmenides*. Moreover, the extent of the utility of the *Timaeus* for Origen seems not to extend beyond the commonplace of the mediacy of the soul. Thus, perhaps the reference to "Origen's Platonism" without qualifications does not have its intended explanatory value. It is

64. Origen, *On First Principles*, 111.
65. Sullivan, *The Christology of Theodore of Mopsuestia*, 245.
66. Grillmeier, *Christ in Christian Tradition*, 147.

the conjecture of this article, thus, that Origen's account of the Incarnation, as it was presented in *On First Principles,* came about as the result of his creative appropriation of Platonism's philosophical rhetoric for the sake of persuading his audience of the truth of God's descent and self-emptying. Yet, Origen was quite flexible in terms of his philosophical commitments and could pick and choose whatever means were available at the time to fulfill his apologetic ends.

Finally, it should be noted that Origen's appropriation of Platonism's philosophical rhetoric had immense theological implications; Origen, in a sense, opened a Pandora's box of double subjectivity in Christ (probably unintentionally). It took at least three centuries for Christian thinkers to work out the issue of double subjectivity in Christ. The ecumenically accepted notion of Christ being "one and the same" as the Word of God hypostatically united with flesh endowed with rational soul was developed to a large degree as a response to the Christological schema that Origen of Alexandria introduced. The model of Origen, nevertheless, was successfully purposed to evangelical missionary persuasion by the theologians of the third and fourth centuries, until the time it became unacceptable to subsequent generations of theologians due to its theological flaws.

Public Reason, Reasonable Pluralism, and Religious Freedom: Re-Visiting the Criminalization of Apostasy in Pre-Modern Islamic Law

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> *[10:99-100] Had your Lord willed, all the people on Earth would have believed. Will you then force the people to believe? No soul can truly believe, except by God's permission. For He places a curse upon those who refuse to engage their reason!*
> The Holy Qurʾān [10:-100][1*]

> The penalty for apostasy, in Islamic law, is death. Islam is conceived as a polity, not just as a religious community. It follows therefore that apostasy is treason. It is a withdrawal, a denial of allegiance as well as of religious belief and loyalty. Any sustained and principled opposition to the existing regime or order almost inevitably involves such a withdrawal.
> Bernard Lewis[2]

One of the most persistent political challenges for multicultural societies is the crafting of a just democratic order that is at once inclusive and respectful of doctrinal diversity. The salient question for any pluralist society is how a state's political structures can ensure to protect the widely diverse and conflicting religious and philosophical doctrines of its citizenry, while simultaneously guaranteeing that such doctrines are held at bay from dictating the state's policies, political institutions, and the day-to-day affairs of its citizenry. As a cornerstone to this political project, the most fundamental and pressing rights to be guaranteed are the free exercise of religion and expression. Indeed, one of the greatest hindrances to social cooperation within the global arena today is what is perceived to be the

1. Author's own translation.
2. Bernard Lewis, "Islamic Revolution," *The New York Review of Books* 34, no. 21/22 (Jan. 21, 1988), http://www.nybooks.com/articles/archives/1988/jan/21/islamic-revolution/?insrc=toc (accessed June 22, 2014).

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inherent incompatibility between competing ethical and religious doctrines, such as with the longstanding tradition of Islamic law and the universal norms and desiderata of the international human rights regime.

This paper explores possible resolutions to the outstanding challenge of freedom of religion within the Islamic tradition, particularly as it pertains to the Islamic law of apostasy, which, at least theoretically, remains a potential obstacle for Islam's ability to successfully endorse the constitutional essentials of a democratic regime. In doing so, I engage the influential framework of Rawlsian political liberalism as a helpful theoretical point of departure. As Rawls suggests, in the crafting of an "overlapping consensus" on constitutional essentials, each "reasonable" comprehensive ethical doctrine must seek to justify its endorsement of the fair terms of social cooperation from within the resources of its own tradition. With this in mind, I engage pre-modern juristic perspectives on apostasy, exploring contemporary Muslim scholarly efforts that seek to re-evaluate its criminalization. In doing so, I focus exclusively on historically grounded arguments that eschew an emphasis on ahistorical hermeneutical strategies of reinterpreting scripture and that seek to remain faithful to the doctrinal commitments and the normative methodology of traditional Islamic jurisprudence. I conclude by illustrating how, as a number of scholars have amply shown, the discursive nature of the Islamic legal tradition and its indigenous interpretive tools offers Muslim intellectuals and reformers significant leeway for revoking the pre-modern punishment for apostasy via a form of legal reasoning that remains faithful to the normative methodology of traditional Islamic law, thereby simultaneously meeting the requirements of what may constitute as a "reasonable" comprehensive doctrine in Rawls's conception of political liberalism.

Introduction

The topic of Muslim apostasy has remained a recurrent theme in the Western political imagination and public discourses on Islam and secular democracy ever since the 1989 *fatwa* against Salman Rushdie in the wake of *The Satanic Verses* controversy. The topic remains a salient challenge for contemporary Islam, with intermittent reminders from high-profile

cases in Muslim countries, such as Egypt[3] and Malaysia; and recently with the 2006 case of Abdul Rahman, an Afghan convert to Christianity who faced a possible death sentence before being offered asylum in Italy, and the 2014 case of Mariam Yahya Ibrahim Ishag, a Sudanese woman raised as a Christian by her mother and sentenced to death for apostatizing from her father's Muslim faith.[4] Such highly publicized cases have served to highlight the tensions between the substantive legal provisions of traditional Islamic law, on the one hand, and the modern norms of international human rights on the other. Can such an uneasy antagonism between different legal traditions and their competing normative values be accommodated within a constitutional democratic framework?

In proceeding to tackle this challenge with regards to the topic of apostasy, a discussion of Rawls's political conception of justice may serve as a promising point of departure. In his seminal and highly influential work *Political Liberalism,* Rawls sets out to boldly answer the following central concerns:

> How is it possible that deeply opposed though *reasonable* comprehensive doctrines may live together and all affirm the political conception of a constitutional regime? What is the structure and content of a political conception that can gain the support of such an overlapping consensus?[5]

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3. For an indepth examination of the high profile apostasy trial of prof. Nasr Hamid Abu Zayd in the 1990s and the politics of apostasy trials in the Egyptian legal system, see Baber Johansen, "Apostasy as Objective and Depersonalized Fact: Two Recent Egyptian Court Judgements," *Social Research* 70, no. 3 (Fall 2003).

4. Amin Tarzj, "Afghanistan: Apostasy Case Reveals Constitutional Contradictions," *Radio Free Europe / Radio Liberty*, March 22, 2006, http://www.rferl.org/content/article/1066970.html (accessed June 22, 2014); "Afghan convert arrives in Italy for asylum," *CNN World*, March 29, 2006, http://www.cnn.com/2006/WORLD/asiapcf/03/29/christian.convert/index.html (accessed June 22, 2014); "Sudan woman gets death sentence for apostasy," *Aljazeera*, May 17, 2014, http://www.aljazeera.com/news/middleeast/2014/05/sudan-woman-given-death-penalty-apostasy-20145159264775754.html (accessed June 20, 2014). In Maryam's case, though she has already been sentenced for apostasy by a Sudanese judge, it remains to be seen whether the sentence will go through due to mounting local and international pressure and her appeal process, which is currently under review.

5. John Rawls, *Political Liberalism* (New York: Columbia University Press, 2005), xviii. Emphasis is mine.

Rawls begins to answer these questions with a central assumption inherent to political liberalism itself—"for political purposes, a plurality of reasonable yet incompatible comprehensive doctrines is the normal result of the exercise of human reason within the framework of the free institutions of a constitutional democratic regime."[6] Thus, in order to ensure a wide acceptance within the context of a multicultural and pluralist society, Rawls must consciously define his political conception of justice as "freestanding," in that it is not derived from any commitments to a wider comprehensive doctrine.[7] His conception of justice is not to be regarded as a comprehensive vision of the "good"; rather, it is necessarily restricted to the political domain; although the individual is still regarded as a moral agent, "the kinds of rights and duties, and of the values considered, are more limited."[8]

It is also necessary to recall that Rawls's political vision is limited to including only such doctrines as are deemed to be "reasonable."[9] For Rawls, a "reasonable doctrine" is characterized by three seminal features:[10] (1) it is an exercise in "theoretical reason," in that it articulates a worldview that coherently and consistently covers the major religious, philosophical, and moral aspects of human life; (2) it is an exercise in "practical reason," in that it emphasizes certain values and attempts to balance them with one another when they conflict; and (3) it is "stable over time," in that, although not fixed and unchanging, it is "not subject to sudden and unexplained changes"' but, rather, it relies upon a normative tradition of thought and doctrine that evolves slowly and incrementally over time, "in light of what, from its point of view, it sees as good and sufficient reasons."

The third feature of "reasonableness" suggests that, for any doctrine to be considered reasonable, it must be characterized by a coherent system of thought that evolves on the basis of principled and thoughtful argumentation and that is internally consistent. In the context of the Islamic legal tradition,

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6. Rawls, *Political Liberalism*, xvi.

7. Rawls, *Political Liberalism,* xlii.

8. Rawls, *Political Liberalism,* xliii.

9. As he states with regard to other potential types of doctrines: "Of course, a society may contain unreasonable and irrational, and even mad, comprehensive doctrines. In their case the problem is to contain them so that they do not undermine the unity and justice of society" (Rawls, *Political Liberalism,* xvi–xvii).

10. Rawls, *Political Liberalism,* 59.

this would suggest that any attempts at internal reform must be rooted in a re-evaluation of sacred source-texts that works within the normative parameters of Islamic juristic methodology, using reasoned and plausible arguments that have the potential to gain wider currency amongst Muslims.

For Rawls, citizens are considered to be "reasonable" so long as they are capable of viewing each other as "free and equal citizens" who are capable of offering each other "fair terms of social cooperation" and are willing to act on them, provided that others also accept the same terms.[11] This definition suggests not all reasonable comprehensive doctrines need necessarily be liberal ones; the definition of reasonableness is left "deliberately loose"[12] and minimalist.

Thus, given the inclusiveness of Rawls's definition, the essential challenge is how to ensure that his political conception of justice is freely endorsed by a diversity of conflicting doctrines. For Rawls, it is insufficient to accept a democratic form of government as part of a *modus vivendi*; rather, more ambitiously, all reasonable comprehensive doctrines must be regarded as essentially compatible "for the right reasons" with his political conception of justice.[13] As such, in order to obtain an overlapping consensus on constitutional essentials in a society characterized by a reasonable pluralism, citizens must seek to engage in an inclusive mode of deliberation, namely what Rawls terms as "public reason." This entails a form of collaborative dialogue on constitutional essentials and matters of public justice that eschews the grounding of justifications in foundational metaphysical principles.[14] Through this limited mode of reasoning, citizens are capable of ideally affirming Rawls's political conception of justice, while simultaneously endorsing it from within their own respective traditions.[15]

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11. Rawls, *Political Liberalism,* xlii, 122ff.

12. Rawls, *Political Liberalism,* 59.

13. Rawls, *Political Liberalism,* xxxvii.

14. Muhammad H. Fadel, "Public Reason as a Strategy for Principled Reconciliation: The Case of Islamic Law and International Human Rights Law," *Chicago Journal of International Law* 8, no. 1 (2008): 3.

15. Rawls, *Political Liberalism,* xix. As Rawls points out, public reason is to be distinguished from "non-public" modes of reason, which are not to be confused with private modes of reasoning, which rather signify inaccessible modes of reasoning that are rooted in a specific comprehensive doctrine.

Critiques of Political Liberalism

Though Rawls's theory of political liberalism has significantly contributed to discussions on democratic pluralism and freedom of religion, as several thinkers have pointed out, the theory is not without its problems. Many of Rawls's religious critics would take issue with the designation of his conception of "justice as fairness" as "free standing," arguing that his project is simply a modified version of secular liberal politics as usual. Even secular critics may hold that, contrary to his assertions, there is nothing "reasonable" about expecting everyone to argue in the same terms, "which just happens to be a slightly adjusted version of the same terms dictated by his comprehensive secular liberalism."[16]

Some, such as Jeffrey Stout, have serious reservations about Rawls's very conception of what is "reasonable." As Stout explains:

> to be *reasonable* is to accept the need for a social contract and to be willing to reason on the basis of it, at least when deliberating in the public forum . . . This definition implicitly imputes *unreasonableness* to everyone who opts out of the contractarian project, regardless of the reasons they might have for doing so.[17]

As Nicholas Wolterstorff and others argue, given that a fundamental tenet of liberal democracy is the ability of citizens to enjoy equal freedom in living their individual lives as they see fit, how can this be compatible with the moral restriction on discussing and deciding political issues as they see fit? Essentially, while the right to express freely one's religious commitments is fully guaranteed, this is not a right to be enjoyed in the political sphere, where the most important issues are resolved.[18]

In response to Rawls's definition of "reasonableness," Stout proffers a simpler, plausible alternative definition: "a person is reasonable in accepting or rejecting a commitment if he or she is 'epistemically entitled' to do so, and reasonable people are those who comport themselves in accord with their epistemic responsibilities."[19] Defined in this light, it would be epistemologically inconsistent to maintain that those who hold comprehensive doctrines are reasonable in this sense, while those who

16. Jeffrey Stout, *Democracy and Tradition* (Princeton: Princeton University Press, 2004), 76.
17. Stout, *Democracy and Tradition*, 67. Emphasis mine.
18. Stout, *Democracy and Tradition*, 68.
19. Stout, *Democracy and Tradition*, 68.

dissent from the social contract are unreasonable in the same sense. As he concludes, "There are sound epistemological reasons for rejecting the quest for a common basis, reasons rooted in the permissive notion of epistemic entitlement that lends plausibility to the doctrine of reasonable pluralism in the first place."[20]

Furthermore, Rawls's vision of politics remains explicitly contractarian in its assumption of a single relevant political community, failing to account for the plausibility of a politics of multiple communities as the natural concomitant of living in a pluralist society. Nicholas Wolterstorff summarizes what he regards as liberalism's misguided project:

> The liberal is not willing to live with a politics of multiple communities. He still wants communitarian politics. He is trying to discover, and to form, the relevant community. He thinks we need a shared political basis; he is trying to discover and nourish that basis.[21]

Thus, Wolterstorff calls for moving beyond Rawls's social contract model towards what he terms a "consocial" model of discursive sociality, which envisions several discursive political communities that are unhindered in their exchange of reasons within and across their own boundaries.[22]

Aside from these directed critiques, Abdul Aziz Sachedina argues that divorcing any conception of justice from its moral and metaphysical foundations is inherently problematic. Thus, as long as the cross-cultural applicability of the universal principles enshrined in human rights documents is not openly and sincerely addressed, conservative Muslim leaders will continue to espouse the tendency of moral relativism in denying the international human rights regime any claims to legitimacy; by detaching universal morality from any metaphysical foundational principles in their efforts to accommodate a diversity of religious traditions, human rights advocates and liberal thinkers may have unwittingly undermined the very universality of their project. As he explains, "Paradoxically, while the search for universality through secularization of human rights norms also paved the way for pluralistic sources of morality, it also led to their

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20. Stout, *Democracy and Tradition*, 68.

21. Robert Audi and Nicholas Wolterstorff, *Religion in the Public Square: The Place of Religious Convictions in Political Debate* (Lanham, Maryland: Rowman & Littlefield Publishers, 1997), 109.

22. Audi and Wolterstorff, *Religion in the Public Square,* 114.

inevitable relativity."[23] The corrective to this unfortunate development is thus to openly acknowledge and to avoid shying away from an articulation of the link between the secular democratic values expressed in human rights documents and the eighteenth-century philosophies of the Enlightenment that emphasized the inherent attributes of the human person out of which they emerged.[24]

Despite these insightful critiques, Rawls's conception of public reason and his understanding of what may constitute a "reasonable doctrine" remain highly influential in liberal democratic theory as a theoretical response to the challenges of religious pluralism. Indeed, recourse to the model of public reason certainly has its advantages. Apart from taking seriously the normative parameters of the Islamic tradition, or any other ethical tradition for that matter, as its primary point of departure, thereby reflecting a generally more conciliatory approach towards religion, it also proffers a significant degree of flexibility by allowing ample room for significant doctrinal disagreement to exist, as will be shown below. As such, my exploration of public reason as a model of reconciliation is not reflective of any normative commitments to political liberalism but rather reflects the relative efficacy of this model within the liberal democratic framework in particular. Bearing these limitations in mind and acknowledging the theoretical possibility for other models of democratic cooperation, we now turn to an illustration of how public reason may be used, within the liberal political tradition more specifically, to mediate some of the outstanding tensions between the Islamic legal tradition and the international human rights regime.

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23. Abdulaziz Sachedina, *Islam and the Challenge of Human Rights* (Oxford and New York: Oxford University Press, 2009), 10ff.

24. As such, the central challenge, as he sees it, is to foster such a cross-cultural discussion on metaphysical principles. The first step in this process is, thus, to construct a more inclusive theology that engages in a critical re-evaluation of Muslim theological resources in support of the foundational principle of the "inherency and inalienability of the rights that accrue to all humans as humans." Sachedina, *Islam and the Challenge of Human Rights*, 16.

Public Reason As a Model of Reconciliation

Among those who have explored the potential for an Islamic endorsement of political liberalism,[25] Muhammad Fadel argues that the concept of public reason can serve as an ideal paradigm in resolving some of the outstanding tensions between the substantive aspects of Islamic law and modern human rights norms, if both sides agree to observe the limitations of this mode of reasoning in their political deliberations. Given Rawls's definition of "reasonableness" and the limits of public reason, Fadel assumes that any deviation from an equality norm by any adherent of a particular comprehensive doctrine, "so long as the deviation is voluntary and rational from the perspective of the concerned individual," ought not to raise any serious political concerns, "even if liberals might question the wisdom of such a choice."[26] As he explains:

> To the extent that such a deviation is driven by properly motivated religious observance, the human right to free exercise of religion also supports—and perhaps even requires—permitting such conduct, even if it results in inequality that would violate human rights norms were such conduct to be mandated by the state.[27]

Such a deviation ought to, in theory, be permitted, as long as it does not translate into the violation of the human rights of others and is "not the result of state-backed coercion."

