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# Religion and Change

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Edited by  
Benedikt Paul Göcke, Brandon K. Watson and Michael Borowski

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Editors

**Benedikt Paul Göcke**

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# Contents

<b>About the Editors</b> . . . . .	<b>vii</b>
<b>Preface</b> . . . . .	<b>ix</b>
<b>Piotr Sawczyński</b> Back to the Future: Leo Strauss, Gershom Scholem and the Restorative Messianic Utopia Reprinted from: <i>Religions</i> <b>2022</b> , <i>13</i> , 618, doi:10.3390/rel13070618 . . . . .	<b>1</b>
<b>Michael Borowski</b> Doctrine and Change in Western Dogmatics: The Examples of Michael Seewald and Kevin J. Vanhoozer Reprinted from: <i>Religions</i> <b>2023</b> , <i>14</i> , 524, doi:10.3390/rel14040524 . . . . .	<b>11</b>
<b>Smilen Markov</b> Love as Consolidation of the Self-in-the-World: Martin d’Arcy’s Speculation on Love as a Metaphysical Supplement to Phenomenology Reprinted from: <i>Religions</i> <b>2023</b> , <i>14</i> , 454, doi:10.3390/rel14040454 . . . . .	<b>23</b>
<b>Ioannis Xidakis</b> Neomythology: A New Religious Mythology Reprinted from: <i>Religions</i> <b>2022</b> , <i>13</i> , 536, doi:10.3390/rel13060536 . . . . .	<b>35</b>
<b>Sini Mikkola</b> Struggling to Maintain the Gender System and to Gain Domination: Martin Luther’s Correspondence Regarding “The Hornung Case” 1528–1530 Reprinted from: <i>Religions</i> <b>2023</b> , <i>14</i> , 358, doi:10.3390/rel14030358 . . . . .	<b>50</b>
<b>David Brandon Smith</b> Calling the Question: The Role of Ministries of Presence and Polity Principles in the Struggle for LGBTQIA+ Inclusion, Ordination, and Marriage in the Presbyterian Church (U.S.A.) and Its Predecessor Denominations Reprinted from: <i>Religions</i> <b>2022</b> , <i>13</i> , 1119, doi:10.3390/rel13111119 . . . . .	<b>62</b>
<b>Emil M. Marginean</b> Transforming Loneliness: An Orthodox Christian Answer to an Increasing Loneliness in Disabled Populations Reprinted from: <i>Religions</i> <b>2022</b> , <i>13</i> , 863, doi:10.3390/rel13090863 . . . . .	<b>134</b>
<b>Alina Patru</b> Theological Valorization of the Other from an Orthodox Christian Perspective: Dorin Oancea’s Model of Theology of Religions in Relation to Social and Theological Developments of Modernity Reprinted from: <i>Religions</i> <b>2022</b> , <i>13</i> , 552, doi:10.3390/rel13060552 . . . . .	<b>143</b>
<b>Konstantinos Papanikolaou, Andreas Andreopoulos, Apostolos Chatzitoliou, Athanasios Gianasmidis and Colin Goble</b> Exploring Health and Premature Mortality of Wheelchair Users from a Medical and a Greek-Orthodox Perspective Reprinted from: <i>Religions</i> <b>2022</b> , <i>13</i> , 636, doi:10.3390/rel13070636 . . . . .	<b>153</b>
<b>María José Valero</b> Freedom of Conscience of Healthcare Professionals and Conscientious Objection in the European Court of Human Rights Reprinted from: <i>Religions</i> <b>2022</b> , <i>13</i> , 558, doi:10.3390/rel13060558 . . . . .	<b>170</b>



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# Preface

Most papers included in this Special Issue were presented in some form at the fourth annual conference of the European Academy of Religion (EuARe) in 2021 in Münster, Germany. The outcome of this SI is better than we could have expected, and we are very happy with the quality and expansive perspectives of the diverse contributions. The editors would like to thank the EuARe for tasking us with this special project. We are grateful to the authors and the reviewers for their meticulous attention to detail during the review and revision process. We are grateful to David Ren and Loretta Chen who have proven to be highly efficient and very supportive editors at *Religions* over the course of the publication. Most importantly, we are grateful to the friends and family who have supported and sustained us as we devoted time and effort to seeing this publication through to the end.

**Benedikt Paul Göcke, Brandon K. Watson, and Michael Borowski**

*Editors*



## Article

# Back to the Future: Leo Strauss, Gershom Scholem and the Restorative Messianic Utopia

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**Abstract:** This article offers a critical analysis of the dispute between two prominent twentieth-century Jewish thinkers—Leo Strauss and Gershom Scholem—on the temporal nature of Jewish messianism, particularly the messianism of the Lurianic kabbalah. Whereas Strauss uses Scholem’s authority to criticize the idea of progress and claims that the messianic idea of Lurianism as interpreted by Scholem is purely restorative, Scholem actually argues for its dialectical nature: neither progressive nor regressive but seeking to synthesize the past and future in the utopian figure of “restoring” the original potentiality. The purpose of my analysis is twofold: to expose Strauss’s misreading of Scholem’s theory which has so far escaped the critical attention of scholars, and to contribute to the debate on religion and change by deconstructing the apparent opposition of progress and return (or utopia and restoration) in Jewish messianic tradition.

**Keywords:** Leo Strauss; Gershom Scholem; progress; return; Judaism; messianism; kabbalah

## 1. Introduction

In November 1952 at the Hillel House, University of Chicago, Leo Strauss delivered a series of three lectures devoted to the condition of modern man, posthumously published in one piece as *Progress or Return? The Contemporary Crisis in Western Civilization*.<sup>1</sup> It soon turned out to be one of Strauss’s best-known and most widely discussed texts, the one in which his recurring critique of progress and appeal for a “return to the classics” feels exceptionally coherent and alluring. Already in the opening words of the essay, Strauss adopts a prophetic fashion to accuse modern progressive thinkers of having “led us to the brink of an abyss” (Strauss 1997, p. 87) and call for persuasive “alternatives” to the widespread idea that “the beginning is most imperfect and perfection can be found only in the end” (Strauss 1997, pp. 87, 89). What soon comes out as the greatest conceptual ally in his search for the alternatives is Jewish messianism, which might be surprising if we recall that Strauss famously distrusted any “messianic fever,” especially in political terms.<sup>2</sup> However, the messianic idea of Judaism is consistently interpreted throughout the text not as a progressivist construct but as a radical opposition of modern anti-traditional sentiments. Strauss is of course well aware that at first glance the messianic idea in Judaism looks predominantly future oriented or even utopian, but his main argument is that this “exoteric” utopian veil covers its real “esoteric” nature: essentially restorative and solely focused on the origins. “The perfect end is the restoration of the perfect beginning,” claims Strauss (1997, p. 87), thus trying to persuade his readers that the life of the Jew might be “a life of anticipation, of hope, but the hope for redemption is restoration—*restituto in integro*” (Strauss 1997, p. 88). As if anticipating objections to such a non-obvious thesis, he is quick to back it up with a few more authoritative statements: “Even if it were true that messianism bespeaks the predominance of the concern with the future, or of living toward the future, this would not affect in any way the belief in the superiority of the past to the present. (...) The past is superior to the present. This thought is, then, perfectly compatible with the hope for the future” (Strauss 1997, p. 88). This allows Strauss to conclude that the concepts of progress and return are not antithetical by nature. It is only the modern,

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linear and future-oriented theory of progress that contemptuously turns its back on the past, whereas to think of progress in Jewish terms means to associate the better with the bygone and to long for return to the forgotten origins.

What gives *Progress or Return*? a quasi-messianic vibe is both the references to the Book of Isaiah and a handful of quotes from Gershom Scholem, Strauss's long-time pen-friend and a highly respected authority in Jewish messianism.<sup>3</sup> In the essay, this authority is mainly used to support Strauss's thesis of the "regressive" root of the messianic idea in Judaism and prove that anti-progressivist thinking is characteristic not only of the old-line Maimonidesian rationalism but also of modern kabbalah, reputedly much more utopian if not revolutionary. "As I learn from Gershom Scholem," starts Strauss, "Kabbala prior to the sixteenth century concentrated upon the beginning; it was only with Isaac Luria that Kabbala began to concentrate upon the future—upon the end." He immediately adds, however, "Yet even here, the last age became as important as the first. It did not become more important" (Strauss 1997, p. 88). To support his words, he offers a few scattered quotations from Scholem's *Major Trends in Jewish Mysticism* where we read, among others, that "by inclination and habit, Luria was [a] decidedly conservative" (Scholem 1995, p. 256) spirit, for whom "salvation mean[t] actually nothing but restitution, reintegration of the original whole" (Scholem 1995, p. 268). Consequently, as argues Scholem echoed by Strauss, in the Lurianic kabbalah, "the path to the end of all things is also the path to the beginning" (Scholem 1995, p. 274; all quotations in Strauss 1997, p. 88). This way, Strauss presents Scholem's reading of Luria as clearly anti-progressivist if not sympathetic of the messianic enterprise of restoration and portrays Scholem as his companion in the intellectual retrieval of the origins.

The main purpose of my article is to bring into question this agreement of ideas one-sidedly declared by Strauss. I argue that *Progress or Return*? is, to use Harold Bloom's phrase, a "strong misreading" (Bloom 2003) of Scholem's theory of the Lurianic kabbalah to make it look past-oriented and quasi-Neoplatonic.<sup>4</sup> Daring as it is, such an interpretation distorts the messianic idea of Lurianism as interpreted by Scholem and appropriates it for Strauss's philosophical *ad fontes*. I am going to demonstrate that in a less selective reading, Scholem's theory of the Lurianic kabbalah advocates neither progress nor return but forces a dialectical wedge into Strauss's antithesis to argue that Lurianic messianism is an unceasing interplay of the regressive and the progressive, or restoration and utopia. As such, it serves as a powerful contribution to the debates on religion and change that challenges both the linear and the cyclical nature of the messianic time in Judaism.

Admittedly, Strauss is not fully mistaken in using Scholem's kabbalistic thinking against the contemporary: beyond doubt, both these Weimar Jews, who sought refuge in the condition of émigrés, were pessimistic theorists of crisis, equally critical of their turbulent times. However, I argue, it is wrong to classify Scholem as a nostalgic *antimoderne*: unlike Strauss, he was highly suspicious of the philosophical quests for *arché*, and his appreciation of the past never crystallized into any restorative project. This discrepancy, as we will see, is best observed in their contrasting ontologies: Whereas Strauss's thinking of creation and redemption gravitated towards realism, Scholem's cosmological speculation was consistently nominalistic.

I do not mean to ponder here how legitimate Strauss's critique of progress is or whether his having formulated it in 1952 was not simply reinventing the wheel. Neither am I going to argue against his generalized and problematic thesis that "Judaism is a concern with return; it is not a concern with progress" (Strauss 1997, p. 88); others have done this much better (see Mendes-Flohr 1991; Kavka 2004). My intention is a little more humble but no less agonistic: to analyse how Strauss's selective reading of Scholem's works deforms the messianic idea of Lurianism, or at least Scholem's powerful interpretation of this idea. Obviously, Scholem's strong misreading of modern kabbalah is far from incontestable and has become an object of noteworthy criticism.<sup>5</sup> However, the purpose of this article is not to defend Scholem's theory; it is to expose Strauss's problematic operation and argue that

his favourite interpretive tool of “reading between the lines” is used in *Progress or Return?* at such discretion that it ends up as “cheating” between the lines.

Surprisingly enough, this operation has so far escaped the critical attention of scholars and commentators. Even the interrelations of Strauss and Scholem, whom Sheppard (2006, p. 118) calls “friendly intellectual sparring partners,” have been an object of very few academic papers despite their long-time correspondence and numerous parallels in their biographies. If they have, the agonistic element has clearly been missing: the articles by Smith (1993); Sedeyn (2006) and Altini (2008, 2018) are comparative rather than confrontational, and Ghibellini’s (2013) insightful piece, although it exposes some serious discrepancies between Strauss’s and Scholem’s thought, completely ignores the controversy of *Progress or Return?*. The intention of my text is to fill in this considerable research gap, contribute to the Jewish intellectual history of the twentieth century and argue that under the cover of Strauss’s impeccable courtesy towards Scholem, there might be an attempt at a “hostile takeover” of his friend’s theory.

To demonstrate this, I will analyse the messianic idea of Lurianism as interpreted by Scholem far less selectively than has been done by Strauss. In the first part of the article, I reconstruct the dialectical triad of Luria’s concepts crucial for Scholem’s theory of messianism: *tsimtsum* (contraction), *shevirah* (disruption) and *tiqqun* (rectification).<sup>6</sup> In the second part, “with continual reference” to the Lurianic imagery, I seek to draw several conclusions on Scholem’s idea of progress and return to challenge Strauss’s misreading of it. Obviously, by highlighting those elements of Scholem’s theory which go clearly against the restorative idiom, I might be accused of similar partiality to that for which I criticize Strauss. My aim, however, is to offer not an exhaustive picture of “Scholemian” Lurianism but a critical counterbalance to Strauss’s misreading. I thus both admit that Scholem’s speculative thought is much more complex than my article might suggest and still dare argue that in no legitimate reading is it as “restorative” as Strauss would like it to be.<sup>7</sup>

## 2. Towards the Restorative Idiom

It is not unjustified to argue that Strauss and Scholem were allied in criticising the progressive, rationalist tendencies of modern Jewish thinking. However, where they clearly parted was the positioning of this criticism. Whereas Strauss, a great admirer of the classical Maimonidesian rationalism, disapproved of all the post-Enlightenment instrumentalization of human reason, for Scholem it was not the modern paradigm of rationality that he objected to but rather its anti-mystical sentiment, best exemplified by the nineteenth-century school of *Wissenschaft des Judentums* and Hermann Cohen’s neo-Kantianism. He especially despised the reductionist appropriation of messianic impulses to associate them with the universal, unstoppable progress of reason and the decay of all irrational, “superstitious” thinking. Scholem’s exploration of kabbalah might be read as a sort of historical revisionism revolting against this reductionism, the attitude which Biale (1982) aptly calls “counter-history.” Its purpose was to rehabilitate another type of rationality that emerges from the apparently irrational kabbalistic myth and argue for the dialectical nature of Jewish messianism whose only source of vitality is the unceasing clash between the rationalist and the mystical, without overrating or underrating any of them.<sup>8</sup>

This agonistic disposition explains Scholem’s appreciation of the suppressed kabbalistic currents but not why, despite writing some ground-breaking works on the early mystical tradition in Judaism (Scholem 1965, 1990), he clearly favoured the sixteenth-century Lurianic kabbalah over the abundant Zoharic tradition of the Middle Ages.<sup>9</sup> To understand this partiality, one must recall Scholem’s major thesis that the Lurianic cosmological myth—initiated soon after the expulsion of Jews from Spain towards the end of the fifteenth century—was designed in the image and likeness of Jewish exodic experience, with the recurrent expulsions explicated as the historical consequences of the original cosmic *galuth* of God. According to this thesis, the whole Lurianic myth should be read as a great story of “exile and redemption” (Scholem 1969, p. 117), where the moments of disruption and alienation act as a necessary condition for further messianic action.<sup>10</sup> By insisting on these

moments, argues Scholem, Lurianism breaks with the Zoharic idiom of peaceful emanationism and marks the modern turn in Jewish kabbalah whose *differentia specifica* was the traumatic, or even catastrophic, aspect of the messianic idea.

Perhaps the finest novelty of the Lurianic kabbalah is a bold relocation of nothingness, or cosmic negativity, considered by Scholem as the founding gesture of its “exodic” messianism. Before exploring this relocation, it is worth recalling that the concept of nothingness had always been problematic for Jewish monotheism: Whereas the Talmudic tradition would theorize it as essentially external to the divine plenitude, the medieval kabbalists tended to challenge the dogma of *creatio ex nihilo* and identify the nothing either with God’s first sephirotic emanation or even with His very essence. Although the Neoplatonic symbolism of the sephirot is in no way abandoned by Luria and his disciples, Scholem clearly disregards it as a negligible relic of pre-modern thinking which cannot help but regress into quasi-pantheistic idiomacy.<sup>11</sup> What he accentuates instead is the dialectical synthesis of this dispute offered by the Lurianic theosophy: in Lurianism, nothingness is neither the eternal non-being known from the mainstream rabbinic teachings nor the divine attribute as argued by the Zohar but rather the very first product of creation, the logic of which Scholem explains this way: “Creation out of nothing, from the void, could be nothing other than creation of the void, that is, of the possibility of thinking of anything that was not God” (Scholem 1976, p. 283).

Here, the key idea of the Lurianic mythical theosophy is expressed by the image of *tsimtsum*, which in Hebrew means “contraction” or “shrinking.” According to Scholem, this inconspicuous image covers “one of the most amazing and far-reaching conceptions ever put forward in the whole history of Kabbalism” (Scholem 1995, p. 260), being “the only serious attempt ever made to give substance to the idea of Creation out of Nothing” (Scholem 1995, pp. 261–62). Rather than simply manifesting Himself externally in His full glory like in the Thomistic doctrine of *processio dei ad extra*, the Lurianic God, first, “retreats into Himself” (Scholem 1976, p. 283), withdrawing to just one point of His entity. This radical self-reduction aims to generate a void (*tehiru*)—a reservoir of nothingness out of which all finite beings are going to be created. What is left in *tehiru* is only the remnant of contracted divine light, which the Lurianists call *reshimu*. This receding of God within Himself, described by Scholem as His “primordial exile, or self-banishment” (Scholem 1969, p. 111),<sup>12</sup> is supposed to enable the existence of independent non-divine creatures. However, as Scholem powerfully argues, it also lays the foundation for the exile of the Jewish nation, if not all humanity, from God.

Only once God has contracted Himself does He, second, manifest Himself by directing His weakened powers towards *tehiru* for the sake of creation. Yet even this affirmative emanation is closely related to negativity as the Lurianic myth of creation, unlike in the medieval kabbalah, involves a fundamental moment of disruption. In its evocative imagery, the contracted God shapes containers which are then supposed to be forms filled with the light of life. However, the vessels are made from *reshimu*, which makes them so tinged with nothingness that, confronted with the divine glare, they break up and start falling into the cosmic abyss together with scattered sparks of divinity. *Shevirat ha-kelim*, or “the breaking of the vessels,” is the original cosmological crisis, which results in a general deficiency and displacement of things in this world. In Scholem’s words: “Nothing remains in its proper place. Everything is somewhere else, (...) in exile, (...) in need of being redeemed.” (Scholem 1969, pp. 112–13).

In a world so deeply flawed, the final and crucial episode of the cosmic process must be *tiqqun*, which in Hebrew stands for “a perfection, a betterment and a correction” (Scholem 1969, p. 127) of things. Obviously, the messianic idea of *tiqqun* is not originally Lurianic and comes in many disguises in the history of Jewish mysticism. Among them, there is the emanationist idiom of the Zoharic tradition, which taught that the way back is not cut off and that every human soul might seek to return to its original state of perfection through persistent contemplative devotion and rightful action. This medieval framework, let us notice, is also followed by Strauss: By referring to the Lurianic messianism as a restorative

recipe for the crisis of progress, he misreads Scholem's theory of Lurianism in a highly Neoplatonic fashion, where the original state of things (or the philosophical first things) to be restored is the long-lost pleromatic "whole" (Strauss 1997, p. 122). Admittedly, such an interpretation of the Lurianic cosmological myth is not fully mistaken (Franks 2020), but it clearly goes against Scholem's intention to present this myth as a radical break-up with the emanationist mode of thinking.

### 3. Away from the Restorative Idiom

Let us then elaborate on Scholem's major thesis: by accentuating the moments of negativity and rupture inscribed in the process of creation, his theory of the Lurianic messianism departs from the Neoplatonic imagery of *unio mystica* and endows the whole messianic enterprise with some distinct utopian vibe. Because unlike the Biblical and Talmudic tradition, the Lurianic kabbalah knows no primordial, Edenic perfection that could be re-established, separation and disruption did not follow the process of creation but accompanied it from the very outset. That is why when Scholem, as quoted by Strauss, speaks of the Lurianic *tiqqun* as the "reintegration of the original whole," he does not mean the restitution of the actual beginnings but the realization of some original potentiality which failed to actualize, or of the state of things which "had been seminal and had never existed before" (Scholem 1976, p. 285). As we read in a crucial fragment of *Toward the Understanding of the Messianic Idea in Judaism*, "the world of *tikkun* (...) involves a strictly utopian impulse. That harmony which it reconstitutes does not at all correspond to any condition of things that has ever existed even in Paradise, but at most to a plan contained in the divine idea of Creation" (Scholem 1971b, p. 13). Even in *Major Trends...*, so selectively referred to by Strauss, Scholem accentuates that the purpose of our earthly existence is "the restoration of the ideal order, which forms the original *aim* of creation" (Scholem 1995, p. 268, my emphasis)—the aim which has so far failed to be realized. Instead of undoing what has been done and restoring the original state of the divine unimpaired plenitude, the Lurianic *tiqqun* rather offers the quasi-Hegelian sublation of earthly finitude which marks the ultimate evolution of the created being. As such, it might be called another, proper beginning: "The *tikkun* is not so much a restoration of Creation as its first complete fulfillment" (Scholem 1969, p. 117). If we thus insisted, as Strauss does, on labelling the Scholemian reading of *tiqqun* as the messianism of return, it would only be legitimate to call it a paradoxical "return" to what has never been, a new type of the messianic idea where "the renewal of the world is simply more than its restoration" (Scholem 1971b, p. 14).<sup>13</sup>

As already suggested, this non-restorative theory of return is closely related to Scholem's nominalistic disposition. Unlike Strauss, whose ontological realism makes him favour the idiom of the original unity and undifferentiation, Scholem interprets the Lurianic myth in a highly modern fashion, with the concepts of separation, individuation and difference not only accentuated but also subtly affirmed. That is why, although classifying the Lurianic kabbalah as the "amazingly complete example of gnostic myth formation" (Scholem 1969, p. 109), with its pessimistic insistence on the process of creation as one big cosmic catastrophe, he himself prefers to apply some natalist imagery and speak of *tsimtsum* and *shevirah* in terms of "birthpangs" (Scholem 1995, pp. 247, 267), abrupt yet indispensable life-giving contractions of the divine thanks to which God "makes room for Creation" (Scholem 1970, p. 86) or even "liberates" it (Scholem 1976, p. 283) and cuts the umbilical cord linking Him to the earthly beings. In such a reading, both these anti-emanationist gestures mark the moment of metaphysical crisis which is both the risk of solitude and exile and the chance of authentic autonomy enabling creation to stand on its own feet. No wonder that they remind Scholem of Hegel's concept of alienation: "Precisely because God cannot reproduce Himself, His Creation must be based upon that estrangement—one might indeed employ the Hegelian term *Entfremdung*—in which evil is embodied within Creation so that it may be itself" (Scholem 1991, p. 84).<sup>14</sup> And if we add to this that Scholem goes so far as to term Luria and his disciples "mystical nominalists" (Biale 1985, p. 83) who skilfully mythologize the material individuation of earthly beings, is it unjustified to



theorize *tsimtsum* and *shevirah* as the kabbalistic equivalents of the philosophical critique of universals? (See Bielik-Robson 2017.)<sup>15</sup>

Arguably, the way alienation and the related terms (separation, discontinuity, individuation) are qualified marks the greatest mismatch of Scholem's theory and Strauss's misreading of it. In *Progress or Return?*, we are reminded that the Hebrew word *teshuva*, which literally means "return," also has the emphatic meaning of "repentance," or "the return from the wrong way to the right one" (Strauss 1997, p. 87). Strauss is quick to specify that the mistaken path to be abandoned is the "sinful estrangement" from the "perfect beginning," identified by him with the garden of Eden (Strauss 1997, p. 87). The identification of estrangement with the original sin, and their annulment with penance, makes it possible for him to further criticize the idea of progress in moral terms, to accuse modern Jews of the evil break with their religious tradition and "call [them] to account" to examine their own conscience and feel remorse for this "infidelity" and "rebellion" (Strauss 1997, p. 89). Scholem's reading of the Lurianic myth stands in stark contrast to this penitential idiomacy. Although both *tsimtsum* and *shevirah* might be gnostically classified as the macrocosmic variants of the Edenic fall, even in this highly catastrophic reading the aspect of guilt is missing; to put it bluntly, the founding cosmic error is *nobody's* fault and, deplorable as it is, does not make finite creatures hopelessly guilt-ridden. But Scholem is far from following this gnostic path, and instead of referring to the Lurianic *creatio discontinua* as a fundamental crisis, he prefers to call it "a free act of love" (Scholem 1969, p. 111) by which God wilfully poses limits to His own infinity and paves the way for the ontological autonomy of finitude. In this (tentatively) affirmative reading, alienation is the necessary reverse of freedom, the price worth paying for the ontological autonomy of earthly beings which get separated, or even exiled, from the divine substance and yet stay connected to it by the very fact of creation.

It is not only how separation and discontinuity are qualified that differs Scholem from Strauss, it is also the relation of these terms to the idea of return. By placing the modern man on "the brink of an abyss," Strauss clearly follows Scholem in adopting a disruptive, if not catastrophic, vision of history, the history marked by a rupture with tradition and retreat from its origins, identified by Strauss with the "classic past" (Strauss 1997, p. 89). However, in light of Scholem's writings, what *Progress or Return?* prescribes as a remedy for this disruption is strikingly inconsistent with its diagnosis: as powerfully argued by Scholem, no catastrophic historiography is to be reconciled with the non-dialectical idea of return and the peaceful, undisturbed restitution of the beginnings that this idea advocates. If we were to formulate his methodological and epistemological credo that could be aimed against Strauss's restorative idiom, it would read, the ideal of re-establishing the unimpaired unity is phantasmatic; the origins may only be approached indirectly, by means of skilful dialectical mediation. This disapproval of immediacy is provoked not only by Scholem's dialectical disposition but also by his nominalistic mistrust of the whole. Unlike Strauss, he is convinced that the ideas of wholeness and totality are godly rather than earthly and, flawless as they are, might do harm to our vulnerable singular natures. As taught by kabbalists, he reminds that, even the greatest totality, the totality of revelation, only becomes accessible to us once its divine purity is "contaminated" and its wholeness decomposed by the imperfect, fragmentary human language. Otherwise, it would be just too powerful for humans to withstand: "There is no immediate, undialectic application of the divine word. If there were, it would be destructive" (Scholem 1971a, p. 296).<sup>16</sup> That is why each authentic metaphysical revelation (of God's name, of the origins, of the essence of things) is as much about unveiling as it is about concealing, and what it veils is its "destructive perfection" (*des Volkommenen, das zerbricht*) (Biale 1985, p. 88). That is also why, to put it bluntly, whereas for Strauss the abyss we are facing is that of progress (modernity, secularization, instrumental reason), for Scholem it is rather that of (non-dialectical) return. As we read in one of his most speculative pieces, "the power of the sacred tradition" unmediated by separation and rupture has a deadly "apocalyptic thorn" (*den apokalyptischen Stache*) (Scholem 2002,

p. 226),<sup>17</sup> so even if the “retrotopian” enterprise of *ad fontes* were feasible, which Scholem strenuously denies, on no account should it be undertaken—for our own good.

#### 4. Conclusions

Let us then reiterate: the Lurianic kabbalah professes that the earthly condition of humans is determined, for better and for worse, by deficiency and disconnectedness, not by the quasi-paradisical state of metaphysical unity and perfection. As suggested by Scholem, the only tradition which matches this condition is the tradition that gets disrupted and lives on disrupted, as if repeating the cosmic trajectory of *tsimtsum* and *shevirah*.<sup>18</sup> No wonder that this is also precisely how he theorizes the messianic idea, one of the most powerful elements of the Jewish tradition. Messianism retains vitality, argues Scholem, only if its subversive power is neither realized nor neutralized (like in the Maimonidesian rationalism gladly resurrected by Strauss),<sup>19</sup> but keeps fluctuating between the poles of “forward” and “backward” (Scholem 1971b, pp. 3–4), or, to apply the Lurianic imagery, if every progressive gesture of messianic *tiqqun* is accompanied by its regressive counterpart of contraction. The result of this paradoxical inhale–exhale dialectic is a “life lived in deferment, in which nothing can be done definitely, nothing can be irrevocably accomplished” (Scholem 1971b, p. 35, original emphasis),<sup>20</sup> but also a life fuelled and invigorated by the unceasing clash of restoration and utopia. Admittedly, Scholem’s speculative thought is far from unambiguous and not free from both gnostic catastrophism and the sentimental longing for the (reputedly long-gone) “golden age.”<sup>21</sup> Yet it eventually succeeds in resisting the temptation of anti-modern resentment to offer a subtly affirmative view of the ambivalence inscribed in the modern messianic idea.

It is precisely this ambivalence, as we could observe, that is repudiated by Strauss, whose *Progress or Return?* seems rather unequivocal in its support of the latter against the former. This is quite surprising, we might add, if we recall that Strauss’s agonistic disposition made him famously argue for the ongoing productive friction between religion and philosophy, or the exoteric and esoteric. What is more, even his anti-progressive inclination to put the past above the present was at times much more tentative. Suffice it to say that in his powerful critique of the Nazi project “to purify German thought completely from the influence of the ideas of modern civilization and to return to the pre-modern ideal” (Strauss 1999, pp. 371–72), one of his main arguments against “German nihilism” was this: “The temptation to fall back from an unimpressive present on an impressive past—and every past is as such impressive—is very great indeed. We ought not, however, cede to that temptation, if for no other reason, at least for this that *the* Western tradition is not so homogeneous as it may appear as long as one is engaged in polemics or in apologetics” (Strauss 1999, p. 367, original emphasis). In *Progress or Return?*, perhaps regrettably, both the sparks of agon and the appeal for some dialectical synthesis of “now” and “back in the day” yield to the philosophical nostalgia and (over)appreciation of the “classic past.”

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#### Notes

<sup>1</sup> To be precise, the three lectures were originally published in two parts: the lecture of 19 November (first published in Hebrew in a 1954 volume of *Iyyun*) came out as *The Mutual Influence of Theology and Philosophy* (Strauss 1979, pp. 111–18), and it was followed by the lectures of 5 and 12 November two years later (Strauss 1981, pp. 17–45, reprinted in Strauss 1989, pp. 227–70). It is only in the anthology of Strauss’s pieces on modern Jewish thought edited by Kenneth Hart Green in 1997 that all three lectures came together, and they have commonly been referred to as one work ever since. All the quotations in this article come from the 1997 edition.

- 2 The inclination to revolutionary messianic thinking, widespread among the German–Jewish thinkers of the Weimar Republic from Walter Benjamin to Ernst Bloch, can be seen as a sign of the times. For more on the intellectual climate of the epoch see (Löwy 1992).
- 3 Strauss and Scholem got acquainted in Berlin in the 1920s. Later, when Scholem had already lived in Jerusalem for two or three years, they engaged in a regular correspondence that continued almost until Strauss’s death in 1973. The correspondence is to be found in (Strauss 2001, pp. 699–772).
- 4 In Bloom’s theory, a strong misreading is a deliberate operation which aims at challenging the canonical interpretations of some texts or phenomena. There is no evidence that Strauss’s misinterpretation was deliberate and confrontational, so my argument is purely speculative. However, even if it was an unintended misunderstanding, I believe that it is still worth exploring as an instructive example of the antinomies inscribed in the messianic idea of Lurianism.
- 5 Moshe Idel, one of Scholem’s most prominent disciples, famously accused him of overemphasizing the theosophical aspect of the Lurianic kabbalah and disregarding the practical one (Idel 1988, pp. 17–34). He also criticized Scholem’s “exilic” interpretation of the Lurianic myth as overly speculative and uncorroborated by the sources (Idel 1998, pp. 179–80; Idel 2012, p. 96).
- 6 For further elaboration on the complex symbolism of the Lurianic cosmic myth, see Fine (2003); Magid (2008); and Garb (2020, pp. 48–61).
- 7 It must be noted, obviously, that a number of Scholem’s works which are referred to in this article were written and published after 1952 and could not be known to Strauss at the time of delivering his lectures. However, it will be argued that even in *Major Trends in Jewish Mysticism* (1941), the only one Strauss refers to, Scholem’s interpretation of the Lurianic messianism is much more ambivalent than Strauss’s selective quotations suggest.
- 8 Scholem argued for the rationalist component of the Jewish kabbalah because of the importance the kabbalists attached to language: “In Judaism the kabbalists were the ones in particular for whom there exists a specific affinity between Creation and Revelation, since both were conceived of as the language in which the divine is communicated. And it was the kabbalists who regarded rational thinking as a linguistic process” (Scholem 1976, pp. 279–80).
- 9 For Scholem, Luria and his disciples created “the most important system of the late Kabbalah,” an “amazingly complete” and “unparalleled” example of myth formation (Scholem 1969, pp. 109, 110), “the influence of which on Jewish history has certainly been no less considerable than that of Maimonides’ ‘Guide for the Perplexed’” (Scholem 1995, p. 251).
- 10 The tendentious character of this thesis was critically confronted by Idel: “The idea that the *tzimtzum* represents, on a symbolic level, a divine exile into Himself is a fascinating speculative interpretation of the Lurianic myth, and it became one of Scholem’s more dramatic contributions to modern Jewish historiography. However, despite the confident tone of these statements, Scholem himself seems to have been aware of their highly speculative nature. Indeed, in an early explanation of the emergence of this view he explicitly acknowledged that it was not corroborated by the Lurianic texts themselves” (Idel 2012, p. 96).
- 11 As argued by Scholem, through the sephirotic idiom “the theory of identity is given a pantheistic spin: the creation out of nothingness becomes only an encrypted code for the essential oneness of all things with God” (Scholem 1976, p. 268); consequently, “we cannot find here an authentic nothingness which would break the continuity of the chain” (Scholem 1970, p. 99).
- 12 It should be noted that although Luria was not the first kabbalist to employ the concept of *tsimtzum* (such important figures as Nahmanides and Moses Cordovero had done it before), he was the first who made it central to the cosmological doctrine and the one who altered its previous sense: in the Lurianic kabbalah, *tsimtzum* denotes no longer just the concealment of God but a radical change of His ontological status provoked by the depletion of sovereign power through the act of withdrawal. Even more importantly, however, the word *tsimtzum* is highly ambiguous: apart from withdrawal, it may also denote concentration. The consequences of this ambiguity are by all means crucial: Whereas withdrawal is about the renunciation of omnipotence, concentration clearly connotes self-empowerment. Scholem, in one of his most authoritative and disputable theses, was an uncompromising advocate of the former interpretation and argued that the latter “definitely conflicts with other themes in Luria’s own system” (Scholem 1969, p. 111). Criticism of this thesis is to be found in (Franks 2020) and more on the intellectual history of the concept of *tsimtzum* in (Schulte 2014).
- 13 Scholem’s interpretation of the Lurianic *tiqqun* is clearly inspired by the theory of the origin put forward by his friend Walter Benjamin. As famously argued by Benjamin, although origin is a historical category, it has nothing to do with the idea of genesis as the inception of some phenomenon at a certain moment in time. Rather, the origin is “an eddy in the stream of becoming” (Benjamin 2003, p. 45), an operative force convulsing the body of history from the inside, and “the return to the origin that is at issue here thus in no way signifies the reconstruction of something as it once was, the reintegration of something into an origin understood as a real and eternal figure of its truth” (Agamben 1999, p. 152).
- 14 More on Scholem’s use of Hegel’s concept of alienation can be found in Wolfson (2019, p. 250 onwards).
- 15 For this reason, the motif of *shevirah* has been theorized in an affirmative, non-catastrophic fashion by deconstructionists. See Handelman (1982) and Drob (2009).
- 16 In *Revelation and Tradition as Religious Categories in Judaism*, we further read: “The creative force concentrated in the name of God (...) is far greater than any human expression, than any creaturely word can grasp” (Scholem 1971a, pp. 293–94); that is why “the very words that we read in the Written Torah and that constitute the audible ‘word of God’ and communicate a comprehensive message, are in reality mediations through which the absolute word, incomprehensible to us, is offered” (Scholem 1971a, p. 294).

In his *Ten Unhistorical Aphorisms on Kabbalah*, Scholem adds, “Totalities are only communicated in an occult fashion. The name of God can be pronounced but cannot be expressed, for only that which is fragmentary makes language expressible” (Biale 1985, p. 87).