In outlining how the tensions between Islamic law and international human rights law are to be resolved by an appeal to public reason, Fadel begins with a helpful classification of Islamic legal rulings that are potentially in conflict with public reason. The potentially problematic rulings are ordered into three categories, depending on their degree of conflict with public reason, as follows:

1. Permissive rules: these include the right to own slaves and the right of a man to marry more than one wife. Such rights do not raise a question of conscience for Muslims because Muslims are not obliged to invoke such

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25. Besides Fadel's work surveyed here, see Andrew F. March's insightful monograph on this topic: *Islam and Liberal Citizenship: The Search for an Overlapping Consensus* (Oxford: Oxford University Press, 2009).

26. Fadel, "Public Reason," 3.

27. Fadel, "Public Reason," 4.

rights, and their enjoyment may even be discouraged Islamically. As such, prohibiting them ought to raise no ethical concerns for Muslims.[28]

2. Mandatory rules which could potentially be consistent with the requirements of public reason: these include Islamic inheritance law, which is arguably consistent with the free exercise of religion so long as it is exercised through an act of voluntary consent, and Islamic laws that can be made consistent with the dictates of public reason through the revision of certain obsolete factual assumptions—these are largely based on pre-modern mores and views regarding the capacities of women, etc. that are non-theological in origin.[29]

3. Mandatory rules that are morally repugnant to public reason: among the relatively small handful of rulings under this category are rulings potentially discriminatory towards non-Muslim minorities[30] and the criminalization of apostasy.[31]

This classification helpfully compartmentalizes the potentially controversial rulings of Islamic substantive law from those that can be more readily redeemed through recourse to public reason. Of the three categories mentioned, apostasy laws fall under the most problematic category of rulings that are fundamentally irreconcilable with the dictates of public reason, as they constitute clear violations of the fundamental human rights of others. Given this fact, what are the available avenues for committed Muslims and human rights activists in overcoming what appears to be a fundamentally irreconcilable tension between this small category of Islamic substantive laws and the modern norms of international human rights?[32]

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28. Fadel, "Public Reason," 10–12.

29. Fadel, "Public Reason," 12–18.

30. While the wider topic of freedom of religion as it relates to the treatment of other religious minorities in Islamic law is beyond the scope of this paper, see the following favourable rendition offered by Tim Winter on Islamic law's capacity for accommodating "multiple public sanctities": Abdal Hakim Murad, "Quranic Truth and the Meaning of 'Dhimma,'" *Kalam Research & Media*, http://www.kalamresearch.com/publications.html (accessed November 26, 2010).

31. Fadel, "Public Reason," 18–19.

32. Fadel does not offer a detailed solution to the prominent example of apostasy, arguing instead that human rights advocates ought to avail themselves of the opening provided by modernist scholars who have attempted to re-evaluate its criminalization through a critical re-engagement of Islam's source-texts. See Fadel, "Public Reason," 19.

Theoretically, when disagreement is deemed to exist between Islamic substantive laws and human rights law, drawing back on the discursive tradition of the orthodox schools of law (the *madhāhib*)[33] in an appeal for more favourable rulings have served as a potentially constructive option. However, this recourse seems to be precluded when all of the schools appear to endorse a unanimous consensus (*ijmaʿ*) on a particular legal ruling. Failing this approach, Muslim scholars and human rights advocates have tended to favour a critical reengagement with the sacred source-texts in an attempt to rearticulate a universal vision of personhood and human dignity grounded in novel theological perspectives or the construction of a new hermeneutic.[34] While such an alternative approach may helpfully yield some novel insights, its legitimacy and appeal is weakened from a traditional Muslim perspective due to its departure from mainstream orthodoxy; the tendency to favour idiosyncratic readings of sacred scripture may be regarded by many as insufficiently representative of mainstream Muslim beliefs and commitments for it to constitute as an effective option. Not only is such an ahistorical account likely to be regarded by many as a devaluation of the longstanding traditions of Islamic substantive law (*fiqh*), legal methodology (*usūl*), and Qurʾānic exegesis (*tafsīr*), but also it is likely to run into problems from a Rawlsian perspective—if idiosyncratic epistemological considerations and divergent scriptural interpretations are given equal weight, Rawls's prerequisite of reasonableness, characterized by a comprehensive doctrine's ability to manifest a sense of coherent stability over time, may be called into question with regards to the Islamic tradition as a whole.

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33. While the Shīīte Jaʿfarī school of law is also briefly surveyed, this paper will primarily focus on the views of the four orthodox Sunnī schools of law, particularly in its discussion of Islamic legal methodology.

34. For a prominent example, see the academic discussion between Khaled Abou El Fadel and Mohammad H. Fadel ("Too Far from Tradition") in Khaled Abou el Fadel, *Islam and the Challenge of Democracy*, ed. Joshua Cohen and Deborah Chasman (Princeton: Princeton University Press, 2004), 2–46, 81–86. For other contemporary examples of critical theological arguments and novel attempts at a new Quranic hermeneutic in support of liberal democratic reform see Abdul Aziz Sachedina, *Islam and the Challenge of Human Rights* (Oxford: Oxford University Press, 2009); Abdullahi Ahmed An-Naim, *Toward an Islamic Reformation: Civil Liberties, Human Rights and International Law* (Syracuse, NY: Syracuse University Press, 1996); and Farid Esack, *Quran, Liberation, and Pluralism* (Oxford: Oneworld Publications, 1996).

What these considerations suggest is that the most likely strategy to garner the widest possible Muslim appeal in its support for liberal democratic ideals is a historically rooted approach that takes seriously the normative tradition of Islamic jurisprudence. Such an approach has the added advantage of drawing on the rich and longstanding history of Islamic jurisprudence as a discursive tradition and highlighting its ability to adapt to changing social contexts through the traditionally recognized process of independent legal reasoning (*ijtihād*). Accordingly, at this juncture, prior to delving into an analysis of pre-modern legal opinions on apostasy, it may be helpful to clarify a few assumptions concerning the traditionally accepted sources of Islamic law that have historically developed in the field of Islamic legal methodology.

The process of *ijtihād* in Sunni legal methodology has historically relied upon these four main sources of law: (1) the Qurʾān; (2) the normative Prophetic tradition (Sunna) and the Prophet Muhammad's transmitted reports (*ḥadīth*); (3) legal reasoning through analogical deduction (*qiyās*); and (4) the presence of unanimous scholarly consensus on any given legal ruling (*ijmaʿ*). An understanding of how each of these sources is to be engaged with is of crucial significance to how legal rulings are to be deduced and articulated. First, with regards to the Qurʾān, while creative and even critical interpretations of scripture are theoretically plausible, this paper makes the reasonable assumption that, in order for the interpretation of verses of legal import to hold wider currency amongst Muslims, such interpretations must be historically supported by the precedents established by the Prophet and the earliest generations of Muslims (*salaf*), or, at the very least, they must not openly conflict with any such precedents or established historical facts.

Second, with regards to the Sunna, jurists amongst the different schools of law traditionally adopted a diversity of approaches concerning the use of Prophetic *ḥadīth* reports in legal rulings and the rating of their authenticity, with the Ḥanbalī school being regarded as the most conservative and strict in its adherence to the *ḥadīth*.[35] This discussion is important to bear in

35. These differences of opinion trace their origins to the earliest generations of Islam in the early debates between the *ahl al-ḥadīth* (school of *ḥadīth*) and *ahl al-raʾy* (school of free opinion), whereby the *ahl al-ḥadīth* maintained a stricter adherence to Prophetic traditions in their legal rulings, while the *ahl al-raʾy* more readily accepted independent legal opinions based on analogical reasoning (*qiyās*).

mind in the contemporary Muslim context, particularly with regards to the status of the major canonical collections of authentic (*ṣahīh*) *ḥadīth*, as it continues to remain a source of some contention amongst Muslim scholars and intellectuals; at one extreme, authentic Prophetic *ḥadīths*, particularly those from the two most popular collections of Bukhārī and Muslim, are accorded the status of revelation (*waḥy*) on par with the Qurʾān,[36] while at the other extreme, a trend amongst modernist thinkers increasingly challenges the *ḥadīth* collections as largely fabricated.[37] This range of perspectives has serious consequences for the development of substantive laws: if the authoritativeness of *ḥadīth* reports is argued to be on par with the Qurʾān, then they are to be regarded unquestionably as an independent source of extra-Qurʾānic legislation that is not subject to re-evaluation or criticism.

Third, this paper assumes that, although the four Sunni schools of law have traditionally placed a great degree of confidence in the authenticity of the *saḥīḥ* collections—canonically authenticated works of *ḥadīth*—, a serious re-engagement with the field of *ḥadīth* criticism may help to re-evaluate the authoritativeness of traditions used to derive rulings that appear to conflict with modern human rights norms, particularly when such substantive laws are seen to have no authoritative basis in the Qurʾān. Such a stance suggests that, rather than being regarded as a potential source of extra-Qurʾānic rulings, the Prophetic Sunna can be better understood as a collection of normative precedents from the earliest generations of Islam that are to serve as an exemplary model of how the Qurʾān is to be lived and practiced for Muslims. Furthermore, I adopt the commonly held understanding that the normatively binding nature of legal precedents is to be restricted to the first three generations of Islam (the Salaf), suggesting that the legal opinions of later jurists (*fuqahāʾ*) are to be regarded as the informed opinions of legal specialists, which may theoretically be discarded for other legal opinions that are more amenable to contemporary understandings of justice.

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36. This view is widely shared by scholars of the Salafi movement today, which is loosely affiliated with the traditionalism of the Ḥanbalī school.

37. An example of this second trend can be found in the Qurʾānist movement (*ahl al-Qurʾān*), which espouses a highly critical perspective on the authoritativeness of Prophetic *ḥadīths*. See, for instance, the works of the influential Qurʾānist thinker Ahmad Subhi Mansour at http://www.ahl-alquran.com/.

As for the doctrine of scholarly consensus or *ijmaʿ*, I borrow from the views of the contemporary American Islamic scholar and Mālikī jurist Abdullah bin Ḥamid Ali and assume a restricted sense of the concept—namely, by limiting the scope of the doctrine's applicability to matters of consensual agreement that have been authoritatively established since the earliest generations of Islam or "what is known from the religion by immediate necessity" (*al-maʿlūm min al-dīn bil al-ḍarūra*).[38] As Ali convincingly argues in his extensive study on the topic of *ijmaʿ*, while consensus can serve as a unifying factor in the creation of a coherent body of law, "it can, and has been used constantly as a tool to suppress dissenting opinion even when that dissenting view has been, at times, valid," further noting, "most historical claims of unanimous consensus are subjective and circumscribed by the parameters within which claimants define this concept."[39] As such, the occurrence of authoritative *ijmaʿ* has been historically difficult to ascertain, as different scholars have applied a variety of subjective criteria in defining its scope and meaning.[40] In conclusion, he asserts that *ijmaʿ* has typically served to signify no more than a confirmation of majoritarian opinions, which have often times been used to suppress as heterodox dissenting opinions; he cites several historical examples of defecting legal opinions on controversial instances where consensus was

38. Abdullah bin Hamid Ali, "Scholarly Consensus: Between Use & Misuse," *Lamppost Productions,* http://www.lamppostproductions.com/files/articles/Scholarly%20Consensus.pdf (accessed June 18 2014, 2014).

39. Ali, "Scholarly Consensus," 3.

40. For example, is consensus to be limited to legal authorities (*mujtahids*) of a particular era or ought it to also include lay scholars? Others have favoured limiting its scope to scholars deemed to be upright in character. Despite these disagreements, however, the most historically accepted definition of *ijmaʿ* has been the one provided by the twentieth-century Ḥanafī legal theorist ʿAbd al-Wahhāb Khallāf: "The agreement of all of the *mujtahid*s of the Muslims in a particular age coming after the death of the Messenger upon a scriptural ruling regarding a particular occurrence." Quoted in Ali, "Scholarly Consensus," 4. Defined in this manner, Khallaf has argued that binding consensus has never truly occurred, preferring to equate the term with the process of consultation (*shūra*), i.e. the agreement of scholars present at a particular time and place. Similarly, the twentieth-century scholar ʿAbd Al-Karim Zaydan has also argued that ever since the generation of the Prophet's Companions (*Ṣaḥāba*), when the Muslims community was united and the number of *mujtahids* was still small in number, consensus has no longer truly convened due to the rise in doctrinal disagreements that has inevitably emerged with the dispersion of the juristic class across Muslim lands. Ali, "Scholarly Consensus," 9–10.

deemed to have been convened. Interestingly, among the relevant examples he provides is the case of apostasy.[41] With these clarifications in mind, an analysis of pre-modern juridical opinions on apostasy is now in order.

An Overview of Pre-modern Legal Rulings on Apostasy

Upon reviewing the pre-modern Muslim legal tradition's treatment of apostasy, one notices a near unanimous consistency amongst the four Sunni schools of law in apostasy's categorization as a crime necessitating capital punishment. Most pre-modern *fiqh* manuals include a section devoted exclusively to this crime,[42] categorizing the list of transgressions amounting to apostasy and discussing at length a host of legal opinions on related issues, of which the following are among the most prominent: (1) whether it was necessary to grant apostates the option to repent prior to their execution, and if so, how much time was to be allotted for their repentance; (2) whether apostates were to be subject to distinctive treatments depending on the status and heinousness of their infidelity; and (3) whether female apostates were to be spared the punishment of execution. The following section attempts to summarize in order the pre-modern juridical treatment of these themes.

Generally speaking, pre-modern juristic discourses on apostasy required a voluntary cessation of belief for punishment to take effect; the majority of jurists exempted from punishment individuals who were forced to embrace Islam under conditions of duress or who did not enter

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41. Ali, "Scholarly Consensus," 11–15.

42. For illustrative pre-modern juridical treatments of apostasy within the Ḥanafi and Ḥanbalī schools respectively, see: Burhān al-Dīn ʿAlī b. Abī Bakr al-Marghīnānī, *al-Hidāya, Sharḥ Bidāyat al-Mubtadi'*, ed. Muḥammad Muḥammad Qāmir and Ḥāfiẓ ʿĀshūr Ḥāfiẓ, *Kitāb al-Siyar: Bāb Aḥkām al-Murtaddīn* (Cairo: Dār al-Salām, 2000), 2:871–880; and ʿAbd Allah b. Aḥmad b. Muḥammad Ibn Qudāma, *Al-Kāfī fī Fiqh al-Imām Aḥmad b. Ḥanbal*, ed. Muḥammad Fāris and Masʿad ʿAbd al-Ḥamīd al-Saʿdanī (Beirut: Dār al-Kutub al-ʿIlmiyyah, 1994), 4:59–66. For a more extensive treatment of the topic summarizing the views of the Mālikī school, see the compendium of Mālikī law ʿAbd Allāh b. ʿAbd al-Raḥmān Ibn Abī Zayd, *al-Nawādir wal Ziyādāt ʿala mā fi al-Mudawwana min Ghayrihā min al-Ummahāt*, ed. Muḥammad Ḥajjī (Beirut: Dār al-Gharb al-Islāmī, 1999), 14:490–556.

into it voluntarily, holding such considerations to nullify their apostasy.[43] Furthermore, discussions on the repentance of apostates prior to their execution were a standard theme in pre-modern *fiqh* manuals; unlike the typical *hudūd* penalties,[44] the penalty for apostasy was largely held to be revocable through the sincere act of repentance. As such, the jurists discussed at great lengths issues such as whether granting apostates the repentance option was to be legally mandated and the length of time that they were to be granted for repenting. While most jurists held the repentance option to be mandatory (*wājib*), Abū Ḥanīfa (d. 148 AH / 767 CE) and al-Marghīnānī (d. 593 AH / 1197 CE), among the Ḥanafī school, argued it was only desirable (*mustaḥabb*), as they accorded the apostate the status of a belligerent rebel (*hārbī*).[45]

A small minority of jurists from among the successor generation of the early Muslims (Tābiʿīs)—namely Ibrāhīm al-Nakhaʿī (d. 108 AH / 726 CE), Sufyān al-Thawrī (d. 161 AH / 778 CE), and Al-Hasan b. Hayy (d. 169 AH / 785 CE)—held the unconventional opinion that the door to repentance should continue to remain open, preferring to defer the execution of apostates indefinitely. This view appears to have also been shared by the tenth-century Ḥanafī jurist Abū al-Ḥasan al-Karkhī (d. 340 AH / 951 CE).[46] In addition, the famous twelfth century Ḥanafī jurist Al-Sarakhsī (d. 1106 CE) appears to have held a more explicitly lenient view by rejecting the death penalty altogether, holding that, although apostasy is a most grievous offense, its punishment is to be reserved for the hereafter, since it is primarily a matter between man and his Creator.[47] From among the other schools, the Mālikī jurist al-Bājī (d. 494 AH) and the renowned thirteenth/fourteenth-century Ḥanbalī Ibn Taymiyya (d. 1328 CE) also held that apostasy carries no prescribed penalty, and that it may only be punished under the discretionary

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43. Yohannan Friedmann, *Tolerance and Coercion in Islam* (New York: Cambridge University Press, 2003), 144.

44. *Ḥudūd* typically refers to corporeal punishments that are stipulated in Islamic law for particular criminal offences.