- 17 The fragment comes from *Confession on the Subject of Our Language* (a 1926 letter to Franz Rosenzweig), where Scholem adopts an apocalyptic tone to criticize the Zionist project of secularizing Hebrew to use it as the official language of the State of Israel and a means of secular daily communication. Let us offer some more quotations from this very personal and very instructive piece: “If we resuscitate the language of the ancient books so that it can reveal itself anew, must then not the religious violence of this language one day break out against those who speak it? (...) Language is Name. In the names, the power of language is enclosed; in them, the abyss is sealed. After invoking the ancient names daily, we can no longer hold off their power. Called awake, they will appear since we have invoked them with great violence. (...) May the carelessness, which has led us to this apocalyptic path, not bring about our ruin” (Scholem 2002, pp. 226–27). He adds, in a fragment which can be (anachronistically) read as a response to Strauss’s “abyssal” idiom of *Progress or Return?*, that we live “above an abyss, almost all of us with the certainty of the blind. But when our sight is restored, must we not fall to the bottom of this abyss?” (Scholem 2002, p. 226).
- 18 “Authentic tradition remains hidden; only the fallen tradition falls upon an object and only when it is fallen does its greatness become visible” (Biale 1985, p. 71).
- 19 For Scholem’s critique of Maimonides’ anti-messianism, see Scholem (1971b, pp. 24–33).
- 20 For a philosophical commentary on this thesis, see Taubes (1982). As argued by Stéphane Mosès, Jewish messianism is by its nature highly paradoxical: it calls for redemption on the stage of history but at the same time demands the ideal that no historical reality is able to satisfy. As such, it is “the aspiration for the impossible,” which “can be asserted only in realizing itself, but as soon as it realizes itself, it denies itself” (Mosès 2009, p. 132).
- 21 Not infrequently, the Lurianic cosmological myth is referred to by Scholem in clearly gnostic terms, e.g., as “the point at which the horrifying experience of God’s absence in our world collides irreconcilably and catastrophically with the doctrine of a Creation that renews itself” (Scholem 1976, p. 283).

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Article

# Doctrine and Change in Western Dogmatics: The Examples of Michael Seewald and Kevin J. Vanhoozer

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**Abstract:** This paper argues that there is some ambiguity in Western conservative dogmatics on how much change and development is conceptually possible. It hence explores the potential for change within trends of Christianity related to conservative doctrine, arguing that the authority of doctrine is not as static as often perceived. To make this case, this paper (1) argues that both dogma and doctrine refer to somewhat binding beliefs, hence representing forces that ensure continuity in Western conservative dogmatics—forces that can be assessed only with regards to the faith traditions they stem from. By way of example, this paper (2) summarizes some perspectives on those concepts, as well as the potential for change, in the recent works of two Western theologians (i.e., the work of the German Roman Catholic theologian Michael Seewald and the US-American Evangelical theologian Kevin J. Vanhoozer).

**Keywords:** religion; doctrine; dogma; Vanhoozer; Seewald; developing doctrine; Western; dogmatics; Roman Catholicism; conservative theology; Evangelicalism; gospel; future of theology; change; ecumenism

## 1. Introduction

A central feature of the Christian religion—one that is essential in negotiating between continuity and discontinuity in any given particular discussion—is the given Christian tradition. This may not seem to be the case for many areas within various expressions of the Christian religion but it seems to be the case that dogmatics still play a crucial role in most of these Christian expressions for one and that dogmatics are a rather conservative force in many of these expressions for another. Hence, no matter how one refers to this tradition—be it as creeds or confessions, doctrine, or Scripture there are some given concepts in each expression of Christianity which exercise authority over how one should think, believe, and act. While such traditions are often—and, I believe, rightly so—perceived as resources, they also *reduce* the capacity for change: Christians are not free to pursue whatever they personally deem best at any given point in time—they are, in a sense, bound by tradition. This has become especially evident in Roman Catholicism as well as major sections of Evangelicalism, which in turn become forces that tend to be seen as—and eventually are—forces *against* many sorts of change. This is not to say that these forms of Christianity have been and are not also sources for change—there are, after all, many “positive” examples in history that attest to this. However, there may also be examples in which forms of Christianity lacked (and may do so today) the capacity for “good change”—changes that are necessary not because of popular demand (alone) but because they address any given shortcoming of Christianity measured by its own criteria.

Our concern here is with Western conservative doctrine: Doctrine, for one, is approached here as a determining feature of Western Christianity, broadly referring to the content a given strand of that form of Christianity advocates. Yet, it is a particularly *conservative* doctrine, for another, which brings about the challenge of continuity and development. Now, ‘conservative theology’ (just as ‘liberal theology’, for that matter) seems to be another ‘container term’ (*Containerbegriff*)—a term that includes many attributes that

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are associated with it (Weiß 2017, p. 13). We will not dive into the discussion necessary for defining conservative theology properly, as for the course of this essay it suffices to highlight that the overall aim of conservative theology seems to *conserve* a certain theology, while liberal theology may tend to adjust to—or ‘go with’—modernity (see, for instance, Lauster (2019, p. 1)). Conservative theology, on the other hand, tends to perceive this as a problem and seeks to cling to traditional theology (Olson 2013). Where conservative theology defines itself, usually by referring to concepts such as Scripture or orthodoxy, liberal theology tends to refer to subjective experience and the importance of being free from external demands such as dogmata (von Stosch 2019, p. 230). Hence, it is a conservative doctrine where the quest for the potential for change becomes imminent, just because those *cannot* adapt to other demands easily—no matter whether these demands stem from secular, individual, political, ecumenical, or other origins. Typical candidates for such Western conservative theology, at least in the overall perception, are Roman Catholicism, and—especially US-American—Evangelicalism.

This paper argues that (a) on the broad level, there is some ambiguity in Western conservative dogmatics on how much change and development is conceptually possible. This paper hence explores the potential for change within trends of Christianity related to conservative doctrine, arguing (b) that the authority of doctrine is not as static as often perceived, even *from within* those conservative strands of the Christian religion but that such explorations must consider the traditions of the various strands of religion. For making this case, this paper (1) argues that both dogma and doctrine refer to somewhat *binding beliefs*, representing, hence, forces that ensure continuity in Western conservative dogmatics; forces that can be assessed only with regard to the faith traditions they stem from. For exploring the possibilities for change within faith traditions, this paper then (2) summarizes some perspectives on those concepts, as well as the potential for change, in the recent works of two Western conservative theologians (i.e., the work of the German Roman Catholic theologian Michael Seewald and the US-American Evangelical theologian Kevin J. Vanhoozer). With its broad scope in Section 2 and the exemplifications in Section 3, this paper tests out both some options and ways toward a book-length treatment of this issue of doctrine and change.

## 2. Continuity via Doctrine

Working on continuity and change in Christian doctrine 50 years ago, Jaroslav Pelikan noted that “the fact of change somehow belongs to the very definition of Christian truth” (Pelikan 2014). So, to get a hold on the force that brings about continuity via doctrine, we may start with a rather foundational question: what *is* doctrine? For reasons that will become more transparent during this essay, we are not asking, as some (Lindbeck 1984), for the nature of doctrine but rather how doctrine is usually construed in Western dogmatics. Now, with regard to the everyday usage of the term, Merriam-Webster defines doctrine as “a principle or position or the body of principles in a branch of knowledge or system of belief”. The concept of doctrine can occur, for instance, in fundamental government policy (e.g., the Truman Doctrine), as well as in religion (e.g., the doctrine of election). In a more “archaic” sense, doctrine would be “something that is being taught”. Whether it is a body of principles, a system of belief, or a foundation for policy of or faith being taught, doctrine seems to be rather continuous, even static, and this begs the question of whether doctrine brings about the potential for (good) change.

We will continue with a brief analysis of the overall understanding of doctrine by surveying doctrine’s most “static” concept—the concept of dogma—before we turn to the question of the capacity for change in Western conservative doctrine. I will argue that both paths represent significant forces of continuity and conclude that to explore the actual validity of such forces they must be assessed considering each given faith tradition in much more detail; a task that I will exemplify in some ways in Section 2.

### 2.1. Dogma as Binding Beliefs

When it comes to forms and sources of Christian teaching in combination with the issues of change, the most contested concept probably is the concept of dogma. Used in everyday language, Merriam-Webster defines dogma as “something held as an established opinion”, especially “a definite authoritative tenet”. Critically, the concept can refer to “a point of view or tenet put forth as authoritative without adequate grounds”. In a religious context, dogma can be “a doctrine or body of doctrines concerning faith or morals formally stated and authoritatively proclaimed by a church.”

In Western theology, “dogma” is associated with Roman Catholicism. Here, Filser characterizes dogma as a proposition of the Christian faith that comes from the church, is assumed to be true, and is mandatory (Marschler and Schärfl 2014, p. 48). For Müller, “dogma” can be distinguished from the rule of faith or confession of faith not in principle but only via a more distinguished terminological expression of the content of faith (Müller 2016, p. 79). He emphasizes the definition of Vatican I, according to which only three dogmata exist. However, other explications of the church may also represent dogmata, given that not the term but the binding character (*Verbindlichkeit*) of the claim would be crucial. Such conceptualizations can be found in popular catechisms as well: dogma is not an addition for the genuine gospel—and even less a new form of revelation—but an official exposition, binding for the entire church, of the revelation that has been revealed once and for all; mostly rejecting other, confusing or . . . dangerous expositions of the gospel (Erwachsenen-Katechismus 1985, p. 56). So, right at the beginning, we may distinguish the application of “dogma” in the technical and the broader sense. For us, the broader sense of the meaning is relevant, according to which dogma represents binding beliefs.

In Protestant theology, dogma can be understood both as an opinion or as a judgment, while the NT would use the term more in the second sense (Härle 2018, pp. 147–48). In modern theology, dogma refers to binding ecclesiastic teaching, and Becker characterizes dogma as an official doctrine or teaching that has been formally defined at an ecumenical council in order to set forth the orthodox understanding of whatever is presented in the dogma (Becker 2015, p. 498). The historical background, e.g., the usage in ancient philosophies or the role of Vincent of Lérins, is rather present (Danz 2016, p. 16). Overall, the term “dogma” is understood to be referring to a central doctrine of the Christian faith, which has (a) been officially recognized and is now (b) an understood normative for a right understanding and confession of the Christian faith. Hence, the triune nature of God and the union of divine and human natures in the one person of Jesus Christ are chief examples of “dogma” (Migliore 2014, p. 448); alternatively, the entire seven ecumenical councils are seen as definitive instances of dogma (Becker 2015, p. 498).

One could discuss the differentiation between dogma, creeds, and confessions. However, these differentiations seem to be of quite secondary importance in the light of the overall critique Protestantism has of any concept of anything of authority next to the Bible. Criticism of the concept of dogma is hence close to the Protestant mind: Härle, for instance, critically engages the Vatican I definition, which treats dogma and divine revelation on the same level, and hence requires the anathema for those disregarding the dogmata of the Roman Catholic Church. For Protestantism, dogma would have to be distinguished from divine revelation, subdued to it, and to be measured by it critically. In this sense, Protestantism could accept the concept of dogma, given that the claim of validity would take into account the recognized truth (Härle 2018, pp. 147–48). So, while Roman Catholic theologians stress that dogmata are truths revealed through divine revelation and authoritatively taught by the church’s magisterial, Protestant theologians tend to hold that all dogmatic formulations in the church’s tradition are in principle open to revision (Becker 2015, p. 498). Furthermore, as it has only been in the modern period that there is a Roman Catholic understanding of dogma which would be understood as mandatory teaching, dogma could not be accepted within Protestantism (Danz 2016, p. 16).

In sum, Protestant theology understands doctrinal formulation per se—and this would include dogma—as reformable. In Roman Catholic theology, however, dogmata are said to



be “truths contained in divine revelation, articulated by ecumenical councils, and authoritatively interpreted by the church’s magisterium”, indicating the continuing bindingness of dogma (Migliore 2014, p. 448). Hence, it could seem that Roman Catholicism’s dogma represents a particular form of binding beliefs, and Protestantism takes issue with such a concept. However, we may easily realize that this rather popular picture is much more complicated.

## 2.2. Doctrine as Binding Beliefs?

Given that doctrine can be understood simply as “that which is taught” (Becker 2015, p. 498), and that Protestantism claims to reject the impossibility of revision of a particular form of teaching (i.e., dogma), it seems reasonable for many to somehow conclude that doctrine in both Roman Catholic and Protestant thought are less definitive than dogma. However, this is hardly the case in both Roman Catholicism and Protestantism. In Roman Catholicism, there are a substantial number of teachings that formally do not represent dogma. My concern here is, however, more on the Protestant side: how do conservative Protestant theologies construe the difference between doctrine and dogma?

While there is a consensus that the term dogma refers to certain, more binding beliefs, the term ‘doctrine’ does not refer to a particular or binding teaching (Webster et al. 2007, p. 1). However, there are accounts of Protestant theology that indicate a more binding understanding, at least of their doctrines. This becomes evident maybe the most in strands of US-American Evangelicalism. Wayne Grudem, for instance, defines doctrine as “what the whole Bible teaches us today about some particular topic” (Grudem 2020, p. 25). Given that doctrine is construed here as a rather simple systematization of the text of the Bible, doctrine might appear to some as something that is as authoritative as Scripture itself. Of course, Grudem does not *say* that doctrine has the same authority as Scripture has (and eventually does not even mean that) but this is the obvious conclusion the reader may draw. Similarly, *Biblical Doctrine* argues that doctrine should be understood in the broad meaning of teaching but that there is “sound” and “false” doctrine (MacArthur and Mayhue 2017, pp. 40–41), leaving the reader with the choice of either accepting the following—roughly thousand pages of—presentations of doctrine, or standing somewhat at odds with sound doctrine. While of course, US-American Evangelical theologies differ significantly in tone and agenda, overall there tends to be a certain ambiguity regarding the differentiation between dogma and doctrine; sometimes in surprising places (cf. Frame 2013; Horton 2013).

At the same time, it is way too easy to follow a common reflex of dismissing such contributions—for in being straight-forward, and with their somewhat unapologetic style, they own up to a challenge that is inherent in *all* forms of conservative Christian theology given that at some point all these theologies must either define or include one more definitive element(s) of doctrine. As Wolfgang Härle argues, it is fully appropriate for the Christian faith that its contents are presented in form of propositions, that is, as teaching (Härle 2018, pp. 12–14). Yet, what is this continuing content of the Christian faith that is being taught? Does it suffice to cling to the Apostles’ Creed? Does one have to buy into modern Protestant doctrines? Again, such questions only arise in conservative accounts of theology, and answering them is next to impossible for several reasons. By means of narrowing things down, however, conservative theologians might agree with Pannenberg, who describes the gospel as God acting in the person of Jesus of Nazareth (Pannenberg 1988, p. 25). While there would be the need for much more exposition of such a provisional summary, the point here is only that these acts of God in Christ would be the content of the dogmata and creeds of the Scriptures, any given Christian, Christian church, or Christendom.

It seems, overall, that conservative Protestantism spends significant effort on *what* it teaches, also on *how* it comes to that teaching (the question of method) but much less so on what doctrine effectively *means*: this question is often neglected in Protestant accounts of theology. We can illustrate the problem with regard to the individual, the ecclesial, and the academic dimension: Regarding the individual dimension, we could imagine a spectrum

between two extremes, for instance, the notion that doctrine is a suggestion without further sanction at all on the one hand, and that all doctrines must be believed to be “saved” on the other. In the ecclesiastic dimension, we could imagine a spectrum of two extremes, for instance, between the notion that doctrine can be revised considering the current needs on the one hand, and that one must believe those doctrines to be part of that community. Regarding the scholarly dimension, we could imagine a spectrum of two extremes as well, for instance, one in which historical doctrine is fully up for revision on the one hand, and that historical doctrines must be maintained at all costs. All three dimensions are relevant. Yet the most fundamental seems to be the scholarly one. This is the one we will focus on in the following.

### 2.3. Conclusions

So far, we have been making the case that the popular charges against Roman Catholic dogma might easily disguise the problem that both the center and borders of any account of Christian doctrine on the conservative protestant side faces similar problems. In both Roman Catholicism and in Protestantism this problem belongs in the same conceptual space, namely the discipline of dogmatics. This less fortunate term<sup>1</sup> can be characterized in Roman Catholicism as the methodological presentation of the reality of the self-revelation of God in Jesus Christ, expressed in ecclesiastic confession, including dogma. Yet, as Müller clarifies, while dogmatics as a discipline since the 18th century is referring to some distinct dogmata, it is not reduced to such formal dogmata anymore. Hence, dogma here refers to the “whole of Christian faith in confession and praxis of the church” (Müller 2016, p. 36). Somewhat similar in Protestant theology, dogmatics is seen as something that *conceptualizes and critiques the Christian faith as a whole*.<sup>2</sup>

Yet, this is where unity ends: none of the content, method, or style of dogmatics can be easily compared with another—in fact, this seems to be impossible at times even in the Protestant strand alone. This is, then, true for the essence of doctrine as well. Higton, for instance, asserts that even with a narrow focus on formal doctrinal pronouncements, it would not be clear that there is such a thing as a nature of doctrine: “a single, unified account of what doctrinal statements are for, of how they work, and of what they achieve” (Higton 2020, p. 12). In the following section, we will hence summarize two examples for introspective analyses, both asking for the possibility of change within the doctrine of their own faith traditions, which are prototypes of Western Protestant doctrine: Roman Catholicism and US-American Evangelicalism.

## 3. Change in Doctrine

One of the aspects that somewhat unites the following two cases includes the fact that they do pursue no ecumenically motivated agendas for one. Furthermore, they do not impose truth claims from the outside on those church traditions but come from some theologically and ecclesiastically acknowledged sources. They are, after all, attempts *from the within for the within*.

### 3.1. Is There Room for Change in Roman Catholicism? Seewald on Dogma and Change

Seewald’s book *Dogma im Wandel* (Seewald 2018, p. 54)—dogma in the process of change—has been translated into Spanish (Seewald and Perona 2020) and will be available soon in French (Seewald 2022). An English translation, currently in the works with Cambridge University Press, will be available in one or two years. Given the importance of this contribution to our concern, I will try to summarize the gist of Seewald’s contribution briefly.

To protect the gospel from museumization and proclaim it contemporarily as “good news” is the task of the church, which understands itself as a tool of the Holy Spirit (Seewald 2018, p. 15). An indispensable aim for the intellectually responsible fulfillment of the task is dogma. For an initial definition of dogma, Seewald understands one teaching or the teachings of the church, which it proclaims in either case with the assumption that it is

true. The dogma relates to the gospel by capturing it in propositional terms somewhat more precisely. The gospel is not a historical entity but a present power, which time and again is present in the confession and witness of the church, yet never is fully emersed within this confession. This way, dogma is a means to an end, not a goal. As such, it must continuously be questioned whether it fulfills its purpose, the propositional presentation of the gospel. Challenges to the dogma come from two sides: religious and secular discourse (Seewald 2018, p. 18). In this, Seewald closes in on two essential questions that dogma must face: (1) Is the Christian claim of truth, which dogmata formulate, legitimate? (2) Does dogma express the gospel in an adequate way? While Seewald admits that the two questions cannot be easily distinguished, it is only the second question he is addressing.

To pursue this second question, Seewald starts out with an elaboration on both of the terms, dogma and development. He does so by advocating an approach that takes the historical development of the term into focus. Regarding dogma, he sets out with the five occurrences the term has in the NT (Lk 2:1, Acts 17:7, Eph 2:15, Col 2:14, and Acts 16:4). He emphasizes that it was this final occurrence which was understood as the mother of doctrine (Seewald 2018, p. 26), i.e., the decisions of an (apostolic) council. In the following, Seewald walks through the developments of what such decisions *mean*. A crucial—and somewhat definitive—moment, of course, is Vatican II, which in effect defines dogma by stating that everything that is to be believed is solemnly decided and proclaimed by the church, as revealed faith by God (Seewald 2018, p. 42); however, Seewald submits, there is more to the current term of dogma, and refers, for instance, to John Paul II and his characterization of dogma. In debating some aspects, such as the capacity for submitting dogmata in the realm of faith and praxis, the question arises whether dogmata can only be offered with respect to what is considered to be revealed in the first place, or whether there is more than one “type” of dogma (Seewald 2018, p. 46), and he concludes that even in most recent history there is the development and ongoing negotiation of what dogma really implies. Hence: “The logic of the magisterium is rigid, but offers those who know its finesse room to think in terms of development” (Seewald 2018, p. 51).

Development, then, can be thought of initially as the unstable synchrony of continuity and discontinuity (Seewald 2018, p. 52). What would have to be taken into account within this dynamic is both human and also God’s activity (Seewald 2018, p. 54). Seewald concludes that if a doctrine develops, there is newness on the outside but one that comes with the claim to preserve more continuity than would be guaranteed without it, referring to St. Augustine and his claim that the *homoousios* would have achieved just that (Seewald 2018, p. 54). He comes back to the question: could—or should—there not be a theological theory of development that understands the development of doctrine, not only as the sequence of a programmed process but as historical events in which human beings are actively involved in trying to faithfully appropriate the gospel and to express it meaningfully? (Seewald 2018, p. 73).

To follow up on such questions, in the following chapters Seewald refers to the Bible and then to the epochs of the church until today. He concludes that the Catholic tradition contains a treasure of theories on dogmatic development, which would currently doze along unused (Seewald 2018, p. 270). Given that Catholic doctrine would face pressure to change in dimensions without precedence, he calls for the unfolding of such theories of doctrinal development. One could start with recognizing the various meanings of the very term dogma: In the widest sense (1), dogma can be understood as the whole of Christian teaching, or as explicitly (2) Catholic teaching. Furthermore, the Christological dogma can be understood as (3) a “thematic principle of order” (*thematisches Gliederungsprinzip*). However, with Vatican II, dogma in an ever-narrower sense can be referred to as (4) that what is contained in the written or traditioned Word of God and is being revealed by God proposed for faith. In terms of (5) individual dogmata, only those cases that have been proclaimed by extraordinary, solemn teaching of the magisterium count.

Furthermore, Seewald suggests eleven distinctions within a typology of theories on the development of dogma, and they are likewise worthy of being surveyed here. The

first type, it seems, is the most fundamental one, as it points out that any given theory of development in dogma acknowledges a legitimate moment in such development. Seewald hence coins this the ‘legitimatory type’. In the following (Seewald 2018, pp. 276–80), Seewald proposes ten types as a harvest of his study, which seem to be subtypes within (or outside) of such an encompassing first type, and they seem to work in pairs: (A) There is a doctrinal type (2), which focuses on the aspect of teaching (especially since the 19th century), and—somewhat alternatively—an affective type (3), which distinguishes—with Hugo St. Viktor, for instance—between *substantia fidei* und *materia fidei*, between explicit dogmata that could change in some way, and the substance of faith (Hebrews 11:1), which could not. (B) Furthermore, there is a defensive type (4), which fundamentally aims to reject heresy, and an explorative type (5), which, as doctrine also requires further elaboration at certain points in history, would provide further unfolding. (C) Yet, on a different account, there would be a deposital type (6) and an actual type (7): with (7), we may emphasize the *depositum fidei*—a stable content—that is entrusted to the Church once and for all but which is always not entirely conscious to the Church in all aspects. Somewhat different from that, with (8), one could hold that revelation occurs continually *anew* in the realm of the church, which is why the development of doctrine cannot reach back to a concluded, positive deposit (Ratzinger). (D) In another sense, one could contrast a contextual rule-based type (8) with an objective rule-based theory (9): (8) brings about a general skepticism towards objectively fixed criteria that allows for precise definition, of which renewal is legitimate and which represents heretical corruption of doctrine. Type (9), on the other hand, acknowledges theories that attempt to provide “tests” by which the legitimacy of a given development can be identified (e.g., the first edition of Newman’s essay on doctrinal development, Vincent of Lérins, and others). (E) Finally, Seewald distinguishes a cognitive type (10), i.e., one that sees doctrinal development as a process that is subject to rational evaluation and discussion. On the other hand, there would be an authoritative type (11), in which the magisterium is understood as acting in support of divine intermission, rendering dogma as a product of the supernatural intervention.

Based on this plurality of approaches, Seewald offers three issues as a foundation for further debate on a contemporary theory for the development of dogma: (1) Dogmata fulfill a serving function, they are means to (another) end. Roman Catholicism may distinguish between revelation and dogma, word of God and dogma, and gospel and dogma. The dogma is always an attempt to flesh out something more, the *depositum fidei* (Seewald 2018, p. 281). (2) The problem of the development of dogma addresses the unstable simultaneousness of continuity and discontinuity. A way forward here can be to reflect on *Christopraxis*—what holds the church together. Where the church requires dogma to be sure, it is more than the sum of those propositions. (3) Objective rule-based attempts seem attractive but have often failed. There is no “mechanical” approach to developing doctrine, Seewald asserts, as phenomena such as faith and hope—to name a few—escape such attempts.

### 3.2. How May Doctrine Change in Evangelicalism? Vanhoozer on Doctrine and Development

Seewald has pointed out a promising way forward to explore the options of change in Roman Catholic dogma. Another conservative strand of Christianity is US-American Evangelicalism, to which we turn now as a second example. US-American Evangelicalism might well be more pluralistic than Roman Catholicism, a reality expressed in a variety of churches, theological approaches, the absence of one magisterium, etc. And other than in the case of Seewald, according to Vanhoozer, a much wider body of literature must be included, as Vanhoozer has addressed the issue of developing doctrine over decades.

It seems to be rather easy to miss that in a way, the pursuit of developing doctrine according ‘to the Bible’ has always been Vanhoozer’s mission. Even in his major works to date, facets of this mission are clearly stated. Vanhoozer begins his first major volume with the acknowledgment that initially he had set out to clarify the role of Scripture in theology, and what it means to “be biblical” (Vanhoozer 2009b, p. 9). Hermeneutics can be seen as a

necessary requirement to accomplish a goal within the reader—*being* biblical is more than *thinking* biblical—as many others would in effect have it (Vanhoozer 2009b, p. 455). In his second major work, *The Drama of Doctrine* (Vanhoozer 2005b), the drama of doctrine refers to what God has already said and done, to what the church attempts to understand, and to what the church attempts to participate within in a manner “fittingly” (Vanhoozer 2014, p. 27). Echoing Vanhoozer’s first major work, ‘being biblical’ is the aim, and doctrinal development emerges as a primary agenda of theology. Finally, in *Remythologizing Theology*, Vanhoozer has set himself the task to explore the ontology of God, “whose speech and acts propel the theodrama forward”. While the work addresses God, his communication, and his interaction with the world, Vanhoozer describes the work as “an essay in aid of the development of the doctrine of God” (Vanhoozer 2010, from the preface). Next to these ‘major three’, there are three more works that close in more on the issue of developing doctrine in an Evangelical context. In *Theology and the Mirror of Scripture* (Vanhoozer and Treier 2015), the authors propose a fresh theological account, unfolding the agenda by explicating the material and formal principles of theology (part one), and applying it to a number of contexts (part two). Given its foundational nature, part one has particular importance; and it is here that Vanhoozer conceptualizes his path from God and the gospel (chapter one) to disciples and their doctrine (chapter two). The aim of biblical being is present here as the agenda of pushing doctrinal development as the core of the theologian’s bread and butter. The same is true for *Biblical Authority after Babel* (Vanhoozer 2016a), where Vanhoozer pursues this goal and agenda from a less theoretical-abstract approach but more as an attempt to recalibrate the understanding of (Evangelical) churches in the light of a more (original) Protestant perspective. There are further volumes that clearly relate to this aim and agenda (Vanhoozer and Strachan 2015; Vanhoozer 2002, 2005a, 2014, 2016c, 2019). However, there are several essays that tackle the issue more head-on (Vanhoozer 2000, 2004, 2009a, 2013, 2015, 2016b, 2017). It is from these sources that we draw the following sketch of how Vanhoozer, overall, would have doctrine being developed in a context of (probably not only US-American) Evangelicalism.

For Vanhoozer, the quest for doctrine arises within his bigger framework characterized as a drama: the church responding to the good news of the gospel (Vanhoozer 2009a, p. 155). Drama, then, is a key aspect of Vanhoozer’s theology: With this, Vanhoozer aims to conceptualize theology as a whole, which brings together God, Scripture, and discipleship. His overall agenda seeks to explicate the implications of the God of the gospel for the Church so that it will grow into the full stature of Christ (Vanhoozer and Treier 2015, chapters one and two). Hence, in a sense, drama is the setup we find ourselves in, and in which we—as others—must act. So, by going beyond Plato’s concept of time as a moving image of eternity, one can argue that God is in time a “moving image” of the way God himself is in eternity; the economic Trinity (e.g., what the Father, Son, and Spirit do in history) is a “dramatic representation of what God’s eternal life is (the immanent Trinity) and of his eternal gracious disposition toward the world” (Vanhoozer and Treier 2015, p. 65). What God is and does is captured, then, in the Bible, which is why the essence of the Bible—the gospel—is theodramatic (i.e., reporting on the matter of what God (theos) has said and done (drao) in history, for at “the heart of Christianity is not merely an idea of God but rather God’s self-communicating words and acts” (Vanhoozer 2014, p. 20). History is hence always theodramatic, representing a “series of divine entrances and exits, especially, as these pertain to what God has done in Jesus Christ” (Vanhoozer 2005b, p. 31).

What God is and what God does is captured in the Bible: a book like any other on the one hand but from a faith perspective, a text authored ultimately by God with Christ as its ultimate content and with the Holy Spirit as its ultimate interpreter (Vanhoozer and Treier 2015, p. 73). For Christians and the church, the Bible is Scripture but hence also is a script, for it demands to be played out (Vanhoozer 2005b, p. 115): humans (and, in particular, Christians) are called to participate within the drama, not to be hearers alone but doers of the word. How to perform Scripture is not that easy: we find ourselves in ever new situations, and disciples must learn to discern how to do the word in a way that



fits the gospel, that is, not only thinking but eventually being biblical (Vanhoozer 2009b, final chapter).

Doctrine is the means that fosters spiritual growth. The theologian's (i.e., the dramatize's) task can be construed not simply but prominently as supporting the church's pastors in unfolding the script (i.e., Scripture) towards a fitting performance of the church. To Vanhoozer, doctrine "is the reward that faith finds at the end of its search for the meaning of the apostolic testimony to what God was doing in the event of Jesus Christ" (Vanhoozer 2005b, p. 4). It may at times not equal truth in every sense—and may also be seen differently than Scripture in this regard—but it refers to what the church, based on the Bible, believes, teaches, and confesses. Doctrine, hence, is explicated in creeds and statements of faith but also in the churches' most characteristic practices (Higton and Fodor 2015, p. 756). 'Praxis' should be emphasized here: for doctrine can be understood as "direction for the fitting participation of individual and communities in the drama of redemption" (Vanhoozer 2005b, p. 102). As such, it functions as a special kind of instruction that "teaches the head, orients the heart and guides the hand" (Vanhoozer and Treier 2015, p. 107). As not everything in Christian faith functions this way, the nature (the what) and the task (the why) are closely connected in this approach. Structurally, then, the doctrine is necessarily developed and taught on all levels and in all types of churches (Carson 2016). The immensely more difficult question in play, however, is *how* one may develop doctrine, or how to do so *well*.

How to develop doctrine according to Scripture is not easy to be explicated. If (for the sake of limiting this passage and at the risk of oversimplification) we think of *stages* in the development of doctrine, for instance: (1) the setting of the 'construction side', (2) the construction of doctrine, and (3) the assessment of constructions in place. In stage (1) Evangelicals—as Vanhoozer recognizes—must accept the Bible as Scripture (i.e., as ultimate authority) and then follow its lead (in Vanhoozer's phrase, "follow the way the (biblical) words go"). Stage (2)—the actual development—is probably the most difficult stage. For Vanhoozer, it requires imitation, imagination, and improvisation. Imitation is required, since doctrine must cohere with Christ's mind (Philippians 2:5), and in this sense, the "reach of the apostolic discourse" can—and often must—be continued within the pattern of that very mind (Carson 2016, p. 780). Imagination is required, as the "mind of Christ" cannot function as a concrete criterium but rather as a framework of understanding. With C.S. Lewis, imagination can be understood as the "organ of meaning". Hence, it is via imagination that the church reads Scripture, seeing beyond the words, and what is in Christ (Vanhoozer 2016b, p. 781; Vanhoozer and Treier 2015, p. 105). Responding to what is seen both in Scripture and in each context requires a response, and hence improvisation, not by producing innovation but rather by progressively discovering "the full meaning potential of the divine authorial discourse intrinsic to and implicit in the Bible" (Carson 2016, p. 784). In stage (3), one could assess whether some given doctrine expresses canonical sense (e.g., does a development express genuine continuity of the gospel?), Catholic sensibility (e.g., does a development represent continuity with the whole of the church and its tradition?), and contextual sensitivity (e.g., does a development fit into a particular context to enlighten the understanding of God's kingdom?), as expressed in various sources from Vanhoozer (e.g., Vanhoozer 2016b, pp. 788–90).

To be sure, Vanhoozer never offers deliberations on developing doctrine in a brief sketch like this. Yet, this sketch does offer an indication of what directions and emphases one influential approach of looking into the opportunities and prospects of developing doctrine in Western conservative theology might take.

It is important to note that Vanhoozer's dramatic conception of theology is not concerned—at least not ultimately—with suggesting a *new* conception of theology. In other words, while Vanhoozer is highly original in many regards, he does not seem to seek the conception of a distinctive "Vanhoozerian" conception of theology *at the cost of representing something thoroughly 'Evangelical'*. Much rather, his conception brings together genuine Evangelical features, and his work is highly regarded by very different Evangelicals across that (quite wide) spectrum. In fact, Vanhoozer eventually echoes Paul's

self-characterization: “If anyone thinks he has reason for confidence in this label (“evangelical”), I have more . . . ” (Vanhoozer and Treier 2015, p. 9). Referring to his own zeal, faith, and righteousness, however, is possible only because Vanhoozer indeed considers specific Evangelical concerns; concerns which are very much his own.

### 3.3. Conclusions

These two surveys by no means do justice to the careful interaction with their sources. However, it becomes evident that despite their differences, both Seewald and Vanhoozer not only offer fruitful interaction with their traditions by showing that development is possible—and to some good degree, how—but also show some striking similarities in their fundamental approaches. For example, they treat the terms of dogma and doctrine in a way that makes their usage overall interchangeable, and for both, the question about binding certain elements for their change is assessed and construed. For both, dogma/doctrine must be a presentation of the gospel, which comes with more shared concerns (for instance, the issue of sameness regarding the substance and change on the outside of dogma/doctrine). Hence, dogma/doctrine is seen as a means to an end. On the other hand, these reflections are different from each other in many ways: so to illuminate the potentials and means for “good change” within their own strands of the Christian faith, Seewald focuses more closely on the deposit of Roman Catholic teaching, while for Vanhoozer this means to conceptualize more broadly the deposit of Scripture itself.

## 4. Outlook

Is there room for a doctrine to change? Is there room for development in dogma? If so, how can it be done? Change is not just required by public demand but it might be required by the very essence of a given conservative faith tradition. Presenting the content of the gospel in ever-new situations has been key in the history of Christianity, as it will be in the 21st century and beyond. Seewald and Vanhoozer show compelling ways how this change could be brought about in a healthy way. This way, however, has not been traveled; in fact, it has not been illuminated enough. Hence, there is a call for theologians to pursue both path-finding and path-walking. Both will require much more work—I hope to continue with a book-length treatment in due time—and hope also that other experts in their fields might be interested to follow up on the examples set by Seewald and Vanhoozer. It is a timely enterprise, I believe, and although it might seem to be impossible at times, it might yet be quite possible to accomplish. For, with Seewald, it is true that the demands of a given conservative faith tradition are rigid, and yet it does offer room to think in terms of good change to those who know its finesse.

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## Notes

- <sup>1</sup> Some have suggested it might be better to refer to ‘doctrinal theology’ rather than to ‘dogmatic theology’ or ‘dogmatics’ as the discipline that focuses on the big theological ideas that do turn up in creeds and confessions (Higton 2020, p. 13). While I agree, ‘dogmatics’ is the term typically assigned to the field we locate our quest for change in doctrine, and hence we will go with it.
- <sup>2</sup> For Barth, for instance, “Dogmatics is the scholarly enterprise (Wissenschaft), in which the church—given the available measure of insight—justifies about the content of its proclamation, i.e., given its measurement of holy Scripture and according to the instruction of its confessions” (Barth 1948).