45. Friedmann, *Tolerance and Coercion in Islam,* 127.

46. Friedmann, *Tolerance and Coercion in Islam,* 129.

47. Abdullah Saeed and Hassan Saeed, *Freedom of Religion, Apostasy, and Islam* (Burlington: Ashgate Publishing Company, 2004), 85; Mohammad Hashim Kamali, *Freedom of Religion in Islam* (Cambridge: Islamic Texts Society. 2007), 93–94.

punishment of *taʿzīr*.[48] Such lenient views appear to have gained their support in the early precedents attributed to the second Caliph, ʿUmar b. al-Kaṭṭāb, who was said to have exhibited the Prophet's lenience in dealing with apostates; in at least two separate instances, he is reported to have expressed his displeasure upon being informed of the killing of certain apostates, stating that he would have chosen to imprison them instead.[49]

Despite this diversity of opinions, it appears that the lenient views on apostasy remained in the minority for the most part and were widely contested. As the thirteenth-century Ḥanbalī jurist Ibn Qudāma (d. 620 AH / 1223 CE) was quick to suggest, such opinions contradicted the Sunna and *ijmaʿ* on the issue,[50] which he argued is clearly reflected in the most widely cited *ḥadīth* on executing the apostate: "Whoever changes his religion, kill him" (*man baddala dīnahu faqtulūh*). As such, another minority of scholars favoured a more literal reading of the *ḥadīth*, which makes no reference to a legally binding option of repentance. For instance, the Tābiʿī scholars Ḥasan al-Baṣrī (d. 110 AH / 728 CE), Ṭāwūs b. Kaysān (d. 106 AH / 724 CE) and the *ahl al-ẓāhir* are reported to have held that the repentance option is unnecessary and that the apostate should be killed at once.[51]

For the most part, however, the majority of jurists rejected the either overly lenient view or the strict one, holding it mandatory to ask the apostate to repent prior to his execution. This view is widely attributed to the eponym of the Shāfiʿī school, Imam al-Shāfiʿī (d. 204 AH / 820 CE), and was also favoured by the Ḥanafī scholars Muḥammad al-Shaybānī (d. 189 AH/ 805 CE), one of the twin pillars of the Ḥanafī school, and al-Ṭaḥāwī (d. 321 AH / 925 CE).[52] The prevalent view on the "*man baddala . . .*" *ḥadīth* was that it should be read in conjunction with other *ḥadīths* and precedents from the Prophet and the early Caliphs, which collectively appear to mandate the repentance option. For instance, the Mālikī jurist Ibn Abī Zayd (d. 386 AH / 996–997 CE) cites as evidence the example of the famous apostate ʿAbd Allāh b. Saʿd who repented and was forgiven by the Prophet.[53] Thus, for the

48. Kamali, *Freedom of Religion in Islam,* 94.

49. Saeed and Saeed, *Freedom of Religion, Apostasy, and Islam,* 84–85; Friedmann, *Tolerance and Coercion in Islam,* 129.

50. Friedmann, *Tolerance and Coercion in Islam,* 129.

51. Friedmann, *Tolerance and Coercion in Islam,* 130–131.

52. Friedmann, *Tolerance and Coercion in Islam,* 130.

53. Ibn Abī Zayd, *al-Nawādir wa al-Ziyādāt*, 14:490.

most part, differences of opinion were mainly limited to the proper amount of time to be allotted for providing the apostate with the opportunity to repent and the manner in which the execution was to be carried out.[54] For example, the Shāfiʿī jurist Ibn Surayj (d. 235 CE / 849–850 AH) preferred that an apostate be beaten to death with a stick instead of a swift execution by the sword, as this would provide him with additional time to repent.

While most jurists agreed on the punishment for apostasy in general terms, many made legal distinctions depending on the nature of the act and the context under which it took place. Ibn ʿAbbās and the Tabiʿī jurists ʿAṭāʾ b. Abī Rabāḥ (d. 114–115 AH / 732 CE) and al-Layth b. Saʿd (d. 175 AH), along with some of al-Shafiʿī's associates, considered the repentance of an apostate who was born a Muslim (*man wulida ʿala l-fitra*) to be unacceptable.[55] Similarly, under Shīʿite law, repentance was deemed to be acceptable only for individuals who had previously converted to Islam, while the apostasy of those who were born Muslims could not to be revoked.[56] Furthermore, it appears that there was near unanimity amongst the jurists that insulting the Prophet (*sabb al-nabī*) constituted a particularly heinous display of apostasy, for which repentance was deemed to be unacceptable.[57]

One issue of contention amongst the jurists was the status of individuals who practiced their beliefs clandestinely while maintaining to be Muslims (*zanādiqa*). Unlike apostates who displayed their beliefs publicly, the sincerity of the *zanādiqa's* repentance was considered to be more difficult to ascertain, and they were to be regarded with extra suspicion. As such, several jurists argued that they are to be executed without the option of repenting. In a more lenient formulation of this view, the Ḥanbalī qāḍī Abū Yaʿlā (d. 458 AH) is reported to have suggested that once a *zindīq* makes an open confession of his true belief and is no longer secretive about it, he is

54. Depending on the traditions cited or the discretional opinion of the jurist in question, some maintained that the apostate be asked to repent three times, while others argued that he is to be allowed a grace period of three days, one month, or three months (Friedmann, *Tolerance and Coercion in Islam*, 131).

55. Friedmann, *Tolerance and Coercion in Islam,* 134.

56. Rudolph Peters, *Crime and Punishment in Islamic Law* (Cambridge: Cambridge University Press), 65.

57. Peters, *Crime and Punishment in Islamic Law,* 65.

no longer to be considered a *zindīq*, and his repentance can, therefore, be accepted.[58]

While the stricter stance towards the *zanādiqa* appears to be the view expressed by the eponym of the Mālikī school, Imām Mālik b. Anas (d. 179 AH / 795 CE), in his authoritative *ḥadīth* collection *al-Muwaṭṭaʾ*,[59] Ibn Abī Zayd attributes a different opinion to Imām Mālik and the Mālikīs, indicating that they regarded the option of repentance as being equally applicable to all apostates, including the *zanādiqa*.[60] Similarly, Imām al-Shāfiʿī (d. 204 AH / 820 CE) categorically rejected any distinctive treatment of the *zanādiqa*, and according to the Ḥanbalī jurist al-Khallāl (d. 311 AH), the uniform treatment of all apostates was also the last and authoritative view known to be held by the eponym of the Ḥanbalī school, Imam Aḥmad b. Ḥanbal (d. 241 AH / 855 CE).[61] As for Abū Ḥanīfa, the famous Shāfiʿī jurist al-Māwardī (d. 450 AH / 1058 CE) noted two opposing views attributed to him, where he is reported to have both affirmed and denied the repentance option for the *zindīq*. According to Al-Māwardī, Abū Ḥanīfa was more likely to have held the latter view, and this is also the case with Abū Yūsuf (d. 182 AH / 798 CE), the second pillar of the Ḥanafī school, who initially supported the repentance option but later came to reject it, after noting that the *zanādiqa* tended to revert to their clandestine faith.[62]

With regards to the execution of female apostates, this continued to be a contentious topic amongst pre-modern jurists. Generally speaking, the Ḥanafī and Shīʿite schools of law held the view that only male apostates may be executed and that apostatizing females are to be imprisoned with recommendations for beating them until they repent; unlike the other schools, the Ḥanafī and Shīʿite traditions did not categorize apostasy as one of the *ḥudūd* crimes.[63] Jurists who supported the exemption of female

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58. Friedmann, *Tolerance and Coercion in Islam,* 140.

59. Mālik b. Anas, *al-Muwaṭṭaʾ*, ed. Muḥammad Fuʾād ʿAbd al-Bāqī (Beirut: Dār al-Kutub al-ʿIlmiyya), 464. In reference to the *ḥadīth* on killing the apostate, Imām Mālik comments that, in his opinion, the *zanādiqa* are to be killed because the truth of their repentance cannot be ascertained, as opposed to those who openly display their disbelief, for whom repentance may be considered.

60. Ibn Abī Zayd, *al-Nawādir wa al-Ziyādāt*, 14:491.

61. Friedmann, *Tolerance and Coercion in Islam,* 135.

62. Friedmann, *Tolerance and Coercion in Islam,* 141.

63. Peters, *Crime and Punishment in Islamic Law*, 65.

apostates from execution typically relied on traditions relating to the Prophet's general prohibition against the killing of women and children and Ibn ʿAbbās's insistence that women be imprisoned instead.[64]

This being the case, the majority of jurists, including the eponyms of their schools, supported Imam al-Shāfiʿī's strict position of categorically rejecting any distinctions between apostates based on gender or their religious status as *zanādiqa*, while mandating that they be given the option to repent prior to their execution.[65] This view appears to be directly motivated by al-Shāfiʿī's classification of apostasy as one of the *ḥudūd* punishments, which must, therefore, apply equally to men and women.[66] Those who favoured this position appealed to a more literal reading of the "*man baddala . . .*" *ḥadīth*, noting that it made no distinctions between men and women, and sought the support of other controversial *ḥadīths* in which the Prophet and Abū Bakr supposedly ordered the killing of female apostates.[67]

At this point, a closer look at Abū Ḥanīfa's views on the execution of women[68] may serve to clarify some of the justifications provided by the early jurists among the Salaf for the criminalization of apostasy. As the eponym of the Ḥanafi school and the leading opponent against the execution of female apostates, Abū Ḥanīfa supports a restricted understanding of the "*man baddala . . .*" *ḥadīth*, holding that it is primarily directed towards individuals who were potential enemy combatants (*ḥarbī*). Although from a grammatical perspective, the phrase appears to apply equally to both genders, he argues against an interpretation of the *ḥadīth* on the basis of its apparent (*ẓāhir*) meaning, as a strict interpretation of "whoever changes his religion" (*man baddala dīnuhu*) would problematically imply that any change

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64. Friedmann, *Tolerance and Coercion in Islam,* 136.

65. Friedmann, *Tolerance and Coercion in Islam,* 138–141. Al-Shāfiʿī's widely respected position on refusing to make any judgment calls or distinctions between apostates is attributable to the Prophetic *ḥadīth* stating: "I make my ruling only on the basis of the apparent: God takes care of the inner thoughts."

66. Al-Shāfiʿī debates the possibility of exempting the female apostaste from punishment, arguing that she may not be exempted as this punishment is like the *ḥudūd*, which are applied equally to both sexes without exception and are not be enforced on the basis of juridicial discretion. Muḥammad b. Idrīs al-Shāfiʿī, *Kitāb al-Umm*, ed. Rifʿat Fawzī ʿAbd al-Muṭṭalib (Mansoura: Dār al-Wafāʾ lil Ṭibāʿa wal Nashr wal Tawzīʿ, 2001), 2:578–579.

67. Friedmann, *Tolerance and Coercion in Islam*, 138.

68. Abū Ḥanīfa's views are succinctly summarized in Friedmann, *Tolerance and Coercion in Islam,* 136–137.

of religion is equally prohibited and punishable; such a literal reading would absurdly suggest that non-Muslims converting to other religions, or even to Islam, ought to be equally executed. Thus, Abū Ḥanīfa holds the *ḥadīth* to constitute an example of a "general formulation conveying a particular meaning" (*ʿāmmun laḥiqahu khusūs*), as the strictly semantic meaning is clearly not what is primarily intended. In this case, the word *dīn* (religion) is to be restricted to Islam, while the particle *man* is to refer exclusively to those who have the potential for fighting, implying that women, who are typically classified as non-combatants, are to be excluded from its scope. This would suggest that all the female apostates killed in the earliest days of Islam were executed in relation to their fighting against the Muslims, or for their active incitement of political violence.

Abū Ḥanīfa supports his arguments by discussing what he perceives to be the central reason for instituting the punishment for apostasy. As he suggests, though abandoning one's belief is a serious offense, it is a matter that remains ultimately between the individual and his Lord (*bayna al-ʿabd wa bayna Rabbihi*) and that is to be punished in the hereafter. This can be gleaned from the fact that the punishment for apostasy is characteristically different from the other *hudūd* punishments: while one can repent for apostasy and have his punishment waived, other *hudūd* punishments cannot be similarly revoked. On this basis, Abū Ḥanīfa cogently argues that the punishment for apostasy is intended more as a pre-emptive measure of legitimate public policy (*siyāsa mashrūʿā*) directed towards protecting the Muslim community against potentially belligerent rebels. It is for this very reason that the Prophet is regarded to have forbidden the killing of women, as they were not perceived to be potential enemy combatants.

As may be gleaned from this perspective on the reasons for instituting the punishment of apostasy, there is a potential argument to be made that the earliest Muslim perceptions of the criminalization of apostasy likely assumed it to be intertwined with notions of rebellion and political violence against the nascent Muslim community. Accordingly, a closer analysis of the Islamic source-texts behind these rulings may serve to critically elucidate the socio-political context and dynamics out of which the criminalization of apostasy came to be institutionalized.

A Critical Re-evaluation of the Islamic Source-Texts

1) The Qur'ān

Upon reviewing the classical Islamic literature on apostasy, in contrast to the prolific discussions on the relevant *ḥadīth* literature, one notices a dearth of Qurʾānic engagements on the topic. Indeed, as the contemporary scholar Tāha Jābir ʿAlawāni has pointed out, while the Qurʾān repeatedly warns apostates of their divine punishment in the hereafter, it remains completely silent on the prescription of any worldly punishments. He lists what he views to be the relevant verses dealing with apostasy—namely, verses 2:217; 3:86, 90–91, 100, 106, 177; 4:137; 5:54; 16:106; 22:11; and 47:22—none of which discuss the killing of apostates.[69] Additionally, he quotes the following verses that unequivocally remind the Prophet that his sole duty is to warn and preach without compulsion, leaving the destiny of those who reject faith in the hands of God: 6:107, 10:99, 12:103, 13:40, 16:125, 23:117, 50:45, and 88:22.[70] Besides these verses, Muḥammad Munīr Idilbī identifies the following additional verses as further evidence of the Qurʾān's unequivocal support for the right to freely choose one's religious beliefs: 2:256; 6:66, 104; 10:108; 17:54; 18:29; 25:43; 39:15; 42:6; 76:29; and 109:6.[71] In particular, he highlights 2:217 as strong evidence that human beings are granted their entire life span as an opportunity to accept Islam.[72] This list of verses is by no means exhaustive, as Muhammad H. Kamali also notes the following verses indicating that faith is to remain a matter of personal belief: 3:20; 42:48; and 5:92, 99.[73] In a further illustrative example quoting verse 4:137 on the case of those who apostatize repeatedly, Kamali argues, "The text would hardly entertain the prospect of repeated belief and disbelief if death were to be the prescribed punishment for the initial act."[74]

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69. Taha Jabir ʿAlawānī, *Lā Ikrāha fil Dīn* (Cairo: Maktabat al-Shurūq al-Dawlīyah, 2003), 55–56.

70. ʿAlawānī, *Lā Ikrāha fil Dīn,* 61.

71. Muhammad Munīr Idilbī, *Qatl al-Murtadd: al-Jarīmah allati Ḥarramaha al-Islām* (Damascus: *Dār al-Awā'il*), 25–26, 49.

72. Idilbī, *Qatl al-Murtadd,* 76–77.

73. Kamali, *Freedom of Religion in Islam,* 103.

74. Kamali, *Freedom of Religion in Islam,* 97.

Among the verses advocating freedom of religion, the most widely cited appears to be verse 2:256, clearly mandating, "There shall be no compulsion in religion . . ." (*lā ikrāha fi al-dīn*). Despite such clear verses interspersed throughout the Qurʾān, several classical exegetes held that verses deemed to be permissive of religious belief have been abrogated and repealed by later verses revealed in Medina, most important of which is the so called "Verse of the Sword" (*āyat al-sayf*), verse 9:5, which, according to the most embellished estimates, came to abrogate over a hundred verses of the Qurʾān advocating freedom of religious belief.[75] Though the doctrine of abrogation (*naskh*) remains a regular theme in many classical works of Qurʾān exegesis and legal methodology, it has largely failed to gain a serious following amongst classical and modern jurists alike, owing in part to its controversial nature and the extensive disagreements over its scope and application. Indeed, as Kamali observes, there appears to be an emerging consensus amongst contemporary scholars that critically refutes this doctrine's problematic implications.[76] Thus, given the Qurʾān's seemingly favourable views towards freedom of religion, I now turn to an analysis of the controversial *ḥadīths* linked to the punishment of apostasy.

2) The Sunna

With regards to the Prophetic Sunna and its associated biographical literature (Sīra of the Prophet), one easily finds a host of conflicting reports centred around two major narratives, one suggesting hostility and intolerance towards acts of apostasy and the defamation of the Prophet, and the other highlighting a tradition that was highly tolerant of religious

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75. See, for instance, the following characteristic work of Qurʾānic exegesis by Ibn Juzay al-Kalbī (d. 471 AH), where he lists in his introduction no less than 114 verses advocating religious tolerance that he deems to have been permanently abrogated (*nusikhat*): Abī Qāsim Muḥammad b. Aḥmad Ibn Juzay al-Kalbī, *al-Tashīl li ʿUlūm al-Tanzīl*, ed. Muḥammad Sālim Hāshim (Beirut: Dār al-Kutub al-ʿIlmiyya, 1995), 1:15–16.

76. Kamali, *Freedom of Religion in Islam,* 88. For examples of modern Muslim scholarly works attempting to exhaustively refute the doctrine of *naskh*, see: ʿAbdul Ḥamīd Abū Sulaymān, *Towards an Islamic Theory of International Relations: New Directions for Methodology and Thought*, 2nd revised ed. (Herndon: International Institute of Islamic Thought, 1993); Aḥmad Ḥijāzī Saqqá, *Lā Naskh fīl-Qurʾān* (Cairo: Dār al-Fikr al-ʿArabī, n.d.); Israr Aḥmad Khan, *The Theory of Abrogation: A Critical Evaluation* (Kuala Lumpur: International Islamic University, 2006).

diversity. What is readily apparent from these conflicting narratives is their socially constructed nature; different *ḥadīths* and biographical accounts were emphasized and propagated by various scholars and traditionalists in the service of their competing objectives. As such, a critical examination of the controversial *ḥadīth* literature on the punishment of apostates is crucial in asserting the historical authoritativeness of the legal tradition's rulings, given the Qurʾān's unusual silence on the issue.[77]

The most widely cited *ḥadīth* on the killing of apostates is the famous "*man baddala . . .*" tradition. This *ḥadīth* can be found narrated as a solitary (*āḥād*) *ḥadīth* in most of the major canonical *saḥiḥ* collections on the authority of Ibn ʿAbbās, and the chain of transmission (*isnād*) is mainly narrated from him through his servant ʿIkrimah. Several scholars have pointed out that this narration is weak, given that ʿIkrimah's character was regarded by several early scholars to be suspect; Imām Mālik regarded him as unreliable and refused to narrate traditions from him, as he was accused of espousing extremist views associated with the violent sect of the Khawārij and was accused by several contemporaries of lying—including Ibn Ibn ʿAbbās's son, who accused him of lying about his father.[78] His suspicious character appears to also be the reason why Imām Muslim refused to compile his solitary narrations in his *saḥiḥ* collection.[79] This view is confirmed in S. A. Rahman's independent study that traces the *isnād* of the *ḥadīth,* finding it to be weak in transmission.[80] Given that this is an *āḥād ḥadīth*, Kamali has noted the opinion of Muhammad Shaltut, widely shared among Muslim

77. An exhaustive analysis of all the relevant controversial traditions on apostasy is an ambitious matter that lies beyond the scope and objectives of this paper. I, thus, primarily limit my analysis to widely used *ḥadīths* from the canonical *saḥiḥ* collections, noting that while there certainly are very problematic traditions, most notably among the biographical literature associated with Ibn Ishāq, I take it to suffice that traditionalist Muslim scholars have noted much of these traditions for their weak chains of transmission and unreliability.