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Article

# Love as Consolidation of the Self-in-the-World: Martin d’Arcy’s Speculation on Love as a Metaphysical Supplement to Phenomenology

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**Abstract:** In his seminal work *The Mind and the Heart of Love. A Study in Eros and Agape*, Martin d’Arcy shows that self-sacrificial love (agape) and desire (eros) express the mystery of selfhood. Using the method of phenomenology, he demonstrates that eros and agape encompass a range of affectations, emotions and existential modes. All these make sense when seen as stages in the process of self-giving. Thus, eros and agape do not pertain to two opposing aspects of the soul. Rather, they are modes of manifestation of the entire person. In answering to the agapeic love of God, human agapeic love comes to a state which reason cannot grasp. At this point the erotic impulse steps in in order for the human soul to take the path of unknowing. Through this interplay the true hierarchy of being is perceived and the human person enters into loving exchange with the world. This happens within a three-tier process of loving knowledge whose structure is similar to the model of self-knowledge developed in the early Byzantine theological compendium *Corpus dionysiacum*.

**Keywords:** love; eros; agape; phenomenology; Christianity; hierarchy

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## 1. Introduction

In his seminal work *The Mind and the Heart of Love. A Study in Eros and Agape*, Martin d’Arcy affirms that true love is only possible as self-giving. It is in self-giving that we experience love fully and creatively. No loving relation can be established among objects and lovers who do not give themselves entirely in fact objectify the beloved person. The question d’Arcy wants to answer is whether all types and layers of love are capable of partaking in self-giving or human love should undergo transformation in order to abandon the impulse to possess the Beloved. In order to explicate the aspects of possessive and self-sacrificial love, d’Arcy looks at the ramifications of the motives of erotic and agapeic love throughout intellectual history. Since the dawn of Christianity, the antinomy between possession and self-sacrifice permeates the different discourses on love, but it is specifically addressed when the relation between human love and divine love is at stake.

This analysis raises questions about the ontological status of the human person, the boundaries of selfhood, the nature of interpersonality and the capabilities of humans to know God and to relate with him. Instead of developing a metaphysics of love, d’Arcy focuses on certain topics which mark the historical trajectory of the discourse on love throughout the history of ideas. He uses as a starting point the interpretations of Denis de Rougemont and Anders Nygren of erotic and agapeic love. Both these thinkers assert the juxtaposition of eros and agape. The eros is a loving desire which ends up in the union with the Other, whereas agape is self-sacrificial love which amounts to self-giving. When these impulses reach to their extremes the erotic desire results in devouring of the Other and agape brings the human subject to self-destruction.

Rougemont and Nygren take different paths in examining love’s relation to human knowledge. Whereas for Rougemont the eros is a blind destructive desire of the human

soul in need of cultivation by the rational, ethically balanced and pragmatic agape, Nygren sees the latter as a new existential impulse, introduced to human existence by Christ, which overcomes the erotic narcissism of human reason. D'Arcy attempts to subvert both these approaches and examines the different forms and manifestations of love from the perspective of Medieval Christian philosophy which conceptualizes love as a cognitive power par excellence.

D'Arcy is not eager to solve the antinomy of eros–agape, certainly not before he has studied its various implications for theological anthropology. Through historio-philosophical and historio-theological excursions, d'Arcy constructs a conceptual framework in which he offers a Christian phenomenological model of the experience of love. The commensurability between Christian anthropology and modern phenomenology was examined by d'Arcy in his brilliant monograph *Facing God*. In this work d'Arcy shows the potential of the phenomenological method to express the mystery of selfhood without superimposing any normative explanatory model on the dynamics of the person's life. It is in *Facing God* that d'Arcy comes to the conclusion that love constitutes the ontological core of the self. In his earlier work *The Lion and the Unicorn*, he shows that it is only through the ambiguities of love that one can achieve authentic interpersonal communion and freedom to accept the gift of God's indwelling in the human person.

## 2. Literature Review

The philosophical oeuvre of d'Arcy has rarely been the focus of scholarly research. One of the few monographs dedicated to him is *Martin d'Arcy: Philosopher of Christian Love* by J. A. Sire (1997). It examines his biography and intellectual career. Sire places the concept of love at the centre of d'Arcy's philosophy and theology. He underlines that d'Arcy's argument in *The mind and the Heart of Love* reflects the post-Lutheran context of polarization of human personality between passion and reason, *eros* and *agape*. The author regrets that d'Arcy has paid excessive attention to the dichotomy of *eros* vs. *agape* which had been propounded, in post-Lutheran context, by Anders Nygren and, partly, by Denis de Rougemont (1983): "he used a sledge-hammer to show that a nut is cracked" (Sire 1997, *Op. cit.*, 114).

For Sire the core of d'Arcy's argument is the concept of selfhood. Selfhood is a mystery that reveals divine being in the realm of created being; the self is "a unique reflexion of God's glory" (Sire 1997, *Op. cit.*, 114). In Sire's reading, d'Arcy's foundational concept of the self is countered by a conceptual anti-climax, namely the perplexing dichotomy *essential* vs. *existential* self, *eros* corresponding to the essential order and *agape*—to the existential one. The essential self seeks perfection through the existential self. According to Sire, d'Arcy leaves unsolved the problem of the integrity of the loving self (Sire 1997, *Op. cit.*, 115). It would seem that the identity of the self is guaranteed by the exchange between the loving impulses of the essential and the existential self; a connection characterised by friendly love, *philia*. The friendly interplay between *eros* and *agape* implies transfiguring human love into divine. At stake is a revelation of God within the human being (Sire 1997, *Op. cit.*, 116). However, in Sire's view, d'Arcy has failed to elaborate the theological implications of this divine presence.

In his monograph *The Spirit and the Forms of Love* (Williams 1981), Daniel-Day Williams dedicated one chapter to d'Arcy's concept of love. D'Arcy is placed among other modern thinkers, such as Albert Schweizer and Reinhold Niebuhr, who try to modify the traditional Christian concept of love. In his take on love, d'Arcy, claims Williams, oscillates between the Augustinian and the Thomistic tradition. In the Augustinian model, God is both the source and the ultimate object of truthful love. Thus, by transcending the boundaries of the self and uniting with God, human love has to be transfigured into devotion to God. According to the Thomistic approach, a human being imitates God's love by seeking itself and its own perfection. By deconstructing the simplistic normative juxtaposition between self-sacrificial and passionate love (and sexual desire, in particular) d'Arcy's speculation aims at integrating "the complex and dynamic view" of selfhood which has

emerged in modern psychology into the Christian theological discourse. Williams tries to show how this is achieved. D'Arcy's identification of *eros* and *agape* with the masculine and feminine principles is seen as symptomatic, as it proves the complementarity of the components of the life of the self. The traditional hierarchy of passionate and self-sacrificial love is substituted by the model of gradual development and expression of the powers of selfhood<sup>1</sup>. Williams demonstrates that d'Arcy transfers physiological and psychological paradigms into a philosophical discourse by using the strategies developed by modern existentialism, and more specifically by Hunter Guthrie. The latter interprets the human ego as a self-subsistent entity (essence) who, by virtue of its ontological principle, is seeking the Absolute to which it can give itself<sup>2</sup>.

In this respect, Williams gives a much more in-depth interpretation of the dichotomy of *eros* vs. *agape*. He notes that, according to d'Arcy, the interplay of *eros* and *agape* in making and expressing the "I" is primarily of epistemological nature. The epistemological path of love comprises three layers: knowledge, ignorance and higher mode of knowledge. He quotes d'Arcy: "To be a person is to be essentially in search of a person. Love presupposes *knowledge*, but it can do to some degree without it; what it needs is the living and actual being itself"<sup>3</sup>. Here Williams detects a key element in d'Arcy's concept which has to do with the tradition of mystical theology and is indebted to Pseudo-Dionysius' model of apophatic and cataphatic predication of God. According to Williams, there is a lacuna in d'Arcy's understanding of divine love and its engaging in self-giving. D'Arcy's notion of love as a search of a person (cf. D'Arcy 1947, p. 41) seems incommensurate with divine love, as God is a perfect being and does not seek self-fulfillment. If the essence of divine love is to seek communion with creation, there must be some ontological model demonstrating this search of God for love which does not imply any essential change in God. I will claim that such a model is implied by d'Arcy and is congenial to Pseudo-Dionysius' model of participation of created being in divine life.

I will maintain that the antinomies identified by Sire and the epistemological perspective reconstructed by Williams constitute an anthropological foundation for this personalized self-identification with the world. The archaeology of structures and perceptions of love, including the historical overview of the different concepts of love, is in fact a reconstruction of the process of dialogical personal knowledge. I will refer to Merleau-Ponty as the source of d'Arcy's systematic framework when clarifying the dialectics of love and its roots in the Christian mystical tradition dating back to Pseudo-Dionysius the Areopagite.

In this article d'Arcy's concept of love in *The Mind and the Heart* is read retrospectively through the phenomenological model of *Facing God*.

### 3. The Dichotomies of Love

D'Arcy denies the popular identification of *eros* with desire and *agape* with the active self-sacrificial disposition towards the beloved. Both these aspects, asserts d'Arcy, include active and passive vectors. He points out that *agape* entails not only self-sacrifice, but desire as well, just as *eros* implies not only possessing but also self-giving. For d'Arcy the distinction between desire and self-giving is not based on the differentiation between activity and passivity; it exemplifies two aspects of the self in relation to the beloved God. The *eros* is the indwelling of the person in the love of God, whereas the *agape* is the response of the human love towards divine love.

The human love to God is not merely a faculty or a one-off inclination. This is a *love story*, which has its source in the *agape* of God and corresponds to the *agape* of the soul lifted above itself. The detection of God's *agapeic* love and the response to it constitute faith. This is a transformative experience: not only for the lover, but for the world the lover dwells in. Faith is not just a passionate and instantaneous union. It is a long and painstaking process; it is a path into darkness. This darkness has nothing to do with the unconscious or the dark world of romance. As d'Arcy puts it, this is a darkness, which is due to excess of light. This motif is borrowed from the apophatic terminology of Pseudo-Dionysius the Areopagite

(Areopagita 1990b, 2014). To come through it, one needs to follow the voice of the living God, and it is reason that could hear this voice (D'Arcy 1947).

In its agapeic upward movement, the spiritual anima comes to a state which reason cannot understand. This is because God is beyond any rational grasping. At this point the erotic impulse steps in. So, the anima must take the path of unknowing whereby the desire of the anima may turn into frenzy. At this state the integrity of the self is at risk. D'Arcy makes recourse to the symbolic interpretation of the masculine and feminine principle in the human person. At stake is not a symbolic exemplification of a specific mystical state of mind. Said symbols articulate the existential experience of self-knowledge through love. The two principles may alter their mutual relations, but they always stay together. Reason is driven by the animus (the male principle) and the erotic desire. The passionate anima, on the other hand, is not a merely passive agent, since it produces the impulse which leads the self to the abyss of unknowing. It turns out that the two members of the original antinomy of love are themselves antinomic and intricate. D'Arcy deconstructs a classical motif of the dual structure of the human being, dating back to Plato. In Plato's normative ethical model, the "inner man" of reason has to tame the capricious beasts of volition and anger<sup>4</sup>. D'Arcy offers a holistic and dynamic model of the antinomies of love.

#### 4. The Dialectic of Love

The impulses of *agape* and *eros*, each of them containing antinomic aspects, are reconciled in faith, seen as union with the Word of God. The erotic aspect of religious experience is not confined to the moments of repose when we are detached from all practical aspects of our existence. D'Arcy is careful not to reduce the connotation of this reconciliation to overcoming of a physiological deficit or healing of a psychological trauma. Said aspects of love apply to the existence of men before God, that is to say his model of the interplay between *eros* and *agape* corresponds to an existential metaphysical concept of the experience of God.

If the agapeic desire of the anima is not counterbalanced by the eroticism of the animus, the anima passes through a period of romance. It aims at self-transcending in order to reach the beloved one. However, eventually this romance ends with the anima wanting to dissolve completely into nothingness. It starts craving for oblivion. Any acting of the self in which the latter is an instrument of the self-destructing anima is catastrophic. The anima has to listen to what the animus or the reason is telling her. Yielding to its own desires the anima imperils the immortal self. However, the animus is also a force that can lead to the destruction of the self. It cannot help wanting to grasp the reality—to make it its own and thus to form a body of knowledge. In other words, erotic desire leads to ego-centrism, the latter closing the person for any meaningful communion in love.

The way out of this conundrum is when the anima consciously strives to reach God, and not just any object of agapeic desire. This is the way of mystical contemplation. The contemplation of God is so sublime a state that the anima cannot but turn to the animus in order to confirm this experience within the personal being, i.e., within the human existence. In order to achieve this, the anima needs the animus. Thus, the anima would engage the animus in the act of love. In the face of the unfathomable God, the animus would be prevented from dictatorially imposing its own power over the reality of love. This is a model for meaningful synergy between anima and animus.

Although the desire for the Absolute is noble and has proved fruitful for many, d'Arcy warns that no way of life is more open to delusion, and many seem to confuse the means with the end. The risk here is that the communion with the living and bountiful God is sought not within the framework of the personal being. It is very easy to confuse the fervent desire for a union with the union itself. Additionally, the risk of delusion is connected to the way one expresses this experience. The human subject is turned into an object, which is impregnated with the divine life. However, thus the personal dimension of being is drained out both from the lover and from God. Love between persons precludes the reduction or the annihilation of the other. Love between persons means that each wants the other to be

more himself (D'Arcy 1947, p. 166). This is true on the level of love between human beings, as well as between a human person and God.

D'Arcy points out that the destructive tendencies of the self-sacrificing *anima* and self-regarding *animus* are based on a deeper uncertainty in the existence of the self. He carries out a historical overview of the concepts of human existence since Descartes and tries to explain the position of the various authors through the antinomy 'anima-animus': "The animus tends to make itself the measure of reality. . . . It resolves all that exists into its own essence, as if human thought and thing were correlative and, at the end, identical." (D'Arcy 1947, p. 256). In this sense, the projects of Kant and Hegel are seen as corrections to Descartes' rational absolutism. Kant intended to correct this miscalculated entitlement of the animus and proclaimed that reason and thing are insurmountably divided (Ibid. Cf. Kant 1995). The role of the animus was reduced to normativism and moralism. According to Kant, human cognition amounts to regulation of the rational desire rather than determining it and uniting the person with the beloved. The deep desires of the anima for loving union cannot be articulated and fulfilled through this rationalistic model. Hegel, on the other hand, wanted to integrate the two opposites and devised his giant dialectic to take in everything "in heaven and on earth" (Ibid. Cf. Hegel and der Logik 1832). However, this integration is at the expense of the particular human self.

The models of Kant and Hegel try to alleviate the clash between the human subject and the world. D'Arcy insists, however, that the experience of love necessarily leads one to opposing the world. This is not a psychological effect from the emotions stemming from love. According to d'Arcy, it is engraved in the most fundamental structure of love. This is why the tension stemming from the love-experience is not to be tempered by simply restructuring the agents of love within the soul. It has to do with the restructuring of the self and, indeed, its relation to the world. For d'Arcy it is relating to the world in love that provides the fundamental truth about the self and the world. It is this finding of meaning which he reads into the philosophy of Merleau-Ponty.

It is not until Kierkegaard that post-Medieval Western philosophy realizes that the juxtaposition between the self and the world is foundational and is the real cause of the anxiety of human existence. Being one's own self means being in the world, relating to the world and affirming its reality. The being of the self in the world is characterised by disquietude and the reason for this is the fundamental discrepancy between desire for existence of the loving self and the boundaries of its being. This discrepancy is described differently in the tradition of existentialism: Fear (Angst) in Kierkegaard, Movement in Bergson, Care (Sorge) in Heidegger, etc. For d'Arcy the fundamental reason for the disquietude of the self is love.

In its complexity love is a desire for an all-encompassing existence. However, the being of the self is limited by the boundaries of its nature and its individual existence. A seemingly easy, but in fact erroneous, way out of this discrepancy is the idea that the existence of the human self is necessary. For a finite essence, writes d'Arcy, to think of itself as necessarily alive, would be to make itself God. This would be a sin against the Holy Spirit (D'Arcy 1947, p. 258). The truth is that a human being is out in the world, and one is totally dependent on things that are external to one's own self. The narcissistic illusion of self-sufficiency is dangerous, because it seemingly presents a realization of the desires of the anima for the Absolute. Following the philosopher Guthrie, d'Arcy writes that the false essential Ego, which substitutes for the real existential Ego, is a pseudo-Absolute which cannot guarantee that for which the Self craves, namely self-realization, self-giving and immortality (D'Arcy 1947, p. 263). The real Absolute must not be a replica of the Ego. It should be radically different from it. The true Absolute evokes love, as the most sublime manifestation of the self. "In this act, writes d'Arcy, the will makes haste to aid the intellect and the intellect itself makes an effort to support the will" (D'Arcy 1947, p. 267). The external entity to which love is addressed is seen by the mind in its true worth. Thus, the essential movement towards self-affirmation is not anymore contradictory to the existential

movement away from the self to the Absolute. The pseudo-Absolute of the narcissistic self is transfigured in the rays of the true Absolute (D'Arcy 1947, p. 267).

## 5. The Hierarchy

From the perspective of this realisation of the self in the love for the true Absolute, a hierarchy of being is revealed: "From the moment it exists the Self stretches out with all its antennae for safety and union with the Absolute, and it appraises all the external objects which it meets by the measure of its longing. This primordial movement of the anima expresses itself on the spiritual plane in will and culminates in love." The perceived hierarchy of being corresponds to the hierarchy of the loving self: "The motor-force of the essential self, on the other hand, thrives by appropriating to itself all that it meets. It, too, as we have seen in previous chapters, is primitive and can be brutal and bestial. But it is and must be secondary, since it issues from something which is not yet itself and ends in an Absolute which is finite and relative." (D'Arcy 1947, p. 268).

D'Arcy's view of a sacred order of being recognized in love is congenial to the concept of the hierarchy developed in *Corpus Dionysiaticum*—a 6th-century collection of theological and philosophical texts ascribed to the St. Dionysius the Areopagite, the pupil of St. Paul and first bishop of Athens. D'Arcy does indeed mention Dionysius as a thinker who speculated on erotic love (). But apart from this explicit reference there is congeniality between his dialectic of love and Dionysian ideas such as the triplex movement of the sou towards God and the participation of created beings in divine live through the sacred hierarchy. The channels for the influence are not the focus of this article.

The central guarantor for knowledge in the Dionysian model is the hierarchy. The hierarchy is a sacred order, knowledge and revelation; it seeks affinity, as far as possible, to the God-like being, and is led to the illuminations that are obtained analogically and through imitation of God. Thus, according to *Corpus Dionysiaticum*, God is beyond everything, being at the same time the source not only of all being, but of all knowledge. Within the mode of divine super-essential existence, God, knowing himself, knows all beings according to their own ontological capacity.

Entering into this hierarchical (hierarchical in the sense of Dionysius) relation to being the self is engaged into three-tier movement. The first two vectors of movement pertain to the self-reflexive aspect of love, whereas the third denotes an extatic movement of the self These are the guarantors for confirming one's own identity(D'Arcy 1947, p. 268). They constitute the motor-force of the self which aims at self-realization.

The first movement of the "essential self" manifests the cognitive perception of all objects of cognition. It is determined by the intentionality of perception and consists in producing images and memories of the cognized objects.

The second movement is the appropriation of the objects met, i.e., the objects of knowledge, to the self. In other words, by structuring the cognized material, the self confirms its own identity. The process at stake is not a purely epistemological one. This is loving knowledge. D'Arcy notes that this movement is primitive and can be brutal and bestial, if it is entirely left over to the anima. If they are controlled by the animus, these two vectors assume their appropriate place as secondary, as "it issues from something which is not yet itself and ends in an Absolute which is finite and relative" (D'Arcy 1947, p. 268). The status the self reaches by appropriating everything it encounters is the result of seeking perfection, but it is human and limited, and therefore, shadowy and uncertain "like the moon which draws light from something else" (D'Arcy 1947, p. 268).

The third movement of the loving self transcends the boundaries of the subject in reaching out to God from whom the existence of the self is derived, and its succour depends. "From the moment it commences to exist", writes d'Arcy, "the Self stretches out with all its antennae for safety and union with the Absolute, and it appraises all the external objects which it meets by the measure of its longing." (D'Arcy 1947, p. 268). The Self stretches to the transcendent source of the visible order of things and adores this source of the Loved One. This movement, underlines d'Arcy, does not neglect the appropriated world. On the



contrary, the appropriated world is intellectually transformed, it is “grasped in ideas of it”; “the macrocosm is reduced to the microcosm of finite mind”.

The movement of the loving self described by d’Arcy bears remarkable correspondence to the three-tier movement of the human soul described in *Corpus Dionysiacum* (Areopagita 1990a). While Dionysius is mostly interested in demonstrating the union of soul and body within the process of cognitive illumination and knowledge of the God, d’Arcy takes this union for granted and is focused on the dynamics of personhood. However, the two authors are congenial in that they both consider knowledge not as a merely analytic function, but as a loving relation which is constitutive for the consciousness of the human subject. The other pivotal parallel is that they see the structure of the world as pertinent to the process of loving transfiguration of the self, whereby the difference between the human subject and the world is not blurred in a metaphysic of the personhood of some form or in idealistic solipsism. The structure of the world is relevant to the structure of the self and, hence, it is meaningful in the experience of love.

In Dionysius these three gnoseological paths also require ascetic effort and are determined by the personal will. Nevertheless, in the treatise *De divinis nominibus* the subordination of the cognitive powers is strictly determined by the unifying activity of the intellect. Once activated, the intellect is capable of discerning the truthful knowledge and of achieving it. Through the triple movement of the soul the creative and providential activity of God is manifested and it becomes recognizable.

D’Arcy insists that the ascent of the existential self is beyond the mere contemplation, because the Absolute could be truthfully grasped even by asserting the reality of the finite objects of knowledge. However, the self has a desire to reach to the Absolute in a loving relation, which is beyond mere contemplation. This happens through self-denial and lowliness, being at the same time the highest possible perfection of the self. Again here, and just as in *Corpus Dionysiacum*, we see a combined manifestation of Eros and Agape.

## 6. Excursion: The Phenomenological Approach to the Self-Personhood and the Ontology of Perception

In his monograph *Facing God* d’Arcy criticizes the different ideas of selfhood produced by the tradition of metaphysics. Maurice Merleau-Ponty’s ontology of perception seems the most congenial to his own views, with the idea that the world is not incidental to our personal life (D’Arcy 1966). In this context d’Arcy writes: “Merleau-Ponty means that we are bound up through our body with the world around us; it is within its unity that we are free to act and grow. I am, he tells us, an intersubjective field, not despite my body and historical situation; on the contrary, we are born of this world and in this world. For the same reason it is open to us with all its possibilities. Hence we do not merely accept the world; we choose it and give it style and significance” (D’Arcy 1966, p. 47).

Having indicated the conceptual deficit of phenomenology in terms of the analysis of interpersonal, d’Arcy demonstrates that, through love, the profoundly dialogical structure of the person is revealed. The ultimate dialogical partner of each human person is Christ, as he is the most sublime meaning of the reality we live in. The different aspects of perception in love guarantee meaningful transformation of the person. Reality has a structure which is profoundly relevant to the life of the self. D’Arcy is aware of the fact that structure is not identical with meaning but, alluding to Jung’s model of the Gestalt, he insists that the two are deeply interconnected when the life of the person is concerned. D’Arcy reconstructs the truthful and meaningful dynamic of the self in view of the reflected experience of the world and the self. For d’Arcy, the epistemological method through which we can reconstruct the structure of the self is derived from the interconnectedness with the world.

The self faces the world in a specific act of loving knowledge—a synthesis, namely, between love and knowledge. On the ground of the synthesis sense-perception gains significance. This requires and encompasses self-denial. This is the impulse “to fly this world and purify soul and body”. This transcending of the intersubjective communion with



the world, in which we abide, is a sacramental transfiguration. The tenet of self-denial and transformation makes personal life commensurate with the Christ-event. It is important to note that for d'Arcy self-denial implies transforming nature: "the supernatural life has slowly to dominate and fuse with nature" (D'Arcy 1966, pp. 96–97).

This transformative process introduces change in the personal being. The change has positive meaning, not because it is a completion of the person, or as discovering the authentic personality, as an existentialist conceptualization would sound. At stake is something else. For him the life of the person is rather a process of consolidation than becoming something new. We are all the time complete, underlines d'Arcy. It is not that the person moves from imperfection to perfection. Under consolidation he means confirming one's identity: "Rather we can say together with the theologians that "we can choose to make an act of love or to commit a grievous act and fix our destiny forever" (D'Arcy 1966, p. 98). In that dense, the dynamics of personal life is not about self-improvement; it is projecting eternity within the personal existence.

This consolidation of the person in terms of eternity is not described by d'Arcy as mystical self-knowledge in the traditional sense, i.e., finding in solitude the traces of eternal being within the hidden core of the intellect: *abditum mentis* (Augustine). It is in the bombarding of sensations to which every human being is exposed that said consolidation takes place. Wave after wave, the sensations connect us to the world, and we have no time to attend to each layer of sense perception until the next comes. However, we do not necessarily lose our personal identity within this stream; on the contrary, we strengthen it. In order to illustrate how it is possible to trace a meaning in the stream of sensations, d'Arcy refers to Hegel's model of historical synthesis: "Hegel saw historical occasions as moments in the seeping movement of Universal Spirit, and one wave is subsumed into another wave, helps its impetus, but disappears itself" (D'Arcy 1966, p. 98). D'Arcy transfers this Hegelian model into the realm of the personal human subject. The consolidation of the human person within the dynamic of sensations is possible when perception is confronted with human will<sup>5</sup>.

D'Arcy notes that confirming reality in each phase of the personal existence is not a teleological process. It is a dialectic of negation and overcoming. In being negated, each stage of confronting reality becomes meaningful and transformative. In this respect he makes reference to the theory of evolution which introduces a new dimension to change: "Anything can happen in the strange story of man, but in fact all human actions in their right proportion can serve the Eucharistic mystery and enable human beings to give of their substance to the recreation of human life" (D'Arcy 1966, p. 102). The parallel to the Eucharist shows that personal consolidation is an elected mode of existence, rather than a single option of choice. In addition, it can take place at any point on the vector of historical time. The Eucharistic experience and the evolution theory enabled d'Arcy to identify a specific Christian experience of time, opposed to both the cyclical concept of Ancient Greek philosophy and the linear progression envisaged by the religious consciousness of the Jews. Christians, he notes, have an interim understanding: "There then would be a long gap and a long wait. But even here on earth we can almost be in two places at the same time ... But for all we know, the heavenly society is already being formed or the end of the world has already come" (D'Arcy 1966, p. 106). Our experiences should be transfigured in order to pour into eternity. In addition, it does not matter how far from the end of history this transformation takes place, since everything which happens in time is equidistant from God.

In his book *The Lion and the Unicorn*, d'Arcy conceptualizes the described consolidation of the self in communion with the world using the grammar of love. The different affectations, emotions and existential modes of love are not seen simply as elements of a coherent entity. Rather, these are different existential modes of the loving self, seen as stages in the path of self-giving, as modes of manifestation of the entire person. What should be given up in love is the entire self, not particular elements of it, or some objectified impulses such as *anima* or *animus*. Thus, the discourse of love turns into an existential analytic of the self.

Love is a factor for restructuring and transforming the self which puts the latter into a new disposition to the world. Love is a state of being which opens up the self to the world. In obeying predominantly the anima or the animus, one loses the capacity to loving sacrifice. Obeying each of the two can lead to deterioration of the person.

It follows from this analysis that the truth of authentic being is found in the love which is experienced as a self-consolidation. Love is not a human action, an attitude or an emotion. It is a reality which makes any historical meaning possible. This is possible because of the paradigmatic act of the Incarnation of the Son of God in history. The latter is the most radical expression of divine love, which transforms the human experience of the world. From this perspective d'Arcy points out that the Christian experience provides a completely novel and unique understanding of time. Time in a sense stands still, because it has been fulfilled in Christ and every individual and every generation lives at the end of the world meeting his destiny. According to d'Arcy this has been the unique contribution of Christianity to the philosophy of history, but also to the philosophy of personhood. In light of the incarnation all human achievements, struggles and developments, i.e., the experience of the world, gain a new and everlasting significance (D'Arcy 1966, p. 110). God's love for human-beings enables every single person to come to acceptance, giving up and justification of one's own self.

D'Arcy depicts the layers of personal life on which this loving self-knowledge takes place. These layers include different structures of the human psyche. Foundational for d'Arcy is the differentiation of the male and the female principle, which resonates with the Aristotelian model of the active and passive intellect, as well as with Jung's dichotomy of *animus* and *anima*. D'Arcy gives different definitions of *animus* and *anima* as powers of the self. Quite often he presents the interplay between the active and the passive cognitive desire as a union of mind and will. With the term "mind" d'Arcy denotes what is since John Locke known as *consciousness*. The will is an intellectual appetite according to the model of the act of will of Thomas Aquinas.

"There is no mind without interest", writes d'Arcy, "and no will which is completely blind." It is important to note, that the activity of both the will and the mind is intentional, i. e. it possesses external reference and principle of activation. The mind is always cognizing *something* (I know that . . . ) or is thinking about *something* (I think that . . . ). As far as it is driven to knowledge by the objects, it is passive: it cannot but know the things it encounters. But in another sense it is active: the content perceived by the mind is then contemplated as something known by me. In the same way, volition is always orientated towards *something*. At first glance the will is purely passive, since it is a rational desire towards the object of knowledge; it drives the eye of the intellect to the thing, which is for the will an object of desire. However, following the Medieval Christian anthropology, d'Arcy insists that the will is not merely a reaction to a stimulus; it possess also the power of knowledge and self-reflexivity. The will is not a mere desire towards the object of cognition, but it is a desire to have a desire towards the object of the will. In other words, the act of will is not mere prioritizing of the desires towards different objects of the will. For the will is not a mere ordinative (*ordinativa*) faculty, but a determinative (*determinativa*) one as well. It determines and defines the individual forms of the objects and on the basis of this conceptualization the desires are being ordered and prioritized. Thomas Aquinas constructs a two-tier model of the will: on the one hand, the will is a desire ordering the other desires and, on the other, it is a faculty of cognizing the forms of things. The concrete forms are known through the qualification of the common forms with some individualizing characteristics. Hence, the will is self-reflective, just like the intellect. For d'Arcy this speculation is a proof that every act of the will has a cognitive and a loving aspect. The intentionality of the mind and of the will has a common object which is why these two faculties always perform together in one and the same human act.

On the backdrop of this analysis, d'Arcy demonstrates that the act of love can be seen as a special act of the will. When it comes to love, the self is not and cannot be neutral. Determining the object of love is recognizing and confirming one's own selfhood. Within

love the “passive” act of the will is manifested as profoundly active and decisive. How does this happen? In love the self is confronted with its own creatureliness, and this is a transformative experience. When experiencing love, the person refers to the bodily substrate of the self not as a mere source of perception and desire, but as a base of a much deeper disposition of the personal existence. The person is given a possibility to confirm its existence in a new mode. The perceived creatureliness of human being causes human nature “to hold on existence, to persist in being” (D’Arcy 1966, p. 15). Thus, the lover enters into a special relation to God. D’Arcy quotes Guthrie according to whom humans are “hangers on the Absolute”. We receive our being and life from God and this is the most fundamental loving relation, one of giving and taking. The paradigm of this relation is the life of the Trinity itself. As God is the fulfilment of human love, the soul becomes a seeker of divine love. In love the soul discovers its inextricable tendency to seek the heights of the union of love. In that sense all human love is love for God. Love is a communion with the Absolute.

Apparently the “passive” aspect of love, namely the appetite, works as an active power of self-determination in relation to the Absolut, whereas the “active” aspect of love, namely reason, defines one’s own passivity in relation to divine love, as the latter is the source and the goal of every human love.

## 7. Recapitulation

D’Arcy uses the phenomenological method of Merleau-Ponty in order to rehabilitate the Eros from its stigmatization by the normative moralism of post-medieval Christian theology (Anders Nygren). He tested the efficacy of this method in explaining the person’s existential relation to the world in his book *Facing God*. As a paradigmatic expression of love, the Christ event is constitutive for the manifestation of all forms and impulses of love. Influenced by Maritain’s view of perfect love as a full communication of naked selfhood, d’Arcy refuses to see self-sacrificial love as a mask hiding the brutal and possessive impulse of the eros. D’Arcy sees the loving desire with self-sacrificial charity as parameters of the existential situation of man. He refers to modern psychology and uses the psychological paradigms of passivity and self-assertion (*Gestalte*, after Karl Jung) not as explicative mechanisms, but rather as phenomenological markers of the intentionality of the loving self.

With an anti-Hegelian overtone, d’Arcy demonstrates that ecstasy, regress and assertion are not mere moments of the self-reflection of the loving subject; they exemplify the ascent of the entire human being to the core of personal being, to ontological truth and to the dialogue with God. This movement is typologically similar to the ontological and gnoseological dynamics of the Dionysian hierarchy. One of the programmatic ideas in *Corpus Dionysiacum* is that Eros and agape are not mutually exclusive but constitute the loving relation between the highest and the lower levels of being. The participation of the lower levels of being in the divine illuminating activity takes place in relation to the higher ranks of the hierarchy. The process is revelatory and transformative. D’arcy’s solution is closer to this model rather than to the neo-Thomistic model of the analogy of created and divine being. One has to bear in mind that Thomas Aquinas himself diverges from the *analogia entis*, when it comes to expressing of the ontological pillar of personal being. He makes use of Pseudo-Dionysius.

For example, moral theology is loaded with criticism against the Dionysian view of the erotic. Dionysius has been accused of introducing pagan intuitions into the concept of Christian love. D’Arcy’s scope is to rehabilitate the eros - not in a narrowly doctrinal or strictly philosophical aspect, but as a manifestation of the dynamic of the self. For d’Arcy the erotic has a meaning, much deeper than the function of representing desires, needs or aspirations. The erotic is not mere expression of utilitarian needs and desires. If the eros is a revelation of the intentionality of personal life, the manifestations of the erotic should be seen as images pointing to an end and a task, but at the same time bringing joy and pleasure.

This speculation brings d’Arcy to the problem of the ontological and epistemological functions of the image as a symbol of human love. Thus, the ancient antinomy between the loving desire (eros) and the self-sacrificial charity (agape) is resolved, as the two are seen as characteristics of different levels in which images function. This meaning of the image is calibrated in correspondence with their function to evoke intention. The intentional interpretation of the image is one of the pillars of the aesthetic theory of Thomas Aquinas, indebted to his reading of Aristotle, but also to his analysis of the image concept of Pseudo-Dionysius. In fact, the intentional function of images in Dionysius has been the focus of authors (philosophers and aestheticians) who have contributed significantly to the modern aesthetic theory of the symbol.

Although d’Arcy is influenced by Maritain’s view of perfect love as a full communication of the naked selfhood, his concept surpasses the theology of neo-Thomism, as it does not rely on the analogy of created and divine being. D’Arcy is much closer to the programmatic Dionysian model in which eros and agape—seen not as mutually exclusive, but rather as constitutive of a loving relation between different types of images—guarantee the participation of created being in the revelatory presence of God. The order, scope and the transformative capacity of the participation follow the pattern of the celestial and the ecclesial hierarchy.