78. Akram Rida, *Al-Ridda wa al-Ḥurriyya al-Dīniyya* (n.p.: Dār al-Wafaʾ), 53–55. For more on the controversial character of ʿIkrimah, see Ahmad Subhi Mansour, *The Penalty of Apostasy: A Historical and Fundamental Study*, *Ahl al- Qurʾān*,
http://www.ahl-alquran.com/English/show_article.php?main_id=523 (accessed June 20, 2014).

79. Mansour, *The Penalty of Apostasy*.

80. Kamali, *Freedom of Religion in Islam,* 93.

scholars, that the prescribed *hudūd* punishments cannot be established on the basis of solitary *ḥadīths*.[81]

In addition to the "*man baddala . . .*" *ḥadīth*, jurists also typically relied on a second popular tradition narrated in slightly different renditions by Ibn Masʿūd, Ibn ʿAbbās, ʿUthmān b. ʿAffān, and the Prophet's wife ʿ*Ā*'isha.[82] The *ḥadīth* is widely narrated with minor variations in the six canonical *saḥīḥ* collections as follows:

> The blood of a Muslim who professes that there is no god but God and that I am His Messenger is sacrosanct except in three cases: a married adulterer; a person who has killed another human being; and a person who has abandoned his religion, while splitting himself off from the community (*mufāriq lil jamāʿah*).[83]

The minor differences in the renditions of this *ḥadīth* indicate a level of personal discretion by the Prophet's Companions in the manner they chose to relay its meaning. For instance, in some versions, the phrase "*al-mufāriq lil jamāʿah,*" suggesting political betrayal and potential hostility towards the Muslim community, is completely omitted. Perhaps more interestingly, in ʿ*Ā*'isha's narration of this *ḥadīth*, she adds the crucial clarifying details, "and a man who leaves Islam and wages war against God . . . and His Messenger . . ." (*wa rajulun yakhruju min al-Islām fa yuḥārib Allahu . . . wa rasulahu . . .*). Thus, these minor variations likely suggest, at least for the Companions of the Prophet and the generations of the early Salaf, it may have been widely assumed that an apostate was understood to be an enemy combatant, an assumption held to be common knowledge that needn't always be verbally articulated. Given the communal and tribal nature of pre-modern society, where the concepts of secular individualism and freedom of religion were nonexistent and where religious and political identities were heavily intertwined, this is not an unreasonable assumption to hold.

Some scholars have also found problems with the authorities in the chains of transmission (*isnāds*) of this *ḥadīth.* In his critical study on apostasy, the controversial Qurʾānist scholar Ahmad Subhī Mansour, for

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81. Kamali, *Freedom of Religion in Islam,* 94. For similar reasons, Muslim scholars are in general agreement that refusing to accept the authority of certain *āḥād* traditions with regard to creedal matters is an acceptable position that does not jeopardize one's theological beliefs.

82. For a list of the various versions of this *ḥadīth* within the *saḥīḥ* collections, see Rida, *Al-Ridda wa al-Ḥurriyya al-Dīniyya*, 68–73.

83. Narration of Muslim as it appears in Kamali, *Freedom of Religion in Islam,* 96.

instance, imputes this *ḥadīth* as having originated with al-Awzāʿī (d. 774 CE), whom he regards to have been politically motivated in helping the Abbasid Caliphate overcome potential rebels, citing evidence highlighting his unreliable and suspicious character. As Mansour notes with regard to the *isnād* provided by Muslim, each of the six reporters in the *isnād* has been historically declared to be suspicious by certain traditional authorities.[84] Some of these same problematic reporters are found in the chains of the other *saḥīḥ* collections as well.

Besides these two widely cited traditions, jurists found their evidence for the execution of apostates by relying on the Prophet's specific orders to kill the apostates ʿAbd Allāh b. Khaṭal and Miqyas b. Ṣubāba upon the conquest of Mecca. As Idilbī and ʿAlawānī have noted, however, both these apostates were wanted for murder: ʿAbd Allāh b. Khaṭal had killed an innocent Muslim; and Miqyas b. Ṣubāba had unlawfully stolen some blood money and killed a Christian, after which he fled for Mecca.[85] ʿAlawānī also lists several examples of Companions who had left Islam, noting that the only ones who were killed were wanted for having killed innocents.

Other jurists have historically relied on the precedent set by the first Caliph, Abu Bakr, in the so called "apostasy (*ridda*) wars" following the death of the Prophet, where a number of Arab tribes reneged on their religious obligations of paying the Zakat taxes due to the Caliph. These wars have been simplistically regarded by some as a clear sanction from the earliest generation of the Salaf for the killing of apostates. However,

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84. With regards to each of the reporters, Abu Bakr b. Abi Shayba was regarded by al-Hākim to be inaccurate and was regarded to be weak by Abu Bakr b. Abi Dawūd; Ḥafs b. Ghiyāth was accused by Abu Zar'a of having a poor memory after serving as a judge for the Abbasids, while ʿAbd Allah b. Aḥmad's father noted him for his mistakes and Ibn Ḥayyan accused him of imagining traditions that were not reported by others; Abu Muʿāwiya was regarded by some traditionists to be an extremist, with Ibn Muʿīn holding that he reported unrecognized traditions, Abu Muʿāwiya al-Bajly accusing him of ignorance, and al-A'gly holding him to belong to the Murjeʿa sect, rendering his authority questionable; al-Aʿmash was accused by al-Ẓahabī of cheating, with Ibn Al-Mubārak and Jarīr b. ʿAbdul Ḥamīd accusing him of corrupting the tradition of Kufa, Aḥmad b. Ḥanbal noting too many contradictions in his reports and accusing him of falsely reporting from Anas, Ibn ul-Madanī accusing him of having a great deal of imagination, and Naysabūrī warning against taking reports from him; ʿAbd Allah Ibn Murra was accused of reporting false traditions by al-Ẓahabi; and Masrūq was considered to be weak by Naysabūrī. See Mansour, *The Penalty of Apostasy*, for the relevant primary sources.
85. ʿAlawāni, *Lā Ikrāha fi al-Dīn,* 71–76; Idilbī, *Qatl al-Murtadd,* 111.

an analysis of how the term *ridda* was employed by the Salaf reveals a more complex narrative. As al-Shāfiʿī's discussion of this major historical incident reveals, he was well aware that the term *ridda* was used to convey either the more widely used sense of recanting one's Islamic belief, or more generally, political disobedience and religious disobedience that may be classified as rebellion. Etymologically, the infinitive *irtidād* simply means to renounce or defect. The ambiguity in which the Salaf employed the term clearly led to some confusion and betrays the highly intertwined nature of political and religious loyalty in pre-modern Islamic society. Indeed, this confusion is readily apparent in al-Shāfiʿī's discussion of Abu Bakr's and ʿUmar b. al-Kaṭṭāb's differences of opinion on how the "*murtaddūn*" rebels in this instance were to be handled: while ʿUmar was of the opinion that their blood remained sacrosanct as they had not yet officially reneged on their faith, despite their disobedience of the Caliph, Abu Bakr was of the opinion that their transgression was serious enough in its violation of the public and religious order to warrant military intervention.[86]

Al-Shāfiʿī was not alone in noting this distinction between political rebellion and the theological rejection of Islam. In his reflection on the same historical incident, the fourteenth-century Mālikī jurist Ibn Farḥūn (d. 799 AH / 1397 CE) also clarifies that the rebellion of the "apostasy wars" was not based on primarily religious grounds, distinguishing between those who chose to deliberately disobey their religious obligations (*ahl al-ʿināḍ*) and those who rebelled out of a religious difference of opinion (*ahl al-taʾwīl*) with the Caliph.[87] As he explains, while either party may be legitimately fought on religious grounds, their captives may not be killed, as the primary

86. Al-Shāfiʿī, *Kitāb al-Umm*, 5:516–517. Several Muslim scholars have pointed out that the conflict was not primarily over religious apostasy as conventionally understood and that the wars took place within a politically volatile context that went beyond the initial dispute over the Zakāt, with some of the rebelling tribes constituting a veritable political and military threat in their attempts to challenge the Caliphate of Abu Bakr. As Idilbī notes, for instance, according to the histories of Ibn Khaldūn and al-Ṭabarī, the "apostatizing" tribes of Banu Thubān and ʿAbas went as far as killing Muslims amongst their midst (Idilbī, *Qatl al-Murtadd,* 124–125). For a thorough treatment of this topic see Saeed and Saeed, *Freedom of Religion, Apostasy, and Islam,* 65; Mansour, *The Penalty of Apostasy*; and Idilbī, *Qatl al-Murtadd,* 119–142.

87. The *ahl al-taʾwil* (lit. "people of interpretation") were those who rebelled against Abu Bakr's enforcement of the Zakat out of their divergent interpretation of verse Q. 9:103, that the Zakat tax was only due to the Prophet when he was alive and was not a religious obligation that may be extended to any of his successors. Ibrāhīm b. ʿAlī b. Muḥammad Ibn Farḥūn, *Tabṣirat*

objective is to coerce them into religio-political compliance and not to mete out a religious punishment, since they have not committed theological apostasy in the usual sense of the term.[88]

Accordingly, in contrast to a reductionist narrative of religious intolerance, some Muslim scholars have relied on a substantial number of traditions highlighting the Prophet's religious tolerance and the ethos of non-compulsion in religion (see Q. verse 2:256). ʿAlawanī highlights the stories of the "hypocrites" and apostates during the Prophet's mission in Medina—most notorious of whom was ʿAbd Allah Ibn Ubayy—who were never killed by the Prophet. He further notes that some Muslims had apostatized after Muhammad narrated his nocturnal journey to Medina (*al-Miʿrāj*), none of whom were executed.[89] Kamali notes a specific *ḥadīth* in which a Bedouin man openly declared his apostasy and was left unharmed, providing other examples from the Sīra where the Prophet pardoned apostates, including ʿAbd Allāh b. Saʿd b. Abī Sarḥ, al-Ḥarth Ibn Suwayd, and an unknown group of Meccans. He also cites the example of the rebellious Khawārij during the Caliphate of ʿAli, who were left to express their disbelief openly.[90] As Idilbī further suggests, there appears to have been an *ijmaʿ* on apostasy amongst the early Companions, as Abu Bakr was known to have taken apostates as prisoners without executing them.[91]

These more favourable views on Islam's history of religious tolerance appear to be reflective of a wider revisionist trend amongst modern Muslim scholarship that is attempting to re-evaluate the historical authoritativeness of the punishment for apostasy in the Islamic legal tradition.

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al-Hukkām fī Uṣūl al-Aqḍiya wa Manāhij al-Ḥukkām, ed. Jamāl Marʿashlī (Riyadh: Dār ʿAlam al-Kutub lil Ṭibāʿa wal Nashr wal Tawzīʿ, 2003), 2:209.

88. Ibn Farḥūn, *Tabṣirat al-Hukkām*, 2:210.

89. ʿAlawanī, *Lā Ikrāha fi al-Dīn,* 67–69.

90. Kamali, *Freedom of Religion in Islam,* 97–98, 196.

91. Idilbī, *Qatl al-Murtadd,* 134.

Conclusion

As this study shows, despite its shortcomings, Rawls's concept of public reason can serve as a helpful framework in highlighting how some of the tensions between Islamic law and human rights norms may be bridged under a liberal democratic regime of reasonable pluralism. By taking the normative Islamic legal tradition seriously and highlighting its rich discursive legacy, a historical re-evaluation of the primary source-texts can offer a substantial opening in overcoming the controversies surrounding pre-modern understandings of apostasy in a manner that is consistent with the doctrinal beliefs and the normative practices of the tradition itself. Furthermore, by eschewing heterodox hermeneutical frameworks and relying exclusively on the resources of the tradition itself, it is argued that such an effort can better hope to gain wider recognition within the ambit of Islamic orthodoxy, while continuing to meet Rawls's standards on what constitutes a reasonable comprehensive doctrine. Indeed, such an effort can be regarded as one of several important attempts in the incremental march of internal reform towards greater tolerance for pluralism.

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Ashura Rituals: A Tool for Freedom or Oppression? A Critical Examination of the Ashura Rituals of Shia Islam in Regards to Catherine Bell's Theory of Ritual

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Introduction

This essay will use Catherine Bell's theory of rituals to explain and analyze the rituals of the Ashura ceremony undertaken on the tenth day of the month of *Muharram* in Shia Islam. Ashura is a day of mourning for the martyrdom of Hussein–ibn–Ali, the grandson of Muhammad at the Battle of Karbala in the year 680 CE. He is highly regarded as a religious freedom fighter among Shia Muslims, and public mourning ceremonies are held in Muslim countries such as Iran, Iraq, Afghanistan, Turkey, Azerbaijan, Pakistan, India, Lebanon, and Bahrain to mark the day which is remembered as a symbolic day of freedom from the oppressor.

Theoretical Framework

The study of rituals is an important aspect of the study of religion and society, and there are many theories that look at rituals from different perspectives. In *Ritual Theory, Ritual Practice*, Catherine Bell analyzes these various theories and shows how they are constructed based on a dichotomy of thought and action. The theories of Max Müller, Herbert Spencer, William James, and others emphasize that religion is about ideas and that, as such, ritual, which is considered action, is an expression of belief and of secondary significance, while Hubert and Mauss claim that rites are of primary significance. Bell also questions the ethos–worldview dichotomy of Geertz, which is similar to the thought–action dichotomy. Bell asserts that this fabricated opposition of thought and action brings a

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dichotomy between the participant in the ritual who "acts" and the observer who "thinks," making the two unequal and in effect subordinating the actor to the observer. In addition, this dichotomy means that the theorist can only understand ritual as a cultural phenomenon when he or she recognizes the mechanisms of meaningfulness of the participants. Contrary to these theories, Bell proposes that rituals are meaningful, and, as such, are a mixture of both thought and action. She stresses that the relationship between rituals and symbols is the same as that between action and thought. Furthermore, ritual integrates thought and action, and on another level it integrates the theorists' thought with the actions of ritual participants.[1]

By rejecting the dichotomy between thought and action, Bell is able to introduce a new framework which understands rituals as social acts. She labels this as "ritualization" and defines it as strategic ways of acting in specific social contexts. This definition emphasizes that the context of rituals is key and that they cannot be abstracted from it. Another problem with past ritual theories that Bell seeks to address is that they either define rituals as a very distinct form of activity or assimilate rituals to other forms of activity. The former approach leads to an endless number of ritual types: for example, religious/secular; ritual/magical; symbolic/non–instrumental; technical/utilitarian; emotional/logical, etc. Bell explains that these distinctions are imposed by the researcher rather than being indigenous to the ritual and that they also lead theorists to talk past each other. The latter approach is also problematic, since it leads to all human activity being seen as ritual. Bell takes a position between the two extremes, defining rituals as practices that are situational, strategic, embedded in misrecognition and able to reproduce an order of power in the world. The situational nature of ritual means that the act must be understood within the context in which it takes place. The tendency to abstract action from the context eliminates the structures of influences of the act, in effect misguiding the researcher. The strategic nature of ritual means that practices form part of schemes and tactics to reach particular goals. However, their logic is not necessarily intellectualist logic, but must rather be understood according to the characteristics of the situation (in line with the previous argument). The practice is fundamentally misrecognized in that those involved in ritual do

1. Catherine Bell, *Ritual Theory, Ritual Practice* (Oxford: Oxford University Press, 2009), 19–55.

not see the whole explanation that can only be achieved through objective analysis. For example, those involved in gift exchange see it as an act of generosity; whereas objective analysis makes clear that it is in fact a reciprocal exchange of items with no inherent value. In addition, ritual practice is part of the mechanism that re–orders power relationships in society and is used by powerful classes to implement and reinforce cultural and political "hegemony" (similar to Gramsci's theory). Bell, however, modifies Gramsci's theory, stressing that this hegemony is only limited in the sense that rituals can create only limited power relationships, meaning that one group of people does not gain absolute control over another; rather, the dynamics of hegemony involve both consent and resistance. Bell introduces the title of "redemptive hegemony" to account for this new concept of hegemony, according to which agents not only act according to the shared sense of reality imposed by the powerful but also reproduce that reality in ways that empower them.[2]

Another important insight provided by this new framework relates to the relationship between tradition and rituals. Bell acknowledges the influence of tradition and past precedents on rituals, as other theories stress; however, she points out that these theories neglect the fact that rituals can also construct tradition. Thus in Bell's framework there is a two–way relationship between rituals and tradition, in which both are dynamic and mutually affect each other.[3]

Hussein and the battle of Karbala

Shia Muslims around the world hold Ashura ceremonies every year on the tenth day of the month of *Muharram* to commemorate the death of Hussein–ibn–Ali. Hussein was the second son of Ali and Fatima and the grandson of the prophet Mohammad. He is the 3rd Imam, a divinely–guided leader in Shia Islam, and a revered member of *ahl al–bayt* (Prophet Muhammad's family).[4] In 680 CE, following the death of Moaviya I, the first Caliph of the Umayyad Dynasty, his son Yazid became the ruler of the

2. Bell, *Ritual Theory, Ritual Practice*, 69–94.

3. Bell, *Ritual Theory, Ritual Practice*, 118–130.

4. Wilferd Madelung, *The Succession to Muhammad: A Study of the Early Caliphate* (Cambridge: Cambridge University Press, 1997), 2.