This dialectic corresponds to the order of reality. And the symbolic knowledge is the transcendental base which co-ordinates the dialectic of love and the structure of reality. But how are symbols themselves validated? The answer is: *through their capacity to express the love and the existence of the self.*

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## Notes

- <sup>1</sup> Daniel Day Williams, *Op. cit.*: “This mystery must be traced down into the existence of two loves within man. D’Arcy develops the doctrine of the two loves by identifying eros as belonging to the essential self. This love seeks fulfilment. It is possessive, masculine, imperious and it denies the completion of personal being. It dominates the rational impulses and the will to understand. The other love is identified with the existential self. It is the love which seeks to give itself away. It is emotionally powerful in its heedlessness. It is feminine, intuitive and spendthrift. It is the agape in the self . . . ”.
- <sup>2</sup> Daniel Day Williams, *Op. cit.*
- <sup>3</sup> Daniel Day Williams, *Op. cit.* Cf. (D’Arcy 1947, p. 321).
- <sup>4</sup> Plato, *Republic* bk. 9, 589A6–B6.
- <sup>5</sup> (D’Arcy 1966, p. 99). In this sense d’Arcy references to a distinction made by Aristotle. The latter differentiates processes which have no significance or value, except in the result, and processes which are confirmed by the will at every stage of their unfolding. Thus, for instance, a dish maybe initially quite unpleasant to look at, but in the end it is a delight. Aristotle calls these actions imperfect. In contradiction to such processes, the acts of the will are perfect and complete (τελεῖται). The volitional confronting with reality of life transform each moment of sense perception into an act of committing oneself to a meaning. This committing transforms our experience of time making it kairos (καιρός, i.e., meaningful temporality), whereby the cognitive processing of sense data gains the significance of decision—krisis (κρίσις).

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Article

# Neomythology: A New Religious Mythology

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**Abstract:** The purpose of this paper was to present the link between the myths in the plots of modern entertainment products, such as science fiction novels, movies, comic books and video games, with the motifs of New Religiosity. The plots employed in these products are of a mythical nature. This re-emergence of myth is once more taking centre stage today. The social sciences and humanities concerned with this phenomenon call it “neomythology”. Neomythology, in whatever form, as a comic book, video game, etc., shows gods and supernatural heroes or villains interacting with one another in certain ways. The ways these mythical elements are combined and displayed confirm that neomythology belongs to New Religiosity and repeats motifs of New Religions and New Age myths, such as the secularization of the absolute, that is to say, the placing of the transcendental element in the material and explainable world, the absolutisation not only of the acquisition of power but also those who bear it, the correlation of magic and technology, and the reuse and utilization of the mythology of the past and of traditional religious teachings, in order to produce a new myth.

**Keywords:** modern mythology; new religiosity; Western culture; secularization; technology; magic

## 1. Introduction

In order to examine neomythology, namely, the contemporary nature of myth as it develops within the New Religiosity, and to approach the subject of the presence of myths in modern recreational products, we need to answer the following questions: “What is myth”? “What is the content of myth”? Since the 19th century, however, whenever attempts were made to answer these questions, myth or mythical stories as a whole, in other words, mythology, was associated with fantasy, religion and past civilisations.

More specifically, in the 19th century, under the influence of the Enlightenment, myth was viewed as the opposite of reason and reality. Enlightenment thinkers tended either to dismiss myth as an irrational element that was incompatible with science or to associate it with childish expression or the infancy of civilisation (Segal 2004, p. 3; Bristow 2017; Coupe 2009; Cupitt 1952, p. 12).

In the late 19th century, in his theory on cultural survivals, Tylor [1871] (Tylor [1871] 1920, pp. 112, 113, 133, 285, 477, 501) regarded myth as a part of a culture that belonged exclusively to the past, or that had survived from the cultural past of animistic religion, the era of occult science, divination and astrology. Mythical narratives as a whole belonged to the distant era of, as he put it, “primitive biology” (Tylor [1871] 1920, p. xii), “primitive psychology” (Tylor [1871] 1920, p. 471) and “childlike science” (Tylor [1871] 1920, p. 332).

Tylor identified the content of myth with excess, misinterpretation and the distortion of reality (Tylor [1871] 1920, p. 368). At the same time, however, he rejected any attempt to interpret it symbolically or metaphorically or to regard it as moral history. Thus, he treated myth as a form of science, and he connected it with the attempts by a primitive society to interpret and describe what it believed to be real (Tylor [1871] 1920, pp. 299, 316, 409; Segal 2004, p. 19).

In other words, Tylor disassociated myth from modern life, just as the theorists of the Enlightenment did, while at the same time, through his close study of it, he concluded that in the past, it was a real and important factor in people’s lives. Despite its cloak of fantasy,

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myth is based on reality, is inspired by it and is perceived as a real fact (Tylor [1871] 1920, pp. 299, 300, 316, 317, 409, 445).

In the 20th century, though he restricted myth to the past, the anthropologist Claude Lévi-Strauss (1985, pp. 110, 114, 127, 146, 157, 158, 159, 161, 190, 191) presented it, just like Tylor, as a body of stories that played an important role in the lives of primitive communities. The members of those societies used myths to define certain rules of action and constructed a homogeneous system that attempted to establish their racial origins, the existence of their ritual practices and their system of social organisation all at the same time.

The theologian and New Testament interpreter Rudolf Bultmann associated myth with the world view of modern society. In this association, and in his comparison of myth with science and theology, he rated it as an inferior cultural element. For Bultmann himself, however, mythology can also contain truths since it has always had the power to refer to strange, transcendental and mysterious phenomena and give worldly objectivity to unworldly or divine things. Therefore, in this sense, myth is important and functions as a vessel of truths (Hege 2017, p. 46). For the truth of a myth—or, as Bultmann says, the *kerygma*—to be revealed, a myth must be interpreted and its content must be made to reveal the world of God and the entirely other (McLaughlin and Smid 1999, p. 19; Congdon 2015, p. xxix).

Bultmann's contribution to the perspective of myth, within the framework of dialectical theology, is precisely this: he connected myth with history, although at the same time, through the process of demythologisation, he removed it from its original cultural context in order to stress its diachronic content, which might conceal the divine truth. In this way, myth came to occupy a special place since it may convey messages about the very existence and nature of man (Congdon 2015, pp. xxvi, xxx).

In the second half of the 20th century, Mircea Eliade presented a myth as a sacred history, the history of archaic men in relation to the supernatural beings and the way in which the latter created and presented the world, time and history. Myth becomes the language used by archaic society to bring the sacredness of its gods into the present and into its own reality, that is, profane space and time (Coupe 2009, p. 53; Eliade 1963, pp. 5, 6).

Eliade agreed with Tylor that, for ancient civilisations, myth revealed not only a moral history but a real event (Eliade 1963, p. 6). This event was not merely a past event like many others; on the contrary, as a sacred event, it was a paradigm for everyday life. By emphasising the sacredness of myth in this way, Eliade was in agreement with Bultmann. Just as the latter believed that myth contained divine truth, Eliade held that for those who believe in a myth, it has a transformative effect as a special religious experience. The religiosity of myth leads its followers into the world of the supernatural presence of the gods (Eliade 1963, p. 18).

The remarkable and special thing about Eliade (1961, pp. 11, 16, 18, 19, 25), however, is that he did not view myth only in terms of the past or any ideal content it may have, but he also connected it strongly with the present. He discovered that not only has myth not been edged out or even, for that matter, eradicated from modern life but it is also in fact present in its different aspects. The myths of the past, which once expressed hierophanies, that is to say, the presence of God in men's lives, continue to fascinate modern man. In this sense, they have turned into new myths and have thus survived in modern literary products, dreamy and fanciful images, and symbols.

The literary theorist Kenneth Burke (1966, pp. 18, 20, 21, 51, 212, 381, 384–386) made an interesting observation: myth is based on real-life situations, which, after a key moment in history, became models, that is to say, mythical stories that served as examples, as a timeless paradigm for the community. Thus, myth promotes the idea of perfection, perfect things and stable principles, such as the duo of "good and evil". The body of mythical stories speaks about the beginning of time, the origins of man, the birth of the gods, the beginning of a ritual, the perfect hero and the perfect good or the perfect evil.

For the theorist of hermeneutic phenomenology Paul Ricoeur, too, myth should be approached from a different angle. Ricoeur's (1969, p. 6) perspective coincided with that of



the scholars mentioned above, and above all, the approach adopted by Bultmann, Burke and Eliade, who held that myth is not merely a false interpretation of the world. On the contrary, as Bultmann stressed, it reveals secrets about man's destiny and nature. It reinforces the development of a moral theory and man's perception of good and evil, a view which, to a certain extent, can also be found in Burke's work (1969, p. 9). It expresses its relationship with what is regarded as sacred, thus recalling Eliade's (1969, p. 5) worldview.

For Ricouer, traditional myth, as a symbol that has lost contact with its origins in time, becomes an important dimension of modern thought (Ricouer 1969, p. 5). It serves as a constant motivation to modern man to look beyond the narrow confines of his reality, of his daily temporal and spatial constraints, to another, possible world (Ricouer 1969, p. 8).

For contemporary mythologists, it is clear that myth does not belong exclusively to the past. Contemporary culture is full of mythical representations and mythical symbolisms.

To be precise, Laurence Coupe stressed the point that myths are repeated today in various forms of entertainment, such as works of literature and cinema films (Coupe 2009, pp. 100, 191, 192, 199). As a result of this presence, myth plays an important cultural role (Coupe 2009, p. 112). Anthony R. Mills recognised the fact that the monomyth, as he calls it, of the 19th-century American hero who saves the community and leads it into a new era is reproduced in a variety of modern mythical versions, such as the plots in comic books that are full of superheroes (Mills 2014, pp. 4, 22, 27, 53, 169). John Izod (2003, pp. 1, 15, 35, 80) recognised the phenomenon of the reinterpretation and reuse of mythical schemata in the products of the big and small screens. Roland Barthes presented the myth as a type of speech; as a system of communication; and as a message that conveys true and, at the same time, unrealistic content. With this dynamic, the myth functions as a second language, as a meta-language (Barthes n.d., pp. 1, 3, 40).

Myth, therefore, as a product of the human spirit, is indeed a diachronic combination of fantasy and reality, that is to say, of irrational and rational elements. In this sense, in modern entertainment and amusement products, such as video games (Xidakis 2018) and the cinema, it is possible to see the dominance of the mythical element. The plots employed in these products are of a mythical character. Precisely because this re-emergence of myth is such a pronounced phenomenon nowadays, it has been termed "neomythology" (Hexham and Poewe 1997, pp. 92–94, 152–154; Rothstein 2006, p. 649; Hanegraaff 1999, pp. 153, 158). This term is used in different disciplines dealing with the phenomenon, including that of religious studies, which, among other things, studies the phenomenon of New Religiosity.

The purpose of this article was precisely to highlight this contemporary mythical space, which develops and reproduces specific motifs of the diffused new religiosity<sup>1</sup>.

The stages of our research path, which also underlined our purpose, were the following:

a. Initially, a definition of New Religiosity was provided and its main characteristics were analysed.

b. Thereafter, once the characteristics of New Religiosity were identified and described, a definition of neomythology was provided. Through identifying and describing the new religious motifs and defining the concept of neomythology (i.e., contemporary mythology), we aimed to show how the latter reproduces motifs of the diffused New Religiosity.

c. Consequently, this also constituted the core of our efforts and the very essence of our purpose: we aimed to identify and highlight the various aspects and meanings that each of these new religious motifs assumes in the plots of video games, comics and fantasy films.

In order to fulfil our purpose, our method moved in three directions. Our method was as follows: (a) systematic, in that we grouped the main characteristics of New Religiosity that emerge from our study into seven basic motifs; (b) analytical, since we analysed the repeated themes and repeated concepts arising from the correlation between the diffused new religiosity and neomythology and then we identified the new religious motifs in the plots of neomythological products; and (c) historical, mainly with respect to the examples of neomythology identified, which were organised on the basis of their historical development and formation. In other words, we provide examples of the new religious schemata we



identified from contemporary neomythological products on the basis of the order in which they appeared from the 1980s up until the present day.

In the pages that follow, and based on the purpose and methodological framework we set, we approach and analyse our position: myth does not belong exclusively to the past. The 20th- and 21st-century civilisation is full of mythical representations and mythical symbolisms. The plots of modern leisure and entertainment products introduce their users, as viewers or players, into a universe where realistic elements coexist alongside fantastical ones. In fact, the way in which these elements coexist and the motifs that emerge from this coexistence, and from the co-inherence of the plausible and the implausible, all point to the main characteristics of a new mythology within the limits of New Religiosity.

## 2. New Religiosity

The term “New Religiosity” refers to non-traditional modern religiosity, that is to say, the type of religiosity that has been formed through the teachings and practices of the New Religions.

The New Religions made their appearance on the religious map mainly after the 1960s (Papalexandropoulos 1997, p. 153; Campbell 2001, p. 37; Barker 2001, pp. 15, 16; Chryssides 2001, p. 257; Cowan and Bromley 2015, pp. 6, 7; Bromley and Melton 2004, pp. 42–43), although their characteristics are evident even in various religious groups of the 19th century (Papalexandropoulos 1997, p. 149; Hick 2004, p. 307; Hexham and Poewe 1997, p. 70; Cowan and Bromley 2015, p. 6). They are called “new” for various reasons, including the following: (a) In terms of their appearance and development, they are associated with what is new, with what is “modern”, with modernity and postmodernity, that is to say, with all the changes that have taken place in the Western world since the 19th century (modernity) and the 20th century (postmodernity). These changes have been produced by a variety of factors, one of the most basic of which, of course, is industrialisation, with the radical social, economic and technological changes that it brought in its train (Hexham and Poewe 1997, pp. 36, 37, 147–151). (b) They differ from traditional religions (e.g., Christianity), that is to say, from the religions that, until the ages of modernity and postmodernity, traditionally dominated every aspect of society. Schematically, it could be said that on a virtual world map, the New Religions lie in the gaps that appear between the spheres of influence of the traditional religions.

## 3. The Distinctive Features of the New Religiosity

The New Religiosity that has developed since the emergence of the New Religions (or New Religious Movements) and as a result of the latter’s activities is characterised by both the fluidity and mobility of (a) organisations; (b) teachings; and (c) to a certain extent, of religious followers too since these move between one group and another, investigating the strategy, principles and teachings of each group in turn, without necessarily being bound by only one view of the “truth” about the world. We say “to a certain extent”, because the mobility of the followers characterizes certain areas of the New Religiosity, mainly that of the New Age. Along with the phenomenon of mobility, there is also the fanatical dedication of the follower, especially when they belong to New Religions, which are organizations, such as Scientology.

In other words, the New Religiosity is an alternative, disparate religious reality that appropriates everything: from psychology and medicine to ecology, from gnosticism to interplanetary travel, from the ancient myths about gods and heroes to modern myths about aliens, and from magic to technology.

All of these elements, depending on which new religious group adopts them, are presented either in the most popularised and over-simplified way or cloaked in a mantle of philosophical or scientific knowledge, or even as a combination of both of these.

In general terms, the distinctive features of the New Religiosity that emerge from a study of the diverse teachings of the various New Religions are as follows:

(a) The broadened concept of human potentialities. Man, both collectively as a human race and as an individual, finds himself called upon to exploit his many potentialities, to reach a state of self-actualisation (Hexham and Poewe 1997, p. 148; Heelas 2001, pp. 54, 60), self-expression (Hexham and Poewe 1997, p. 155), self-enhancement (Heelas 2001, pp. 54, 60), etc.

(b) The conviction that there are two levels of reality: (i) the external, everyday reality and (ii) the internal reality of the consciousness. The latter is superior to the former (Heelas 2001, pp. 52, 53).

(c) The conviction that what human beings have become accustomed to seeing as “part” of reality is in fact the visible, outward part of it. On the other hand, the “whole” and the “one”, the holistic approach to life and the unity of the relationship between God (as the Absolute) and man, and the unity of the universe, all religions and mankind, constitute the essence of reality, its real side (Papalexandropoulos 1992, p. 45; Campbell 2001, p. 40; Heelas 2001, pp. 52, 60; Hexham and Poewe 1997, pp. 5, 147; Sutcliffe 2003, p. 11).

(d) The conviction that an awakened person, who has recognised and accepted this holistic understanding of the world, will accelerate change: through their awakening, they will bring spiritual beings and alien leaders to the forefront of history; they will usher in a new social, technological, planetary and ecological future (Xidakis 2006, p. 8; Sutcliffe 2003, p. 21).

(e) The dominant idea, as a result of the foregoing, of a transformative vision of another world, of a new space and time, of a New Age for the world and for man (Papalexandropoulos 1991, pp. 17, 19).

The term “New Age”, in particular, has a range of different meanings within the New Religiosity. On this point, the following should be noted.

First of all, the term “New Age”, although it generally occurs in the teachings of the 20th-century new religions and is even used in connection with certain groups in the last decade of the 19th century (e.g., the Theosophical Society), denotes the New Age religious movement, which made its presence felt after 1960 and which forms a subdivision of the New Religiosity (Papalexandropoulos 1991, pp. 20, 21; Xidakis 2006, p. 7; Barker 2001, p. 17; Sutcliffe 2003, pp. 1–6, 11, 21, 29, 30, 198). Its main characteristic is that its followers are not bound by a defined set of practices, do not belong to any one particular group and do not rally around a central leader (Sutcliffe 2003, pp. 198, 224; Barker 2001, p. 17), as happens in the New Religions, which are based on the preaching of a charismatic leader (Barker 2001, p. 20; Clarke 2006, p. viii).

Second, the process of seeking and striving for the New Age, which is very often a diffuse and porous one, involves striving to achieve a variety of different goals: New Age followers are said to embrace the notion of a mankind with limitless capabilities and of man as a traveller of the Universe (Papalexandropoulos 1992, p. 52); they are said to believe in doing away with the bounds of daily, conventional and traditional religious and social experience, and to believe in the salvation and healing of the soul, the tranquillity of the mind, the improvement of karma and a state of bliss after death (Papalexandropoulos 1991, p. 20; Wilson 2001, p. 7), and even professional success, personal and financial fulfilment, and the acquisition of luxury goods (Heelas 2001, pp. 53, 66; Sutcliffe 2003, pp. 29, 30; Clarke 2006, p. ix).

At this point, it is worth pointing out that this tendency towards the worldly, that is to say, New Ager’s preoccupation with improving their professional and financial status, resembles the desire held by the heroes of the products of neomythology (e.g., science fiction films and novels and video games) to have more possessions, weapons and even qualities.

(f) The tendency for the history of human civilisation, the mythology of the past and religious teachings to be utilised by each group, or each group leader or member, in a new way (Hexham and Poewe 1997, pp. 94, 95, 150, 153; Cowan and Bromley 2015, p. 9; Xidakis 2006, pp. 19, 21, 27, 36, 42, 53–54, 59–60, 78–89).