Islamic world. Hussein who at the time lived in Mecca refused to pledge allegiance to the Umayyad Caliph,[5] whom he saw as a corrupt tyrant using Islam as a cloak to increase the power and wealth of his family.[6] After receiving thousands of letters from Kufa (adjacent to present day Najaf) in support of a revolt to overthrow the Caliph, Hussein left Mecca for Kufa with his entire family and a following of several thousand men (the exact number of his army is disputed among historians and ranges from 3 to 10 thousand).[7] With the help of his governors in Iraq cities, Yazid raised a vast and well–equipped army. As news started to reach Hussein's ranks–now on their way to Kufa–about the much larger army that was approaching them, his followers started to desert him to the point that fewer than a hundred men remained of his army; nevertheless he refused to stand down and pledge allegiance to Yazid.[8] Hussein and his very small army fought with the Caliph's army in *Neynava,* a desert area in the south of Iraq (a city was later erected in the place of Hussein's death and the city became known as Karbala). In the end, Hussein and all of his male companions were killed, and their heads were taken as trophies back to Yazid, while the women and children were taken as prisoners.[9]

Hussein's place in Shia Islam cannot be overstated: since he is seen as the "Martyr of all martyrs," fighting injustice and oppression, he is seen as the ultimate source of what it means to be a "true" Muslim. The death of Hussein was also instrumental in the breakaway of Shia Islam (the followers of Ali) from mainstream Sunni Islam later on. As word of the slaughter of the prophet's grandson reached the cities of the Islamic world, various mourning ceremonies were held, especially in the cities of Kufa, Basra, and Mecca.[10] Initially, these ceremonies were nearly identical to those held on the occasion of the death of any Muslim, except that they usually

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5. Mahmoud Ayoub, *Redemptive Suffering in Islam* (London: Mouton Publishers, 1978), 94.
6. Farzin Vahdat, *God and Juggernaut: Iran's Intellectual Encounter With Modernity* (New York: Syracuse University Press, 2002), 151.
7. Babak Rahimi, *Theatre State and the Formation of Early Modern Public Sphere in Iran: Studies on Safavid Muharram Rituals* (Leiden: Brill Publication, 2012), 203.
8. Madelung, *The Succession to Muhammad*, 348.
9. Rasoul Jafarian, *Tarikhe Kholafa: The History of the Caliphs* (Tehran: Dalile Ma Publishers, 2009), 120–230; Rasoul Jafarian, *Taamoli dar nehzate Ashura* (Tehran: Elm, 2009), 25– 65.
10. Gerald Hawtin, *The History of Al–Tabari Vol. XX* (New York: State University of New York Press, 1989), 164.

included fiery speeches against those responsible for Hussein's death and the Umayyad Caliph. The following section discusses how these rituals later evolved throughout history.

The evolution of Ashura rituals

Although present–day Ashura rituals are somewhat diverse, there are common practices among most Shia Muslims: these include the holding of memorial services (*Majalis al–Taziya*) which involve dirge like recitations of the battle of Karbala's tragic events; plays re–enacting the epic battle of Karbala (*Taziya* and *Tashabih*) usually involving multiple actors and concluding with lessons about living and acting according to the "correct path" of Islam; the visitation of Hussein's tomb in Karbala (*Ziyarat*) which usually attracts millions of people from around the world to modern day Iraq; and public mourning in the streets (*Al–Mawakib al–Husayniyya*) that usually involves self–flagellation (*Zanjeer* and *Tatbir*). Most of the Ashura ceremonies listed above also include the ritual of chest beating.[11]

Ashura rituals have evolved significantly during their thirteen hundred year history. Specifically, the rule of vast areas of Muslim land by each of the Umayyad, Abbasid, Buyid and Fatimid dynasties, as well as the Safavid, and Qajar dynasties in Iran, have brought changes to the rituals.[12] Based on Bell's theory, we can identify some of these changes as being influenced by the circumstances and the context in which they were being practiced.

During the Umayyad period, Ashura ceremonies were held almost immediately after the death of Hussein; however, since the second Umayyad Caliph Yazid, son of Moaviya, was responsible for the killing of Hussein, and, as such, any reminder of it was equated as an open revolt against the ruling establishment, they were mostly held in private and in small numbers out of fear of prosecution. For example, in the years following the battle of Karbala, Ashura ceremonies were used as a rallying cry to drum up support for two large rebellions; namely, the Tavvabin rebellion and the rebellion of Mokhtar Saghafi.[13]

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11. Yitzhak Nakash, "An Attempt to Trace the Origin of the Rituals of Ashura," *Die Welt des Islam* 33 (November 1993).

12. Rahimi, *Theatre State and the Formation of Early Modern Public Sphere in Iran*, 207–209.

13. Hawtin, *The History of Al–Tabari vol. XX,* 182.

Suleiman–ibn–Khozai, who was among the nobles of Kufa and who had supported Hussein initially, but who had later backed down out of fear, used *majalis al–ta'ziya* to ask for God's repentance for leaving Hussein. In fact, the word Tavvab in Arabic means "one who repents."[14] Suleiman was able to use the mourning ceremonies of Ashura to rally four thousand men and lead a large rebellion against the Umayyad dynasty four years after Hussein's death, which culminated in Suleiman and all his men being slaughtered at the battle of Nukhaila in 684 CE. Interestingly, before entering Nukhaila, Suleiman led his army into Karbala to ask God for forgiveness next to Hussein's tomb, saying that, even though he had abandoned Hussein, he would make amends by following his path. This is possibly the first mass pilgrimage to Hussein's shrine (and the beginning of the *Ziyarat* ritual).[15]

The second rebellion, led by Mokhtar Saghafi, used Ashura rituals to signify the unjust and oppressive nature of the Umayyad dynasty and the need for a just and righteous ruler. The rebellion, which took place five years after Hussein's death, nearly toppled the Umayyad dynasty and gave control of nearly all of present–day Iraq to Mokhtar for 18 months, before he and his followers were defeated and killed. The Tavvabin rebellion as well as Mokhtar's uprising have been detailed by many Shia and Sunni historians, including arguably the most noted Sunni historian, Al–Tabari; however, they have been interpreted and characterized differently, with Shia scholars such as Sheikh Mofid emphasizing the legitimacy of the uprisings while some Sunni scholars characterizing them as sources of unrest and insecurity, with Al–Tabari taking a more coolheaded mediating approach.[16]

After over a decade of unrest, the Umayyad Caliph Abd al–Malik ibn–Marwan (646–705) was able to restore the establishment's rule and completely prohibited Ashura ceremonies from taking place. The Umayyad dynasty even introduced festivities on the day of Ashura claiming that Prophet Mohammad had celebrated this day. The festivities are still practiced in some Sunni countries, such as Morocco. After the fall of Mokhtar, Ashura ceremonies were held privately and secretly for most of the Umayyad and Abbasid periods. These dynasties also saw it as a rallying instrument against

14. Rahimi, *Theatre State and the Formation of Early Modern Public Sphere in Iran*, 206.
15. Jafarian, *Taamoli dar nehzate Ashura*, 130–165.
16. Hawtin, *The History of Al–Tabari vol. XX*, 182.

their establishment, and Abbasid rulers even razed Hussein's shrine several times, issuing death sentences to people who took part in Ashura rituals.[17]

With the decline of Abbasid rule and the rise of various dynasties in Muslim lands including the Hamdanid dynasty of northern Iraq (890–1004), the Fatimid dynasty of Egypt (909–1171) and the Buyid dynasty of Iran (934–1062), Ashura rituals returned to the public sphere and were openly critical of the Umayyad; however, some scholars, such as Muhammad Mahdi Shams al–Din, have argued that the rituals had now lost their political and social meanings, since they were criticizing an establishment that no longer existed. The erosion of the political content of Ashura rituals were compensated for by increasing its organization and introducing new practices such as breast beating (*latm*).[18]

Bell's ritual theory tells us to look at the political, cultural and traditional context of the ritual and pay attention to the situational, strategic, misrecognition, and power aspects of the ritual. Under the Umayyad and Abbasid dynasties, which ruled most of Muslim land until the thirteenth century, Ashura rituals were seen and conducted in the context of the oppressed Shia minority's struggle against the dominant ruling establishment. As such, Ashura rituals were highly political in nature and played an effective and strategic role for the leaders of the Shia community. The goal was to overthrow the ruling establishment and Ashura ceremonies were part of acting on that idea. This is in line with Bell's similar assertion of the inseparable nature of thought and action. During this period, Shi'ites were a minority living under rulers who saw them as a threat to the establishment, and, as such, many of their leaders were imprisoned and killed. Because of this, the emphasis of Ashura ceremonies was on speeches that criticized the establishment, carried out within the ritual framework of holding memorial and redemptive services (*Al–Mawakib al–Husayniyya)*[19] and pilgrimages to Karbala (*Ziyarat*). This is a clear example of Bell's theory

17. Ali J. Hussain, "The Mourning of History and the History of Mourning: The Evolution of Ritual Commemoration of the Battle of Karbala," *Comparative Studies of South Asia, Africa and the Middle East* 25, no. 1 (2005).

18. Muhammad Mahdi Shams al–Din, *The Rising of Al–Husayn: Its Impact on the Consciousness of Muslim Society,* trans. Bury St. Edmunds (Great Britain: St. Edmundsbury Press, 1985), 180–185; Rachid Elbadri, *Shia Rituals: The Impact of Shia Rituals on Shia Socio–Political Character* (Naval Postgraduate School, March 2009), 40–43.

19. Rahimi, *Theatre State and the Formation of Early Modern Public Sphere in Iran*, 40.

of ritual as "strategic" in the sense that the memorial services and *Ziyarats* served as a strategic instrument for drumming up support for the goal of overthrowing the Umayyad and Abbasid Caliphs. In addition, it is important to note that Ashura ceremonies were excellent networking opportunities for revolutionaries and opposition movements. By using Bell's contextual framework, one can find other elements of Ashura ceremonies in this historical period as well. During the period of Umayyad and Abbasid rule, Shia Imams saw the kind of Islam preached by the ruling establishment and practiced by the masses as corrupt, and they used Ashura ceremonies to preach the "correct" way of Islam to their followers.[20] Due to these factors, Ashura ceremonies in this period largely focused on speeches and lectures rather than the more theatrical rituals of *Taziya*, *Tashabih* and *Zanjeer*.[21]

Following the decline of the Abbasids, while the appearance of the rituals largely remained the same, the emphasis was shifted from overthrowing oppressive rulers to being concerned with the hereafter. Furthermore, the rituals started to incorporate inaccurate stories of Hussein's martyrdom and Abbas's (Hussein's brother and head of a small army during the battle of Karbala) miraculous powers in healing the sick.[22]

Ashura rituals took on another life with the rise of the Safavid dynasty which ruled Persia from 1501 to 1722. The Safavid dynasty was successful at building a large empire and gradually converting Iranians to Shi'ism in the sixteenth and seventeenth century. During this period, Ashura rituals became very popular, acquiring state sponsorship. Ali Shariati describes, in a series of highly controversial but nevertheless popular books, how many of the present–day Ashura rituals were created, propagated, and funded by the Safavid dynasty, who created a "Black Safavid Shi'ism" in order to empower the monarchy and the clergy, in complete contrast to the original "Red Shi'ism" of Hussein, which concerned itself with justice and salvation for the masses. Shariati claims that many of these rituals were largely adopted from the practices of eastern European Christians who re–enacted

20. Rahimi, *Theatre State and the Formation of Early Modern Public Sphere in Iran*, 206–207.
21. Jafarian, *Tarikhe Kholafa: The History of the Caliphs*, 245.
22. *Morteza Motahari*, *Hamaseye Husseini* (Tehran: Sadra publications, 1986), 130–195; Shams al–Din, *The Rising of Al Husayn*, 181–182.

the crucifixion of Christ every year.[23] It should be noted that other scholars, such as Hamid Dabashi, consider Shariati more of an ideologue than a historian. But, as Dabashi himself explains, Shariati did not accept the claim of modern historians that they have redirected their focus in history from the ruling classes to "the real people." Therefore, Shariati himself believed that the type of history that he narrates is different from what modern historians narrate.[24]

There is some historical evidence to support Shariati's argument. For example, the ritual of *Taziya or Tashabih*, re–enacting the events of Ashura in a public play, did not exist prior to the Safavids, and arguably was adopted from the Christian re–enactment of the crucification of Christ. Also, in public mourning Ashura ceremonies in the streets, a large metal–shaped structure that resembles multiple crosses called the *Alam* leads the row of mourners, a feature also undeniably similar to the re–enactments of the crucification, in which people follow behind the person playing Jesus, who carries a cross on his shoulders. The Safavid period was also the time of blood shedding rituals of self–flagellation, rituals that may have been imported into Ashura rituals via Turkmen tribes and Christian Armenians who converted to Shia Islam during the sixteenth century.[25]

Shariati argues that the Safavids changed Ashura rituals as part of a larger struggle which corrupted Shia Islam, transforming it from a religion that resisted against oppression and fought for justice and equality into one that supported and reinforced the rule of oppressive Caliphs and dictators and this was done with the cooperation of religious leaders and the clergies. Shariati claims that the main goal of Shi'ism and Ashura rituals is to say "No" to the injustice and slavery perpetrated by the ruling government, religious leaders and the aristocracy. Shariati adds: "Ashura reminds us of the teaching of the eternal fact that the present version of Islam, is a criminal Islam in the dress of tradition, and that the real Islam is the hidden Islam, hidden in the red cloak of martyrdom."[26]

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23. Ali Shariati, *Mazhab Alaye Mazhab* (Tehran: Chapkhar Publication, 2009), 111–149; Ali Shariati, *Red Shi'ism vs Black Shi'ism* (Tehran: Enteshar Publication, 1973), 12–34.

24. Hamid Dabashi, *Theology of Discontent: The ideological Foundation of the Islamic Revolution in Iran* (New York: New York University Press, 1993), 104–106.

25. Elbadri, *Shia Rituals*, 6; Rainer Brunner, *The Twelver Shia in Modern times* (Boston: Brill Publication, 2001), 178.

26. Shariati, *Red Shiism vs Black Shiism*, 12.

In support of Shariati's argument, it can be observed that, changing the content of Ashura rituals from one of resistance and rebellion against injustice into a more formal and ceremonial rituals, such as the *Taziya,* and focusing the memorial service on the hereafter (which in no way undermines the rule of the establishment but might even strengthen it by legitimizing their rule over people as something ordained by God and instead promising a better life in the hereafter), has completely changed Hussein's true message.

As can be expected, many clerics have attacked Shariati to the point of calling him a Sunni working to abolish Ashura rituals. However, there are a few that have taken notice of his criticisms. For example, the noted Islamic scholar Morteza Motahari in his famous two–volume book on Ashura rituals acknowledges that these ceremonies have become corrupted by superstition, non–Islamic tradition, as well as fake and over–the–top narrations of the battle of Karbala.[27]

One of Bell's contributions to the understanding of rituals is the concept of "redemptive hegemony," which entails the use of rituals to reorder society and reinforce power structures. She describes four types of ritual theories that deal with power and social control. The first group of theorists, characterized by the works of Robertson, Smith, Evans–Pritchard, Fortes, and Munn, emphasize that rituals help with social control by promoting consensus and solidarity. The second group of theorists, such as Gluckman and Turner, argue that ritual is a tool to deal with conflict and restore social equilibrium. The third group, led by Burkert, Girard, and Heesterman, say that rituals help with the repression of violence and aggression, while the fourth group, characterized by Geertz, Turner, Douglas, and Lukes, say that rituals do not control society directly; rather, they model society through the promotion of specific cultures and values. Bell's position is closest to the fourth group. However, she rejects the view that rituals have a "magical" power that can shape participants' minds; rather the relationship is one of constant negotiation and resistance.[28] Thus, her theory has a more nuanced and specific view of how rituals can be used in the interests of the powerful. As she stresses:

27. Motahari, *Hamaseye Husseini,* 120–230.
28. Bell, *Ritual Theory, Ritual Practice,* 171–179.

> The deployment of ritualization, consciously or unconsciously, is the deployment of a particular construction of power relationships, a particular relationship of domination, consent, and resistance. As a strategy of power, ritualization has both positive and effective aspects as well as specific limits to what it can do and how far it can extend.[29]

By looking at the rituals of Ashura, one can see that Bell's theory, emphasizing the context of the ritual, is more suitable than past theories for analyzing and understanding Ashura. For example, while the Umayyads and Abbasids tried hard to change the day of Ashura from one of mourning into one of festivities, they were largely unsuccessful. On the other hand, the Safavids were very successful at both changing Ashura rituals as well as using them to their own advantage. Thus, the circumstances of the time and the viewpoints of the participants are instrumental in how this power relationship plays itself out. Umayyad leaders were seen as complicit in Hussein's murder and Abbasid leaders were seen as complicit in the murder and imprisonment of Hussein's descendants, whereas the Safavid rulers presented themselves, much to their own advantage, as Shia leaders in contrast to and in defiance of the Sunni Ottoman Empire.[30] Furthermore, the political, cultural, and economic context in which Shia participated in Ashura rituals was vastly different. Whereas under Umayyad and Abbasid rule, Shia were the oppressed minority living under hardship; under Safavid rule, the Shia were the majority, living prosperously under a Shia empire. Therefore, Ashura rituals were transformed from one representing an ethos of resisting oppression and changing the status quo into one of legitimizing the status quo and instead focusing on ritual theatrics as well as the hereafter. Therefore, while Safavid rulers were instrumental in perverting Hussein's message, it should also be noted that the new message was also more apposite to the political, cultural, and economic status Shia now enjoyed.[31] This is a clear example of how, as Bell's theory stresses, power relationships in rituals are "negotiated" to the benefits of both parties rather than being dictated from the top down.

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29. Bell, *Ritual Theory, Ritual Practice,* 206.
30. Rahimi, *Theatre State and the Formation of Early Modern Public Sphere in Iran,* 199–200.
31. Rahimi, *Theatre State and the Formation of Early Modern Public Sphere in Iran*, 201.

Limitations of Bell's theory of ritual

A closer look at Ashura rituals and its evolution shows that even Bell's theory is limited in explaining its political significance and effects. Although Bell does stress the power of ritual participants to negotiate and resist more powerful classes, in line with Gramsci she argues that rituals help in reinforcing and legitimizing the hegemony of dominant groups. As discussed earlier, during long periods of history particularly during the Umayyad and Abbasid rule, Ashura rituals were used as a tool to undermine the establishment, and in this sense were counter–hegemonic. This counter–hegemonic aspect of Ashura rituals only began to erode after Safavid rule. Nevertheless, in local power structures, Ashura rituals have continued to be used to alter power relationships: Mary Elaine Hegland, for example, discusses how Peshavar women of Pakistan use Ashura mourning rituals to resist and combat the masculine biased gender structure they were living in.[32]

While in many instances, particularly during the time of the Safavids, Ashura rituals have been used to legitimize the status quo, it is important to note that, even in cases where the ruling establishment has been successful in utilizing Ashura rituals to its advantage, there is always the concrete possibility that some groups will use the rituals against it.[33]

During the lead up to the Iranian revolution, Ashura rituals were a source of instability for the Pahlavi government, as it created an arena where grievances against its oppression were voiced. The regime was careful in dealing with this, as it did not want to present itself as an anti–Shia government in a country where the majority are Shia Muslims; nevertheless security forces clamped down on protestors. However, on the day of Ashura in 1978, over two million people used the day to protest against the Shah, in what was to become the largest demonstration to that day against the ruling establishment.[34] Ayatollah Khomeini also presented himself as following in

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32. Mary Elaine Hegland, "Flagellation and Fundamentalism: (Trans) Forming Meaning, Identity, and Gender Through Pakistani Women's Rituals of Mourning," *American Ethnologist*, Vol. 25, No. 2 (May, 1998): 240–266.

33. Rahimi, *Theatre State and the Formation of Early Modern Public Sphere in Iran*, 211–213 and 215.

34. Ervand Abrahmian, *Iran Between Two Revolutions* (Princeton: Princeton University Press, 1982), 624–644.

the footsteps of Hussein, depicting the Shah as following in the footsteps of Yazid I (the Umayyad Caliph responsible for Hussein's slaughter).[35] In effect, the–lead up to the revolution had changed the emphasis of the Ashura rituals from Hussein as a source of holiness who could help you with your life in the hereafter back into Hussein as an agent of struggle against tyranny that could serve as a "model for emulation."[36]

The Ashura ceremonies following the disputed presidential elections of 2009 brought an interesting development. During the Ashura rituals in various parts of Iran, men and women chanted "*Abolfazl Alamdar Khamenei ro bardar*" as they beat their chests, which is translated as "O Abolfazl the hero (of Karbala) rid us of Khamenei (Iran's Supreme leader)." Abolfazl–el–Abbas is the brother of Hussein and the head of his small army during the battle of Karbala, and, during the Ashura rituals, it is common to call out his name to help with the acceptance of the prayers of the participants. The day following these rituals, however, other people chanted "Abolfazl Alamdar Khamenei negah dar," which means "O Abolfazl guard Khamenei." This shows how Ashura rituals are very difficult for the ruling establishment to control and manipulate in the long run, since these rituals might and can be at any time turned against them.

Another weakness of Bell's theory is that it assumes that, by dismissing the dichotomy between thought and action, it also eliminates the distinction between the observer who "thinks" and the participant who "acts" to the point that the two are identified. In reality, the distinction between the researcher who observes without taking part and the participant in the ritual cannot be eliminated, because the observer cannot ever fully ascertain the thought and idea behind the ritual. By conducting objective and context specific research, the observer can try to understand the ritual as much as possible; however, as seen in the case of the Ashura rituals, there can be complex and even contradictory motives, ideas, and emotions behind the ritual actions. Furthermore, the ritual might mean different things to the various participants of the ritual; as such there is not one "thought" but multiple "thoughts" behind the rituals. For example, a participant in Ashura rituals in Iran might see his or her actions in the ritual as an act of

35. Amir Taheri, *The Spirit of Allah: Khomeini and the Islamic Revolution* (New York: Adler and Adler, 1985), 134–135.
36. Hegland, "Flagellation and Fundamentalism," 240–241.

defiance against the government while the person next to them might see it as supporting the establishment. Sometimes these thoughts become overt as in the case noted earlier following the 2009 elections, but many times they are completely hidden or very subtle, in effect giving the same ritual different meanings for different people even within the same context. This means that the distinction between observer and participant can never be fully eliminated in practice.

In conclusion, Bell's ritual theory, seeing context as essential, including a sophisticated view of power relationships, and, having a two–way connection between tradition and rituals, brings many insights to the understanding of rituals. The analysis of Ashura rituals in this essay confirms this aspect of her theory. Most other ritual theories suffer from the thought/action dichotomy that she strongly rejects. Theories that treat ritual acts as an abstraction, and therefore as not closely tied to their context, run the risk of seeing the Ashura ritual during the Safavid and Umayyad period as essentially the same; whereas Bell's theory allows for a more nuanced and sophisticated analysis of rituals, taking into account the different potential functions of the ritual dependent upon their various contexts. Nevertheless, her theory does have its limitations. Even though she improves upon previous theories of power relationships in rituals by introducing negotiation and resistance, she does not take her addition far enough, neglecting to consider whether that rituals might be used to overthrow the current power structure of society altogether. In addition, her theory implies that observer and participant can become one even though this is not possible in reality. Nevertheless, a major advantage of applying her theory or any theory for that matter, to various rituals, is that their strengths and weaknesses can be found and as a result theories of religion can be improved.

Book Reviews

The Philosophy of Michel Henry (1922-2002): A French Christian Phenomenology of Life. Michelle Rebidoux. Lewiston, NY: Edwin Mellen Press, 2012.
ISBN: 9780773426382. Pp. 296.
Reviewed by Garth W. Green, McGill University.

The Philosophy of Michel Henry is a very good, and timely, book. It is well-conceived, well-structured, and well-written. It endeavours to explain the essential contexts and contents of Michel Henry's philosophy: its relation to Neo-Platonism and medieval mysticism, to Husserl's and Heidegger's phenomenology, and to subsequent French phenomenology. For these reasons and on these important points, the work offers for the English reader an effective introduction to Henry's thought.

The book concerns itself with two themes: the theory of knowledge in *L'essence de la manifestation* (in its affective, intentional, and pre-intentional aspects), and the theory of God, principally in *C'est moi la vérité*. In this, too, it focuses on the two principal aspects of Henry's thought: phenomenological philosophy of knowledge and phenomenological philosophy of religion. It excels at describing the latter, and does so with full right, as Henry's *L'essence de la manifestation* (finished in 1957, published in 1963) made perhaps the most important twentieth-century contribution to the discipline, by inspiring the now predominant "theological turn" of French phenomenology.

Every chapter is worth reading: Chapter One establishes important parallels between Heidegger and Henry (13–14), and discusses with admirable clarity the problem of the self-alienation or self-objectification of consciousness. Chapter Two treats of the Husserlian context of Henry's phenomenology: it is, however, as S. J. McGrath put the point in his review, "mostly on Marion" (*Analecta Hermeneutica*, Vol. 4 [2012]). This produces the odd effect of contextualizing Henry through a later figure (cf. p. 25, note). Chapter Three considers Henry's "material phenomenology" and his "phenomenology of the body" in the sense of his *Philosophie et phénoménologie du corps*, the concepts of hetero- and auto-affection, and the way in which this early work develops into Henry's mature, and phenomeno-theological concept of "flesh." Here, too, Henry is discussed alongside, and through, Marion. Chapter Four is particularly valuable, for its employment of materials in the history of Neo-Platonic theology and Rhineland mysticism; the comprehension of M.

Henry requires no less than this (rare) broad historical and scholarly scope, and it is sketched admirably herein. In Chapter Five, the most evaluative chapter of the work (followed only by a summary five-page conclusion), Rebidoux alleges a problem of "solipsism" (208) and a problematic "onto-theological leap" (233) in Henry's phenomenology; here, too, she treats Marion as extensively as Henry, and considers the former as a corrective of the latter (236–237). The work concludes with the claim that Henry (though not Marion) "allows his phenomenological insights to be betrayed by the question of Being" (237).

Neither the book's strengths nor its weaknesses should be ignored. The selection of recent French scholarship is less than complete, particularly on Henry's philosophy of religion (Capelle, Chrétien, Greisch, Laoureux, and Leclercq are absent), and no recent Italian scholarship, in which the question of the relation between Henry's phenomenology and theology is most central (e.g., Canullo, Marini, Molteni, and Sansonetti), is included. Such sources may, or may not, have altered or reduced Rebidoux's impression of a (onto-theological) "leap." But the same could not be said of a second absence or lacuna: Rebidoux has omitted, virtually without exception, any consideration of Kant or German Idealism (particularly Fichte and Hegel), the inclusion of which would have altered the character and content of this work. While this exclusion could be made virtually without cost in the case of Marion, the same cannot be said with respect to Henry. Assuming, then, the many and important virtues of this timely and welcome work, I will dedicate the rest of this review to the discussion of these absences, and their effects.

Introducing Chapter One, Rebidoux (7–8) discusses "the phenomenological context in which Michel Henry finds himself as a young philosopher in the late 1940's." For Rebidoux, this context is "thoroughly soaked with the thought and the critique of Western onto-theology of Heidegger" (7). One needn't deny Heidegger's importance, in this context or to Henry, in order to ask whether this single contextual element is sufficient. While it is true that Henry would assume in order to amplify the doctrine of *ekstasis* (with that of a pre-ekstatic or pre-intentional affectivity, an "auto-affective revelation" [9]), this required an engagement not only of Heidegger, but also of modern European philosophy as such. The latter would lead Henry not to a Heideggerian critique of "onto-theology" (Kant's term, after all), but rather to a "theological turn." Additional contextual elements will be required. Noting that Henry's codename in the French Resistance during World War II was "Kant" (since he carried [only] the *Critique of Pure Reason* in his backpack, before then dedicating so many years and publications to its study), Rebidoux nonetheless underdetermines this relation. She declares, "Kant simply had no real ontology of subjectivity" (7; this declaration is repeated virtually unchanged on pp. 26, 57, 62, 97, and thereafter). She cites (7) the *Genealogy of Psychoanalysis*, that "a metaphysics or representivity… cannot represent…the condition of being-represented (i.e., the act of posing and

representing itself).” Correctly, Rebidoux suggests that “what would be required for such a condition to be represented would be an intuition. But any intuition of such a condition is necessarily lacking because it is impossible on account of the system’s inherent structure.” Rebidoux does not illuminate or even investigate any such insufficiencies of this structure; she rather asserts, “Kant, in other words, fits nicely into the tradition of ‘constituted Cartesianism’” (7). But Kant is not a Cartesian on the question of transcendental self-consciousness and subjectivity (as the Refutation of Idealism and the Paralogisms both attest). Nor was Kant a Cartesian for Henry; Henry’s critique of Kant is precise, technical, and informed by the most serious French Kant scholarship (e.g., Nabert and Lachièze-Rey). It treats Kant not only as yet another instance of ontological monism, but in the specific context of Kant’s doctrine of time as a form of inner sense, and thus the problem of *Selbstaffektion*, and the “internal structure of immanence.” This engagement fills not only the important §§ 22–43 of *L’essence*, but also, e.g., “*Le concept d’âme a-t-il un sens*,” “*Destruction ontologique de la critique kantienne du paralogisme de la psychologie rationelle*” (still untranslated), and Chapter Four of *Genealogy of Psychoanalysis* (“Life Lost: Kant’s Critique of ‘Soul’”). The absence of the historical and thematic context provided by these texts suggests a lacuna in Rebidoux’s otherwise fine work.

This lacuna extends to each of Henry’s key nineteenth-century sources. The role of Henry’s appropriation of Fichte (e.g., *L’essence*, §38) and critique of Hegel (*L’essence*, §20) remain undetermined. Henry’s recovery of the former is important both for Fichte’s critique of Kant and for his having reintroduced themes (e.g., the ingredience of invisibility in the structures of consciousness and self-consciousness) definitively—and theo-logically—treated by Eckhart (e.g., §39). The critique of Hegel is important insofar as it is required in order to overcome the modern, philosophical resistance to this theo-logical overcoming of the insufficiencies of the representational, and self-alienating, form of philosophical knowledge. Far from a late development, this position had been taken already in 1957, already in this, the basic structure of *L’essence* (contrary to the author’s assertions on pp. 4 and 187 of a late adoption of such a theo-logical frame). The position, and its philosophical integrity, is essential to the possibility and justification of the theological turn of French phenomenology.

Chapter Two extends this difficulty. It considers Husserl as a contextual figure, but does so, principally, by means of Marion’s interpretation thereof. A helpful general review of the notions of givenness and intentionality in *Ideas I* extends from pp. 55–68, at which point Rebidoux’s book treats the way in which “both Henry and Marion…unfold Husserl’s essential phenomenological insight—namely, ‘givenness’” (69). This purported identity between Henry and Marion is advantageous; it allows Rebidoux to examine the way that “both do so by articulating a mode of phenomenality…prior to *ekstasis*” or intentionality (69). Rhetorically, it

allows Rebidoux to present Henry through a figure better known in Anglophone scholarship. However, differences between Marion and Henry are elided; on p. 87, after nearly twenty pages of exegesis of Marion, Rebidoux concludes "such as [sic] least is Henry's reading" of Husserl, when in fact she has given evidence instead of Marion's. It also is surely an exaggeration to say that due to "the extremely modest size of Henry's audience even in French in the 1960's" that Marion "just stumbled upon Henry and his seminal thought of 'clandestine subjectivity' as though upon an unclaimed jewel" (226). This better describes Henry's standing in contemporary Angolphone scholarship than his stature in French phenomenological circles. One needn't argue Rebidoux's conclusion regarding the character of Henry's critique of Husserl (as contained in, e.g., *Phénoménologie materielle*) in order to suggest the risk of their presentation here—its contextualization of a prior figure through a posterior figure, one importantly influenced by the former as well as quite distinct therefrom (in his sources, methods, and results). Distinctions between them (particularly the specifically transcendental and Kantian context of Henry's philosophy) remain underdetermined.

The author's treatment of the mystical and theological horizon of Henry's work is excellent and important. Chapter Four treats of "Henry's Christianity," and considers Henry's late work. For the author, "as Augustine's own Neo-Platonic quest ends in his conversion to Christ, so it seems does Henry's." (For discussion of this important aspect of Henry's Neo-Platonism as a specific theological style, see pp. 146–47, 155, 157, 170, 209.) Rebidoux considers the relation between Henry and Eckhart across many of the most valuable pages of this book; she treats the Eckhartian theme of the birth of God in the soul from pp. 153 to 169. In this context, Rebidoux discusses the distinction between the theme of "generation" and the theme of "creation"—in her terms, between "creationism" and "emanationism" (e.g., p. 153, n. 20), a distinction that is essential to Henry's *I Am the Truth*, chapters four and nine. Her treatment of Henry's phenomenological theology extends to p. 237, making this the most sustained and articulate presentation of Henry's philosophy of religion in English.

Rebidoux confronts Janicaud's *constat* (in *Le tournant théologique de le phénoménologie française*) against Henry's "phenomenology of the invisible," his "incantations" of, and to, the purportedly anti-phenomenological principle of invisibility. Not wholly unlike Janicaud, Rebidoux ultimately understands Henry's two thematic engagements, philosophy of knowledge and philosophy of religion, to be distinct on principle. His phenomeno-logical investigation of the structure of self-consciousness, as containing visible images of an invisible ground, and his theo-logical investigation of the structure of divine self-manifestation, as itself, too, containing a relation between a visible image and an invisible ground, cannot be isomorphic or even mutually informing for Rebidoux. While Henry attempts, "in his

later writings…to mediate…between the individual ipseity and the absolute Life," this mediation involves "the *onto-theological nomination* of the process of [the] eternal self-begetting of Life in and as the Arch-Ipseity" (198; italics added). This critique, with which the book concludes, is made in two ways. In the first, Rebidoux is effective, in suggesting that Henry's "nominalization of the unnameable pre-ekstatic source of thinking, willing, ex-istence" violates his own principles (202). While it remains undecided whether phenomeno-theology thus must remain "apophatic" rather than "nominalize" the sources that exceed or recede from phenomenological vision (158, 163, 185), this concern is important and clearly articulated. Less effectively, Rebidoux accuses Henry (repeatedly) of "onto-theology," the character of which charge remains unclarified even as its intent to disparage is clear (As N. N. Trakakis put the point in his review of this work, "the by-now worn-out label of 'onto-theology' should be avoided, unless it is carefully defined (which it is not, in this instance).") Thus, to her interpretive question, whether "Henry [has] really rigorously…established" his "phenomenology of Christ as the Arch-ipseity," she responds that the latter involves "an onto-theological leap dependent on a certain Neo-Platonist-inspired reading of the Logos theology of John" (158, 169; cf. 158). She does not explore, but rather simply rejects, this inter-determination.

The work ends with a brief Conclusion, in which Rebidoux reviews the work's central claims, including her critique of Henry's "positing in the nominative the eternal process of absolute Life's self-begetting of itself" (239). Thus, one may conclude that *The Philosophy of Michel Henry* is excellent for its treatment of both the Rhineland mystical source and the phenomenological context of Henry's philosophy. Its treatment of the German Idealist sources of Henry's thought lacks. Its treatment of the differences between Henry and Marion, and of the former's role as the source from which such later and contemporary figures in French phenomenology developed, also lacks. Neither of these lacunae is fatal: this is a very good, and timely book, important for its depiction of the mystical and phenomenological sources of Henry's thought. As interest in Henry's phenomenology grows, Rebidoux's work will continue to offer an excellent introduction to the phenomenological basis of his philosophy of knowledge, and the problems and potential of his philosophy of religion and its "theological turn."

Memory and Mourning: Studies on Roman Death. Valerie M. Hope and Janet Huskinson (eds.). Oxford/Oakville, CT: Oxbow Books, 2011. ISBN 9781842179901. Pp. xxiv + 200.
Reviewed by Nicola Hayward, McGill University.

Memory and Mourning: Studies in Roman Death is an edited volume that developed from the collective efforts of two one-day conferences the Department of Classical Studies of the Open University held between November 2007 and February 2008. In her introduction Valerie Hope notes that while recent studies have enhanced our understanding of Roman death and its practices and rituals, many of these studies have focused on specific aspects of Roman death, which are rarely united. This volume too follows in the same tradition; however, it differs in that it has brought together a variety of evidence and approaches from literary genres, and material and archaeological evidence. It is through this interdisciplinary lens that this book outlines the progression of Roman death from the act of dying to the funeral and to the final performance of commemoration.

The opening chapter by David Noy focuses on what it means to have a "good death" in a domestic setting. Using literary, material, and archaeological evidence, Noy sites three necessary aspects of death at home: the final requests of the dying, the creation of death masks, and the correct disposal of the body. A "good death" meant the deceased would be remembered and the mourners would be able to carry out their obligations, which was a consolation for them. Death away from home meant the deceased did not receive the proper burial, nor would their tomb be maintained, leading to eventual obscurity.

In Chapter Two, Graham examines both the social and biological aspects of death, noting that scholarship concerned with memory lacks the study of a corpse and its role in Roman death. Graham's contribution focuses on the role of the corpse amongst the living, both family members and funeral workers, as they interacted with the deceased through different rites of mourning. The variety of rites performed by different groups such as the washing, anointing, and dressing of the corpse by women helped shape competing memories and forms of distinct identities through sensory perceptions such as touch and smell. The formation of identity was not limited to the individual, but also included a communal identity.

Using textual and material evidence, Erker, in Chapter Three, focuses on the roles of men and women in funerary rites; however, her approach is more attentive to the specific ways in which gender and social stratification functioned

in Roman funerals. Erker argues that although there were diverging expressions of grief between men and women, they did at times overlap. Primarily, however, women mourned and prepared the body, while men offered eulogies and performed purification rites enabling the participants to leave the funeral.

In Chapter Four, Houghton uses evidence from Latin love poetry in order to better understand the Roman funeral. He argues that funerary ritual and its practices embodied the proper characteristics of *Romanitas*, which ultimately provided the ideal target for the elegists who diverged from traditional attitudes and values. While he cautions against using the elegists' descriptions of funeral practices as historical reality, since they often wrote to express their own distorted reality, he does note that buried within their poetry are reflections of contemporary Roman funerals.

Schultze's contribution focuses on Dionysius of Halicarnassus's role as a historian who believed it was the writer's "prime function" (79) to report on the events of the deceased, thus making sure the glory of those now gone lived on forever. Dionysius believed that, although Rome inherited many of the Greek customs, funeral orations originated at Rome and were far superior to those practiced in Athens. Schultze notes that, for Dionysius, this superiority is attributed to the Roman ritual of commemorating all noble men and women, an act that brings them nearer to the divine, while the Greeks only honoured men who died during war. None of this was possible, however, unless the historian and the subject were both of sound minds.

The use of literary representation is taken up once again in Brooke's contribution in Chapter Six. Here, Brooke focuses on one of Cicero's more unusual speeches, *Pro Rabirio Perduellionis Reo*, in which he defends Rabirius on the charge of *perduellio*. She argues that funerary language, which included ancestor masks and dead statesmen who have been summoned into the courtroom, dominated Cicero's speech. These rhetorical strategies served to influence memory and create public identity.

In Chapter Seven, Janet Huskinsion uses material evidence from one particular monument, a funerary altar dedicated by Secundus to his wife and daughter, both of who drowned at sea. The altar, through its visual imagery and text, helps to "tame" the violent deaths of the two women by re-contextualizing their fate. In order to achieve this, the artist has juxtaposed the busts of the women with the goddesses Fortuna and Diana, which serves to commemorate their achievements and promote their lives as something good. This visual effect helps to "soften" the impact of their violent deaths by creating good as opposed to bad memories.

Using epigraphic and material evidence, Carroll, in Chapter Eight, focuses on the preservation of memory in funerary rituals and monuments, with particular attention paid to the role of slaves in preserving the memory of their owner. Carroll argues that the death of the master brought about a significant change in status not

only to the deceased but also to the life of the slave. For the master, the deathbed provided an opportunity to express great ostentation through the manumission of slaves laid out in his will, as well as guaranteeing the perpetuation of his memory through yearly funerary rituals carried out by the freedmen. For the slave, it meant freedom from servitude and a new social status, which included the freed slave taking the family name of their patron as well as being depicted on their master's funerary monument.

Hull, in Chapter Nine, examines a poem written by Statius addressed to Claudius Etruscus on the death of Etruscus' father. Hull argues that Statius' poem, *Silvae*, does not function simply as a work of *consolatio,* and indeed fails as a form of consolation for its addressee. Rather, a close reading of this poem demonstrates that it is more concerned with forms of memorialization, politics, and imperial behaviour.

In the final chapter of this volume, Valerie Hope looks at the importance of personal material objects for creating memory and identity. In particular, Hope focuses on a portrait and bracelet, both of which survive only as references in a fifty-line poem engraved on the epitaph of Allia Potestas. The portrait provides a stage for the male gaze to preserve an idealized vision of Allia's beauty, while the bracelet, which was inscribed with her name and worn by the patron, functioned as a piece of "remembrance jewellery" that allowed the deceased to be carried with him. Such transportable objects meant that mourning and memory of the deceased was not limited to the tomb and could occur in other places.

This book makes a significant contribution to the study of Roman death. It does so by offering a unique interaction between literary, material, and archaeological evidence that is often treated separately. The editors of this volume, however, have creatively weaved the different fields into a coherent pattern that follows the progression from the physical act of dying to the funeral to commemoration and memory. Overall, this collection of essays is a valuable source for those interested in the sociology of Roman death and how it functions as an important marker of identity for both the living and the dead.

The Metamorphosis of Finitude: An Essay on Birth and Resurrection. Emmanuel Falque. George Hughes (tran.). New York: Fordham University Press, 2012. ISBN: 9780823239207. Pp. xiv + 193.
Reviewed by Nathan Strunk, McGill University.

Falque's *The Metamorphosis of Finitude* is the second of three books belonging to a "triptych" that examines the theological truths of the Easter *Triduum* (Passion, Resurrection, and Eucharist) in light of the philosophical experiences of agony, birth, and the body (ix). Although the two wings of the triptych remain to be translated, with this volume Hughes provides the inner centerpiece that holds the other two pieces together. In keeping with this imagery Falque begins the book with reference to Van der Weyden's altarpiece at the Beaune hospice in Burgandy, which depicts Christ's *parousia* at the last judgment. Across the bottom of the painting, naked individuals emerge from disturbed broken earth, resurrected. Falque interprets, "There is a cracking and opening up of immanence and temporality (the crust of our finitude), even though finitude may be impassable simply at the level of our existence. Neither another world nor an event in the world, the resurrection shows itself here in its own true daylight as a transformation of the world, and of human beings in the world…an ontic event" (xiv). The book expounds this richly intricate assertion in three parts, beginning with an account of finitude in the first part, returning to the metamorphosis of finitude in the second, and concludes with a phenomenology of resurrection in the third. this review assesses two inter-related aspects; namely, the relation between immanence and transcendence, on the one hand, and philosophy and theology, on the other. Broadly speaking, the former indicates Falque's methodology and the latter the content of his argument.

Falque's method can be measured according to the difference between Henri de Lubac's *The Drama of Atheist Humanism* and Maurice Blondel's *Letter on Apologetics*. Each of these works responds differently to atheistic humanism in the nineteenth and early twentieth centuries. This atheism's basic assumption is that humanity only flourishes if the divine is denied, since the existence of God would necessarily relativize the autonomous integrity of finite things. An early, schematic formulation of this assumption can be found in Kant's *Critique of Practical Reason*: "it nonetheless seems that as soon as one assumes that God as universal original being is the cause also of the existence of substance…one must then also concede that a human being's actions have their determining basis in what is entirely beyond his control…A human being would be a puppet, or a Vaucansonian automaton built and wound up by the supreme master of all

artificial devices" § 100-101). Even as "God" is a necessary postulate for practical reason's categorical imperatives, human freedom requires extrication from "God" as *causa sui* to be fully realized. Nietzsche capitalizes on this, developing his philosophy and corresponding conception of Christianity precisely on this very point. So radically and thoroughly has Nietzsche applied this assumption that not even rejection of the divine—Anselm's fool, one could say—offers any kind of dialectical affirmative proof of God. Humanity's "no" must not even be a negation but rather a *sui generis* absolute positing beyond good and evil. Gradually, the presupposition that humanity and divinity are in competition became normative. Henceforward, philosophy must be decidedly immanent to be legitimate. One may think here of Heidegger's bracketing of philosophy in *Being and Time*'s opening prohibition: "tell no stories" § 6).

Henri de Lubac opposes this assumption by arguing its opposite: "where there is no God, there is no humanity either." Despite the subtlety of his interpretations, de Lubac's apologetic polemics are not immune to impatient rebuttals and harsh indictments designed to rouse the faithful and denounce the faithless as deviant. Such an approach continues even today among some of de Lubac's orthodox Anglophone descendants. Alternatively, Blondel assumes a "method of immanence" which maintains that all experience of God is human experience. So seriously does Falque apply Blondel's "method of immanence" that he curtails any attempt to "hypostasize man as a 'transcendent Being'" or to find an experience of the Infinite in some structure of humanity å la Rahner or, by association, Maréchal (7). In addition to radicalizing Blondel's method, Falque shifts its conceptual framework from the Thomist nature/supernatural to Heidegger's existential analytic of *Dasien*. Falque conceives this as a shift from a didactic, theological approach to a heuristic, philosophical one. For Heidegger, theology resolves in advance and "from above" the question of Being, but such a question can only legitimately be raised "from below," and can only be answered by reflection on the questioner, *Dasein*. Falque does not concede Heidegger's problematizing of the relation between philosophy and theology, but he acknowledges Heidegger's "constructive atheism" as methodologically compelling precisely because it is conceived heuristically. In seeking an answer to the question of Being—"Why is there something rather than nothing?"—*Dasein* does not decide in advance for or against nothingness but rather reflects upon its station as a questioner enthralled in existential crises of care (*cura*) and trouble (*molesta*), or, in Augustinian terms, *oneri mihi sum* ("I am a burden to myself."). Only here can the force of the question of Being, origin, and time be felt through a complete exposure to the possibility of disbelief. By accepting Heidegger's closure to "transcendence," Falque adopts his atheism as heuristically normative. This method is consistent with J. Greisch, "Atheism is not just a theoretical problem, it is first of all an *a priori of existence*" (40). In contrast to de Lubac, then, Falque does not treat atheistic humanism as if immanence were a problem in need of a transcendent resolution.

Thus, to call Falque's approach "apologetic," as Christina Gschwandtner does in her latest *Postmodern Apologetics?*, is somewhat misleading even with considerable qualification and redefinition of the term.

For Kant, Nietzsche, and Heidegger, autonomy requires disbelief. Falque accepts this assumption without adopting their corresponding presupposition that there is a fundamental competition between the divine and human. Instead, Falque argues that finitude seeks metamorphosis and undergoes rebirth without compromising its integrity. This can only be done convincingly if Falque's phenomenological interpretation of the resurrection succeeds in dispelling erroneous implications for the body and cosmology that the doctrine has come to be associated with after Nietzsche's critique of Christianity's "Platonizing"; that is to say, Christianity's condemnation of the body or the earthly in its escapist flight to the spiritual or the heavenly. Many level this criticism against St. Paul in particular. However, according to Falque, the apostle conceives corporality as the mode through which God is experienced. Far from supporting radical dualism, Paul's distinction between spirit and flesh pertains principally to "lived modalities of the body." Whereas Nietzsche interprets the resurrection "biologically"; Paul conceives resurrection as "a relationship lived in our own corporality with the resurrected God" (57). This existential reinterpretation of Christian concepts applies cosmologically as well. "Put in phenomenological terms, heaven and earth are not places separated by some sort of divine geography but existentials or categories of the lived, through which we relate to God" (96). Thus, for Falque, the resurrection is not a rewriting of temporal conditions on an extra-temporal plane of untroubled existence. Rather, resurrection, along with the concepts of rebirth and metamorphosis it entails, primarily concerns a way of living in the world. While this should be understood ethically, the notion of "world" is primarily intended in a phenomenological sense. The metamorphosis of finitude does not mean the alteration of human essence for "existence precedes essence. Rather, through the resurrection "the structure of the world as such is not only changed but changed to the extent that a sudden *irruptive event* of this kind transforms my manner of being in the world from top to bottom, and thus 'makes [the] world" (107). This is not a factual change, but an event or existential metamorphosis in which "resurrection" names human becoming ("to be what you become") or, as Nicodemus was taught, to be reborn into the divine Trinitarian life here and now in temporal, corporeal existence.

As a work borne from the "theological turn," theologians will undoubtedly read this book with other concerns in mind, and there is much here for their consideration, including Falque's association of phenomenological incarnation (*Leiblichung*) with theological incarnation (*Menschwerdung*), his integration of creation and resurrection for reconceiving the relation of time and eternity, his Trinitarian interpretation of

the resurrection, and his claim that the "metamorphosis of finitude is a intra-divine event." Falque frequently employs to theological doctrines phenomenological concepts borrowed from Husserl, Heidegger, Merleau-Ponty, Levinas, and Marios. Theologians can decide to what degree the phenomenological does justice to the theological or whose theology (Balthasar's?) this account most resembles. This review's limited purpose has been to evaluate Falque's method and its corresponding philosophy with respect to finitude and the possibility of its metamorphosis.

The blending of theology and philosophy in French phenomenology has been much debated, and Falque's own contributions to this debate are many and varied. His radicalizing of Blondel's "method of immanence" brings philosophy and theology into conversation in a significantly different way, for it seeks to open a route to theology precisely where philosophy is resolutely closed-off. However, it is difficult to assess whether this opening is achieved by means of Falque's phenomenology or by his appropriation of theological concepts. To return to an earlier point, it will be recalled that Falque brackets attempts to "demonstrate" that humans have a desire for the Infinite from finite structures like *Dasein* (Rahner) or knowing (Maréchal). For Falque, these "experiential proofs" already assume *a priori* the Infinite. But it is not impossible to think that something similar is being done in this book, for it seems that a Trinitarian theology and an incarnational Christology have taken the place of the Infinite, which Rahner and Maréchal consider first and foremost a philosophical term. Therefore, Falque may achieve his aim of "going through to go beyond Heidegger,, but at what price to his philosophy? This is a question that can only be answered through fuller engagement—the complete picture, as it were—of Falque's work, which many Anglophone readers rightly and eagerly await.

La voie de l'amour: une interprétation de Personne et acte *de Karol Wojtyła, lecteur de Thomas d'Aquin*. Aude Suramy. Vatican: Pontificio Istituto Giovanni Paolo II per Studi su Matrimonio e Famiglia, 2014. ISBN: 9788882729806. Pp 707.
Reviewed by: Richard Paul Cumming, McGill University

Based on Suramy's Sorbonne Ph.D. thesis, La voie de l'amour represents the latest in cutting-edge scholarship on the thought of Karol Wojtyła/Pope St. John Paul II (1920–2005). In this work, Suramy seeks to provide an interpretation of Wojtyła's magnum opus, *The Acting Person* (1969), that situates this philosophical treatise on the nature of the person in the context of Wojtyła's other works on figures such as St. John of the Cross, Max Scheler, Thomas Aquinas and Immanuel Kant. As such, this work represents a most ambitious undertaking, requiring a breadth of knowledge uncharacteristic of most Ph.D. dissertations, as well as considerable linguistic competence in both Polish and Latin. Suramy's return to the original Polish is impressive, although, since she relies upon the bilingual Polish-Italian second edition of *The Acting Person*, Suramy overlooks a couple of important points that are stated clearly in the first Polish edition but are either omitted or understated in subsequent editions.

Suramy reads *The Acting Person* ultimately in light of the sixteenth-century Spanish mystical St. John of the Cross' *The Ascent of Mount Carmel*, arguing that the structure of The Acting Person mimics the ladder of mystical ascent that St. John of the Cross proposes in his work from (1) a state of unbelief to (2) a state of knowledge of God and then to (3) a state of love of neighbor. Suramy is correct to highlight the significance of St. John of the Cross for Wojtyła's work, and her attempt to bridge the gap between Wojtyła's work on faith in St. John of the Cross and on the nature of the human person, providing a holistic interpretation of Wojtyła's philosophical and anthropological corpus, is much to be commended; however, in seeking to interpret *The Acting Person* as structurally parallel to *The Ascent of Mount Carmel*, she commits a number of major interpretive errors central to the thesis of her work.

The first major error is her focus on the final chapter of *The Acting Person*, an error that a number of other scholars also commit (e.g. Rice [2007]). For Suramy, the climax of *The Acting Person* is the vocation of the human being to "participation" (working with others), and, according to Suramy, this is evidenced by the fact that Wojtyła dedicates the final chapter of the work to the topic of participation. The accentuation of the significance of the final chapter of the work that Suramy's ladder of ascent theory requires runs counter to much contemporary scholarship on *The*

Acting Person, much of which relies on Wojtyła's own statements in the work that the final chapter constitutes a "mere appendix" that was, at all events, "incomplete." Suramy, being aware of this problem, attempts to demonstrate the priority of the final chapter on participation in a number of ways: (1) she criticizes the French translation "mere appendix," arguing that term "mere" ("seule") does not appear in the original Polish version of the statement; and (2) she claims that the epithet "incomplete" ("inachevée") refers to the work as a whole, and not to the final chapter. Both of these claims are seriously flawed, since: (1) in the Polish sentence that Suramy adduces, the adjective "mere/seule" appears in the form of the adverb "tylko"; and (2) a careful reading of Suramy's use of the text here reveals that the text is being distorted to suit her interpretation, since the texts that Suramy cites to support her claim make it clear that the work as a whole is an "esquisse trop imprécise" (not "inachevée"), and the statement about something being "inachevée" refers only to the final chapter of the work and not to the work as a whole (see 517–518 n. 300; 159 n. 42). Finally, Suramy neglects the clear representations of the introduction to the second Polish edition, according to which, "the last chapter of the book, which carries the title 'Outline of the theory of participation,' introduces us into another dimension of the experience that 'the human being acts,' which necessarily must be highlighted here, but a full analysis of which we do not undertake in this study" (Wojtyła, *Osoba i czyn* [second edition, 1985], 27, translation mine).

The second major error is Suramy's attempt to link the purpose of *The Acting Person* to that of Wojtyła's earlier work, *Love and Responsibility* (1960), a link that is essential if *The Acting Person* is to be understood as a spiritual ascesis culminating in love of neighbor. This attempt to represent Wojtyła's work in this way is grounded in a statement in Wojtyła's papal reflection *Crossing the Threshold of Hope* (1994), in which Wojtyła claims that both *Love and Responsibility* and *The Acting Person* stemmed from the same source. This statement has convinced numerous scholars of the teleological link between these two works (e.g. Rice [2007]; Modras [2008]; Tymieniecka and Duncan [2010]), but, although both works may function to corroborate each other's anthropological and ethical claims, the text of *The Acting Person* itself does not justify Suramy's explicit linking of the purpose of the two works, since, in the first Polish edition, Wojtyła is careful to state emphatically and unambiguously that this is not the case: "it is possible that the vision of the person, which we desire to attain in the context of this study, confirms in its own way the legitimacy of the principles formulated in the ethical study *Love and Responsibility*. If this is the result of this work, then it is at all events the result of this work only in an incidental and additional way" (Wojtyła, *Osoba i czyn* [first edition, 1969], 25–26, translation mine). This is a point that Suramy and others have neglected since they rely upon the second Polish edition, in which this statement has been removed.

The third major error concerns Suramy's understanding of the nature of Wojtyła's divergence from St. John of the Cross' path of mystical ascent. According to Suramy, whereas *The Ascent of Mount Carmel* describes the soul's path of supernatural ascent, the path of ascent in *The Acting Person* is an entirely natural path, the knowledge of God entailed in the act of vertical transcendence being akin to Jacques Maritain's concept of natural knowledge of God. At this point, Suramy's interpretation transgresses against one of the cardinal principles that Wojtyła endeavoured to establish in his work on St. John of the Cross; namely, that there neither is nor ever can be such a thing as natural knowledge of God, since faith, as the modality of knowledge of God proper to the finite human intellect in this life, must bear a specific likeness to God that intrinsically precludes its being categorized as a natural phenomenon. For that reason, if it is true, as Suramy claims, that, for Wojtyła, the knowledge of truth attained in the act of vertical transcendence is a form of knowledge of the divine transcendentals, and that this knowledge of the divine transcendentals is a necessary rung on the ladder of ascent to love of neighbor, then, in light of St. John of the Cross's doctrine of the impossibility of natural knowledge of God, authentic love of neighbor must ultimately be grounded in a divine act of supernatural revelation. This is a conclusion that St. John of the Cross himself endorses, arguing that all impulses of the will directed towards the neighbor are disordered without the assistance of supernatural grace (see St. John of the Cross, *The Collected Works of St. John of the Cross*, 270–271; 302; 308). Furthermore, not only does Suramy's naturalist reading of *The Acting Person* disregard the significance of Wojtyła's appropriation of St. John of the Cross's concept of faith, it also stands in tension with Suramy's own account of the alignment between Wojtyła's account of faith and De Lubac's thesis concerning the supernatural finality of the human being in the context of Wojtyła's work on St. John of the Cross (although the accuracy of her exposition of De Lubac is also questionable).

In conclusion, Suramy's work provides a great deal of important contextual information about *The Acting Person* as well as about a number of Wojtyła's other works, but her interpretation of *The Acting Person*, namely that it concerns a path of natural ascent to love of neighbor, is counterindicated by the clear representations of *The Acting Person* itself and by Wojtyła's appropriation of the concept of faith of St. John of the Cross. However, its questionable conclusions notwithstanding, by virtue of both its breadth and use of original sources, this work definitely merits an important place on the Wojtyła scholar's bookshelf.

The Profound Treasury of the Ocean of Dharma (Vol. 1): The Path of Individual Liberation. Chogyam Trungpa. Judith Lief (ed.). Boston: Shambhala Publications, 2013. ISBN: 9781590308028. Pp. 628.

The Profound Treasury of the Ocean of Dharma (Vol. 2): The Bodhisattva Path of Wisdom and Compassion. Chogyam Trungpa. Judith Lief (ed.). Boston: Shambhala Publications, 2013. ISBN: 9781590308035. Pp. 512.

The Profound Treasury of the Ocean of Dharma (Vol. 3): The Tantric Path of Indestructible Wakefulness. Chogyam Trungpa. Judith Lief (ed.). Boston: Shambhala Publications, 2013. ISBN: 9781590308042. Pp. 902.
Reviewed by Ryan J. Jones, McGill University.

The Profound Treasury of the Ocean of Dharma presents the storehouse of teachings Chogyam Trungpa (1940–1987) gave in North America during his annual seminaries from 1973 to 1986. The three volumes follow the traditional Tibetan division of three *yanas* or paths; Trungpa organized the seminaries' teachings in the same fashion. An audacious project, *The Profound Treasury* succeeds in presenting Trungpa's teachings in a form true to their style and content. Trungpa taught traditional curriculum in an innovative way, accessible to his North American audience. Compiler and editor Judith Lief, a long-time editor of Trungpa's work, brings invaluable coherence and consistency to this immense project.

For thirteen consecutive years Trungpa taught the three-month retreats known as Vajradhatu Seminary. At these retreats, Trungpa presented the progressive stages of the path (Tib. *lam rim*) according to his Tibetan Buddhist Kagyu and Nyingma traditions. Each month was dedicated to one of the *yanas—Hinayana*, *Mahayana*, *Vajrayana*. But Trungpa also divided each month into two-week periods of study and practice, in which students combined "intellectual" and "experiential" learning. In conversation with a senior student, Trungpa remarked that study and practice were kept separate in Tibetan monastic education, but that his own teacher, Khenpo Gangshar, had combined the two when teaching him (Vol. 3, xiv). The Tibetan three-*yanas* approach demonstrates the Buddhist path as progressive: The *Hinayana* represents a foundation, laid on solid groundwork of *shamatha* and *vipashyana* meditation. The *Mahayana* is an invitation, a bringing in of the world through the cultivation of compassion and wisdom. The *Vajrayana* is a magical display, in which the whole phenomenal world is seen as sacred, an expression of wakefulness.

Trungpa made it clear to his publisher and editors early on that he intended to make his seminary teachings on the stages of the path publically available, as a resource to scholars and practitioners. *The Profound Treasury* is the keeping of that promise.

Chogyam Trungpa (1940–1987) was a pivotal figure in the transmission of Buddhism to North America. He was one of the first Buddhist teachers from Asia to demonstrate Buddhism in its wholeness in English. In direct, idiomatic language, Trungpa taught how to study and practice the Tibetan Buddhist path. Trungpa described practitioners as travellers on a path toward human fulfillment. In presenting the Buddhist path, he borrowed heavily from the language and concepts of psychology. Buddhism is about recognizing and cultivating the sanity you're born with. It is about becoming a sane, workable person, fully committed to the world you live in. Traditional translations of Buddhist terminology were thrown out in favour of more relatable, direct translations. *Kleśa*, usually translated as obscuration or defilement, Trungpa translated as neurosis. Neurosis lay at the heart of one's confusion and dissatisfaction, in deep contrast with the sanity one's born with. He was very much a part of the psychologization of Buddhism; however, his was still a soteriological Buddhism, its ultimate goal awakening or *nirvāṇa*. *The Profound Treasury* preserves the rich, descriptive language Trungpa used in demonstrating the Buddhist teachings. It is always accessible, and often comedic in its directness and analogies tailored to a North American audience.

Trungpa's presentation was at once traditional and non-traditional. He attended closely to his own lessons learned as a student in Tibet. In note cards he prepared for lectures one sees very traditional lists of topics: three poisons, six *paramitas*, nine *yanas*, three-fold *vajra* body. His primary Tibetan sources were Jamgon Kongtrul Lodro Thaye's *The Treasury of Knowledge* and Gampopa's *The Jewell Ornament of Liberation*—the latter an influential *lam rim* text of the Kagyu school. Trungpa also drew from the rich oral instructions he received from his teachers Khenpo Gangshar and Jamgon Kongtrul of Shechen. But he did not rigidly follow traditional translations and representations of Buddhism familiar to Westerners, and this set him apart. Teaching in English, Trungpa would often translate Buddhist terminology with fidelity to connotation over denotation. In enumerating the six root *kleśas*, Trungpa alternately talked about passion, aggression, ignorance, greed, envy, and pride or desire, anger, pride, ignorance, doubt, and opinion; each meant to convey a different sense of the teaching underneath the sign of language. *Ignorance* could also be *pride* because both represented an unwillingness to see things as they are. Depending on the context, Trungpa relied on different readings to make his point clear. But always the target language, the English meaning, determined the translation.

The Profound Treasury succeeds in presenting Trungpa's learned and accessible transmission of Buddhism to a North American audience, and its success

rests firmly on the work of compiler and editor Judith Lief. Lief transformed thirteen-years worth of seminary transcripts into a three-volume collection that is coherent and consistent. Her notes are often enlightening about the context of the teachings or Trungpa's particular approach to the topic. The addition in each volume of an Outline of Teachings as well as substantial glossary is a boon. These additions make referencing *The Profound Treasury* much easier. Lief's inclusion of seminary sources for each chapter is another significant addition, superbly useful for researchers interested in locating the original transcripts held in the Shambhala Archives. Lief's Editor's Introduction for each volume is also a welcome addition, offering a view into the world of Vajradhata seminary, Trungpa's life, and American Buddhism in the 1970s and '80s.

One of the strengths of *The Profound Treasury* is also a potential weakness—Trungpa's idiosyncratic style. Seen as a record of Trungpa's transmission of Tibetan Buddhism to North America, the present volumes are a valuable resource. One can clearly see, for example, Trungpa's unique use of language and his borrowing of concepts from psychology. But if one hopes to find a general survey of Buddhism, Trungpa's individual presentation sometimes misses the mark. In particular, the trend toward psychologizing Buddhist terminology risks misrepresenting Buddhism as primarily, if not wholly, concerned with what we may define as psychological well-being, diminishing the very important role of soteriology. Perhaps this is not so much a weakness as a bias worth noting. As well, though published in 2013, Trungpa's presentation is of the 1970s and '80s, a time when Buddhism was regarded differently inside and outside of the academy. In part, Trungpa's brilliance was in knowing how to present Buddhism for the time and place he found himself. His presentation might differ dramatically if he were alive today.

As a teaching resource, the three volumes present the Tibetan Buddhist path in an accessible, comprehensive manner. The Outline of Teachings in each volume could serve as ready resources for syllabus development. However, the three volumes are so large, and the presentation so idiosyncratic. These volumes make good reference works for any course on Tibetan Buddhist path or practice, but are perhaps too large and comprehensive to effectively use as course texts (not to mention the cost).

For scholars of Tibetan Buddhism and American/Western Buddhism, these volumes should be of keen interest. As mentioned, the Editor's Introductions describe aspects of the history of Buddhism in North America of interest to students of American Buddhism. As a pivotal figure in the transmission of Buddhism, Trungpa's efforts have been studied before, in Charles Prebish's work, for example. But here we have now publically available the curriculum he used to teach Western students. Seen this way, *The Profound Treasury* is an invaluable historical record. These volumes are also useful reference works for scholars of Tibetan Buddhism.

The glossaries helpfully give the Tibetan and Sanskrit for terms, which mitigates any confusion caused by Trungpa's sometimes-unique translations. In the end, *The Profound Treasury* is a *lam rim* or "stages of the path" text, in the traditional Tibetan sense, for that reason it is a useful resource for students of Tibetan Buddhism.

Religion and Development: Ways of Transforming the World. Gerrie ter Haar (ed.). London: C. Hurst & Co Publishers, 2011. ISBN: 978-1849041409. Pp. 320.
Reviewed by: Shannon Wylie, McGill University

Religion and Development: Ways of Transforming the World, edited by Gerrie ter Haar, is a collection of contributions from a variety of experts in development studies and related fields. In his introductory chapter, Gerrie ter Haar claims that this volume aims to "advance a general understanding of how a religious worldview or a particular spiritual vision can help resolve complex issues regarding development" (4). In the opinion of this reviewer, *Religion and Development* succeeds at accomplishing this goal: it highlights the serious need of development studies for a deeper perspective in various domains; and it indicates some of the ways in which a more accepting and open attitude towards religious perspectives has the potential to play a positive role in the context of international development projects.

Organizationally, the work is structured well, articulating the necessity of this accepting attitude by recognizing the many difficulties that the development domain has in trying to accomplish its goals. One of the most stark and all-encompassing difficulties with which the development movement is beset is its questionable historical success: although development work in its current form began approximately sixty years ago, its official institutions are perceived to be failing in many ways, with income inequality, poverty, illiteracy, and preventable disease remaining prevalent in the developing world (209-210). Various contributors within *Religion and Development* acknowledge these failures and demonstrate the ways in which religious institutions possess the capacity to help.

In particular, there is a shared recognition of a need to accept development studies as encompassing a wider field than simply economic development. That is, in order to overcome such issues as noted above, the consideration of financial factors such as GDP needs to be complemented by the consideration of other, less material factors such as the ideals, practices, and values of those whom development work seeks to help. While not always conspicuously connected to economic factors, these less material factors can be significant to sustainable development. In order to combat the issue of preventable disease, for instance, ideals of human health and

values placed in compassion and caring for others contribute to sustaining good medical practices once adequate medical technology and skills have been provided (97). As *Religion and Development* discusses, such ideals, practices, and values are intimately connected to the largely religious developing world. Virtues such as compassion, justice, and service, to name a few, are often tied to spiritual inspiration and motivation, which positively supports sustainable community development (99).

A religious perspective, then, with its general emphasis on ideals and virtuous practice and its strong influence on local communities, is well-poised to help make sense of the overall humanitarian impetus behind development projects. This argument finds support elsewhere: John Paul II recognized in *Solicitudo Rei Socialis* that "modern underdevelopment [was] not only economic but also cultural, political and simply human." *Religion and Development* provides various examples where many different religious institutions agree with this sentiment: for instance, in the chapter "Religion and the Millenium Development Goals," at the World Faiths Development Dialogue workshop in 2004, participants from various religions "stressed the fundamental importance of the relationship between all kinds of social and economic change and personal transformation or spiritual development" (216). This provides the deeper perspective on development of which secular development institutions should be aware when searching for solutions to the current shortcomings of development work.

According to Ter Haar, these shortcomings will not be simply solved by appreciating the non-material factors which affect development. In addition, there must be particular attention paid to regional or local concerns and initiatives. In this vein, local faith-based organizations, that is, organizations which receive inspiration and guidance from a particular faith, are to be seen as great assets in development (55). They represent indigenous or "domestic realities and forces capable of propelling a society forward" (54-55). Attempts such as the "rights-based approach" discussed in Ter Haar's chapter, "Religion and Human Rights," which acknowledge the non-material factors of development but are controlled by the elites of society rather than properly representative of the whole of society are thus insufficient. While the "rights-based approach" broadens development to include a focus on individual empowerment in order to secure economic development, it still is limited by virtue of its neglect of "the various ways and means people use to make claims outside of formal legal instruments and institutions" (296). In this manner, Ter Haar adds strength to his argument by recognizing a possible response within the development community to his insistence on an improved relationship between religious and secular development institutions. To those who may look to the right-based approach as the expanded view development work requires to be more successful in its endeavours, Ter Haar argues that it is also an attention to local

particularities and concerns that is important. The rights-based approach is unable to accomplish this by itself.

In this manner, *Religion and Development* remains consistent and mindful of its original aim, providing many more examples of the needs within development work and the utility of a religious perspective than can be included in this brief review. With the number of strong examples pertaining to these needs and this utility, it is able to accomplish its aim rather effectively. Nonetheless, one of the shortcomings of this collection lies in its limited encouragement of an attitude of humility on the part of the secular development institutions. The work approaches encouraging such an attitude at times, as in the instance of the human rights discussion described above, but this should be more explicitly emphasized if development work is to fully understand the contribution that the religious perspective can bring to development work. While belief in a spiritual world may propagate an idea of development beyond the economic domain of human life, it also does not claim omniscience and often looks to a non-human source for direction and inspiration:

> Therefore he who loves his neighbour does good partly to the man's body, and partly to his soul. What benefits the body is called medicine; what benefits the soul, discipline . . .Unless His medicine were sent from heaven to men, so heedlessly do they go on in sin, there would be no hope of salvation; and, indeed, even bodily health, if you go to the root of the matter, can have come to men from none but God, who gives to all things their being and their well-being (St. Augustine, *Morals of the Catholic Church*, 5-6).

Arc Style Guide: Guidelines for Contributors

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    - Submissions should use Canadian spelling.
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    - Do not include a separate bibliography. Complete references should be given in the notes, as follows:

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

> 1. Stanley Fish, *Is There a Text in This Class? The Authority of Interpretive Communities* (London: Harvard University Press, 1989), 123.

2. M. Jimmie Killingsworth and Jaqueline S. Palmer, "Millenial 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, Wisconsin: University of Wisconsin Press, 1996), 21–45.

3. 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, main title, page number.

4. Fish, *Is There a Text in This Class?*, 124.

5. Killingsworth and Palmer, "Millenial Ecology," 34.

6. Hadot, *The Veil of Isis*, 25.

Ancient texts may be cited parenthetically or in noted references. Citations should include the author's name, the title of the work, and the numerical references (book, chapter, verse, etc.) using Arabic rather than Roman numerals, separated by periods. When a translation is not that of the author of the article, the translation should be cited in full as a modern work.

3. For questions of style, punctuation, and spelling not covered here, please refer to the *Chicago Manual of Style*, 16th ed. (Chicago: University of Chicago Press, 2010); and the *Canadian Oxford Dictionary*, 2nd ed. (Oxford University Press, 2004).

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