(g) The tendency for the traditional to be dismissed as inadequate. In this context, traditional religiosity is rejected as being restrictive (Clarke 2006, p. ix; Cowan and Bromley

2015, p. 9; Hanegraaff 1996, p. 88; 1999, p. 152), conventional science is dismissed as being incapable of providing answers or even dangerous (Hexham and Poewe 1997, pp. 93, 149, 150) and conventional knowledge of history is rejected as being indifferent (Hexham and Poewe 1997, p. 150).

This last motif in particular—the questioning of history—follows the previous one, that of the reformulation of history, since the refusal of the adherent to a New Religious Movement to accept history “gives them the freedom” to interpret it from the very beginning, to rewrite it and to adapt it to their own worldview.

Here I would like to make a few observations.

First, when I concerned myself with the alien myth and the new religious groups that attach religious significance to aliens, I studied Erich von Däniken’s view of history. His view of the world and, above all, the evolution of the history of civilisation is a typical example of how these two motifs function and are interconnected.

Erich von Däniken, then, was a supporter of the alien myth, and also a supporter of a similar myth about ancient alien astronauts. Von Däniken had his own view of the ancient past and especially of the evolution of civilisation, and within the spirit of this freedom to tell his own “human story”, he claimed that the ancient myths about superhuman beings, gods, demigods, heroes and monsters do not constitute an illusory and imaginary history. On the contrary, in his view, they constitute a legacy of the real knowledge of the past to the future, a reliable and essential complement to real history. It is only through the ancient myths that the real character of recent and modern history can be revealed. In other words, von Däniken rewrote the history of mankind from the very beginning, while refusing to recognise the official version that we know and have been taught on the grounds that it is deficient and dangerous (Von Däniken 1969, 2009, 2011).

Of course, von Däniken was not the first person to do so. A similar tendency to reinterpret history can be found in new religious groups of both the 19th and 20th centuries. For example, in the 1880s, Helena Blavatsky promoted her views on the ancient world, while in the 1970s, Claude Vorilhon, who founded the new religious group the Raëlian Church in 1973, promoted his. The differences between their views and von Däniken’s lie in the fact that Blavatsky’s view of “ancient history” formed part of her teaching on the Ascended Masters and the Great White Brotherhood (Blavatsky 1888a, 1888b), while Vorilhon associated similar views with his belief in the existence of the Elohim, a culturally advanced race of aliens (Vorilhon 1989). Also, even in the sphere of diffused religiosity, von Däniken is not the only example of a writer attempting to present a new or different history. For example, Shirley MacLaine, in her theory of the “Inner Christ” (Christ Consciousness), also attempted to make such a reformulation of what is historically acceptable (MacLaine 1988, p. 208; 1983).

In particular, this freedom in reinterpreting history and in promoting another, alternative side of it is strongly evident in the plots of the entertainment products of contemporary popular culture. It is precisely these products in the form of cartoons, movies, video games and books that constitute the domain of neomythology.

#### 4. The Distinctive Features of Neomythology

The term “neomythology” defines the modern tendency for symbols and the religious and mythical figures of world history to be removed from their natural context or religion and to be reinterpreted, thus “constructing” a new myth. In this sense and, in particular, as a fantasy element in the plots of the entertainment products of contemporary Western civilisation, neomythology forms a part of diffused religiosity, which, in turn, forms a part of the New Religiosity. More specifically, diffused religiosity is that kind of religiosity that does not take the form of movements, groups or organisations. On the contrary, it is characterised by the free movement of ideas and practices expressed in various media, such as television or art. The neomythological schemata are influenced by the mythology of the New Religions and diffused religiosity and reproduce their basic distinctive features (Xidakis 2021).

As far as the fluidity and inclusiveness of this neomythological space allows, the main motifs of this contemporary mythology, that is, the mythology that develops through the plots of entertainment products of the contemporary Western world, such as science fiction movies, comics and video games, are as follows.

The integration of the absolute, i.e., the divine that various neomythological products include in their plots, in the boundaries of the world. Under no condition does the divine constitute something different as well, where different refers to something that is completely outside of history, matter and the world. As a result of this perspective, the supernatural—in the sense of magic or divine intervention—is objectified, namely, used as a means to an end or very simply as a tool of salvation or destruction.

Based on the previous motif, the image of the supernatural hero is promoted, who—after recognising and accepting the divine element in the world and its aspects—will effect change: through their actions, the hero will discover new knowledge or reveal the secrets of a new science, they will create a new civilisation and a new technological era for the mythological world. It thus dominates alongside the motif of the chosen hero and the vision of another world, of a new space and time, of a new historical period, of a new science.

Particularly, with regard to this new version of science, we see that in neomythology, and generally in the diffused religiosity, complex and multilateral correlations between the magical and scientific elements develop. Magic and technology in the neomythological context form the amalgam of magical technology or scientific magic. This means that the magical skills of a neomythological character are presented as explainable powers. On the other hand, technology either has an otherworldly, divine or alien origin; or enhances its user's skills; or even identifies with magic, in the sense of the automatic fulfilment of their will. It is incorporated, in turn, in the same plausible and convincing framework as magic, thus shaping the characteristics of a supertechnology.

Therefore, within this multi-prismatic space of neomythology, each aspect, such as the understanding of science, the traditional religiosity and mythology, and the history of civilisation, is used each time in a new way. To put it differently, everything is determined from the start and is adapted depending on the plot of each contemporary mythological product. Especially, as discussed further down, the history of civilisation, as a sequence of events, along with everything it contains, namely, its whole set of myths, legends and traditions, becomes the material for telling another, alternative version thereof, through which a different history of humankind is revealed.

Neal Stephenson's novel *Snow Crash* is one of the most characteristic examples of this neomythology, as in this work of science fiction, Stephenson makes use of the term "avatar". This term later became one of the basic features of the fantasy plots of video games, the most modern and popular products of neomythology.

In *Snow Crash*, then, Stephenson (1992, pp. 222, 223, 241, 242, 342) relates the adventures of Hiro and describes the ways in which a virtual world, the Metaverse, functions. Hiro is a "hacker", a superbly skilled player and operator of the Metaverse. In this capacity, Hiro learns the following: (a) The ancient Sumerians were the first to possess supertechnology and computers. (b) Sumerian computers were able to alter man's state of consciousness. (c) Language had the power either to help men evolve or to make them ill, just as it had with computers. In other words, language functioned as a programming language, as computer code. (d) The ancient gods were the scientists and technologists of the past (Stephenson 1992, pp. 342, 352). (e) There are both good and evil demons; good demons bestow good health, while evil ones cause confusion and biological, emotional and computer diseases (Stephenson 1992, p. 200). (f) Technology brings power and functions like magic. Indeed, its new initiates—hackers and those entering the Metaverse, the avatars (digital representations of real people)—are capable of creating a new world and controlling it through the power of these magic computer languages (Stephenson 1992, p. 351).

*Snow Crash* reproduces conceptual schemes and motifs of the New Religiosity and neomythology through the following: (a) The hero who, as the good guy and chosen one, attains a state of self-actualisation and awakening. (b) The activity of the hacker-avatars,

who introduce a new age into real time. (c) The hackers and the ancient gods, who are also technologists—that is to say, they are technically upgraded—and magicians; in other words, they succeed in evolving consciousness and in attaining superior, arcane knowledge.

Evidently, *Snow Crash* is not the only typical example of neomythology. In comics, such as those produced by Marvel and DC, which are full of myths and adventures of superheroes, similar elements may be recognised: (a) Gods that owe their power to their supertechnology, such as the Gods of Asgard, who share their world with elves, giants, demons (Teitelbaum and Forbeck 2014, pp. 148–49) and Creator Gods, such as Apocalypse, the god of ancient civilisations (Sanderson and Forbeck 2014a, p. 25), or Gaea, otherwise known as Mother Earth, who is presented as the embodiment of life, vegetation and the cycle of nature (Brevoort and Forbeck 2014, p. 142). In Gaea, we can also see a combination of neomythology and ecology, which represents a typical theme in the sphere of diffused religiosity. (b) Characters that take the form of angels, such as the alien angels known as the Thanagarrians (Wiacek 2016a, p. 308), or demons, such as Darkseid (Wiacek 2016b, p. 82). (c) Technologists, such as Batman (Manning 2016a, pp. 28–30) and the scientist Mobious (Manning 2016b, p. 15), and also magicians, such as Doctor Strange (Sanderson and Forbeck 2014b, p. 112). (d) Characters that can bring about the end of the world or save it from this fate and lead it into a new era, or that can bring about both, depending on the circumstances, as happens in the case of Superman (Eco and Chilton 1972; Reynolds 2013, pp. 102–104; Mills 2014, pp. 22, 27) and Death. The latter is an entity that sometimes seeks to destroy the universe and at others complements the work of the embodiment of life, of Eternity (Darling and Forbeck 2014, p. 104; “Death (Earth-616)” 2021).

It is particularly this fluidity with regard to who is good and who is evil that characterises the diffused religiosity that diverts itself by redefining historical figures and the history of the past. A typical example of this in superhero comic book mythology is the case of Doctor Mid-Nite. In the mythological world of DC Comics, he is initially presented as a hero and arbiter of justice. With his superhuman ability to see in the dark, he hunts down drug dealers in the 1940s and 1950s. However, his upgraded status to a crime fighter later leads him to become a member of a parastatal group of superheroes, the Justice Society of America (Cowsill 2016, p. 92).

In science fiction series, such as *Star Trek* (1966), immaterial and incorporeal beings appear, such as the Q, which influence the course of the Earth’s or human history and manage the properties of space-time, and also a variety of heroes and antagonists who can “beam themselves up”, as the phrase goes, meaning they can teletransport themselves with the mediation of supertechnology, or as a result of their genetic or intellectual evolution (“Transporter” 2021; “List of Star Trek Aliens” 2021<sup>2</sup>; Hexham and Poewe 1997, p. 84).

“New self”, “supertechnology” and “god-like figures” are the basic elements that characterise the virtual universe in *Altered Carbon* (2018). According to the plot of this science fiction series: technology ensures the evolution of the self, offering the magical possibility of immortality, and all eternal, immortal and superhuman elements are presented as being scientific and rational, even if they call to mind terms, concepts and names used in the mythologies of the past (for example, the class of the immortal nouveau riche is identified as the class of the “Methuselahs” or “Meths”) (“Altered Carbon” 2021).

The plot of *The Matrix* (1999) is typical of science fiction films, and also impressive for the way in which it presents a new myth as a reuse of traditional mythical schemata. In an apocalyptic future in which machines have triumphed and have imprisoned the minds of humans in a virtual reality (the Matrix), the prophetess (The Oracle) and her pupil (Morpheus) discover the saviour of mankind, Neo (The One), in this virtual realm. Neo controls the technology used by the machines in an almost magical way: with the aid of Trinity, his female companion, with whom he now forms a holy couple, he wages war against the machines and his demonic adversary, Agent Smith, and in the end obeys the creator of the virtual world, the Architect, and sacrifices himself in order to save the human city, the holy city of Zion, thus ushering in a new era for both men and machines.

The plot of *The Matrix* reveals an interesting mythical reality in which the following occurs: (a) The dividing line between good and evil exists, that is to say, there are “good men” and “evil machines”, but at the same time, this line does not seem to be completely clear. (b) The heroes and antagonists, as supernatural beings, fight over the world while they are in the world; in other words, they are not transcendental or metaphysical beings. (c) Technology functions like magic and in this form, that is to say, as magical technology, is used in a new, always plausible way. (d) The mythological element remains strong and, as there is talk of a saviour (or rather, as the Architect reveals, a series of saviours) and a Creator (the Architect) of the virtual city, there is also a strong religious element. Myth and religion, however, are presented with new content. (e) All these fantastical, magical and religious elements are presented in a context of computers and machine domination; hence the hero-saviour is described by the Architect as a “program” that reloads the Matrix, the craft in which the hero attempts to attack Machine City is called “Logos”, and the machine in which he finally surrenders his dead body is called “Deus ex Machina” (“Matrix” 2021; Coupe 2009, pp. 191–92).

*The Matrix*, then, reproduces many of the schemata that are to be found in traditional and modern mythologies. At the same time, however, through a combination of rational and irrational elements (as mentioned earlier), it also produces a contemporary myth.

Video games, too, in order to construct their plots, use symbols that are familiar from religious traditions and the mythological wealth of the past. They repeat themes that are familiar from the New Religiosity and neomythology. This repetition concerns not only peripheral, minor parts of their scripts but mainly their central part, which concerns the relationship between the hero and their adversary, which, in turn, becomes another aspect of the relationship between good and evil.

In the video game *Bayonetta* (PlatinumGames, Sega 2009), we not only have a repetition of elements from classical theology and mythology but also a new mythology. The plot leads to the following conclusions: (a) The demonic witch Bayonetta is good because she saves the world from the evil angels as the chosen one, the best of the witches. (b) Bayonetta awakens to her identity and upgrades her abilities and, indeed, as in the sphere of New Religiosity, this element confirms her moral superiority and her goodness. (c) The game’s virtual characters—demons and angels—live in a higher sphere of existence, though always in the material world. In other words, the good guys and the bad guys in the script, just like the supernatural beings in *The Matrix*, are presented as living in the material world and are imaginable and credible characters. For example, as they fight, the demons and angels upgrade their abilities and weapons and appear to dwell on planetary dimensions, such as Paradiso, Inferno, Earth and Purgatorio, to possess a hierarchical structure, and to use technology and weapons, amongst other things. (d) There is no difference between magic and technology, but rather—as previously stated—both form two sides of the same coin, that of magical technology or scientific magic. (e) Like the follower of a new religion, the heroine recognises that all things are united with everything else since; unlike ordinary digital people, she can discern angels and demons in the full light of day and in the virtual city, while she knows that Paradiso and Inferno are linked by a network of passages. Once again, as in the New Religiosity, this is a sign confirming her select status (“Bayonetta” 2021).

In the adventure game *Darksiders* (THQ 2010), Heaven and Hell do not appear as places or states occupied by saints or sinners. They constitute two rival kingdoms (the Kingdoms of Heaven and Hell) that fight against each other to gain control over Creation. Between these two worlds of Angels and Demons, the Creator first placed the Charred Council and then later the Kingdom of Man to secure a balance in Creation (“Darksiders” 2021).

In this way, the game reproduces a motif familiar in diffused religiosity: that of the abstract divinity, which is identified with Good. According to this motif, the Creator, as the supreme god, is the only good power in virtual reality. He is an impersonal god who does not reveal his emotions to the digital characters. He stands outside the reality of the war they are waging, he does not interfere in the conflicts between the hero and the antagonist



and supports neither one nor the other, and he exists as the source of the virtual world but not as a god that protects its daily life. Once again, as happens in our understanding of magic and any metaphysical elements, this abstract power, this impersonal god does not belong to some other realm beyond the physical plane. He does not exist in a transcendental sphere that is separate from the physical plane. On the contrary, his seat of power lies on a higher plane within virtual reality, a plane that is loftier, inaccessible and untouchable, yet always physical.

On the other hand, in *Darksiders*, War (who is one of the Four Horsemen of the Apocalypse and the main character in the game), the Council, angels and demons are either on the side of evil because they clearly seek to destroy the divine world or incline towards evil because they are willing to kill and destroy and to play an active part in wars and power games (Xidakis 2018, pp. 248–60).

Therefore, the common element that links science fiction novels, comics, action and fantasy films and video games is the fact that all of the abovementioned powers and their like—gods, heroes, angels, demons, magicians and technologists—are, in accordance with the neomythological framework mentioned above, presented as natural, or rather supernatural, beings who, even though their abilities differ from those of ordinary men, are not transcendental in the sense of being something entirely different. This is why they are accepted by the plot, the readers, spectators and players as being credible characters.

This fact means that the powers that these beings possess, the manifestations of their divine, magical and supertechnological abilities, can be explained and can therefore happen. In other words, we have here not an incomprehensible form of magic but a form of science that is largely unknown.

We are thus dealing with a framework of “cosmotheism”, a term used by the religious studies scholar Stelios Papalexandropoulos to describe the realm of New Religiosity, that is, with a practice involving the secularisation of the divine, and also with its identification and restriction to the realm of the physical world.

In the same way, in neomythology, and this is also clearly observed in diffused religiosity, the expressions of secular elements (a global energy), supernatural heroes (Superman, etc.), extra-terrestrial creatures (angels, gods, space beings, etc.), discussions about the existence of other dimensions (fourth dimension), a higher form (the inner self or the real person), their powers, and the magical and supernatural appearance of these beings and situations, undergo “scientification”, as he termed it, i.e., they are explained in logical, “scientific” terms and they always identify with physical space and its elements (Papalexandropoulos 1992, pp. 50–51; 1997, 168–69; Hanegraaff 1999, p. 146; Clarke 2006, pp. 255, 257).

The result of this cosmotheism, of this integration of the divine and transcendental element in the material and explainable world, is the objectification of the divine. In other words, God, as placed exclusively within the boundaries of the cosmos, is treated as an object that will enhance a positive situation or create a negative one, which will help one person or harm another. As a result of this perspective, the supernatural—in the sense of magic—is treated as a tool (Xidakis 2018, pp. 315–16).

This is why in video games, which are essentially neomythological products, we similarly see gods serving as the main character’s helper, as in the *Mana* series (Square, 1993) (“*Mana*” 2021); deities divided into levels of a greater or lesser nature, as in the *Xenosaga* series (Monolith, Namco Bandai, 2002 et seq.) (“*Xenosaga*” 2021); and generally dragons and crystals, temples and laboratories, and living planets identifying with the absolute.

The absolute is sometimes presented as supernatural, superior, stronger, purer and wiser, and is placed above the digital hero, who may be in a state of weakness, illness or even amnesia; at times it is presented as something material that shares the same world as the hero, and at other times, it is presented as a means to save the digital protagonist. Similarly, conquering the more powerful is presented not just as a means to an end but as an end in itself. The successful virtual hero who is controlled by their player/operator is



the one who can and knows how to upgrade themselves and to acquire super weapons and tools that will provide immediate solutions (Xidakis 2018, p. 316).

Within this cosmotheism, religion, as in *Deus Ex: Invisible War* (Eidos Interactive 2003), is presented as an organisation, as a multinational and oftentimes faceless corporation (“Deus Ex: Invisible War” 2022). On the other hand, in video game plots, magic is identified with science, while in terms of actually playing the game, it is presented in a computational-statistical way. This means that the magical skills of a virtual character are presented through the script as explainable powers and are portrayed on screen with charts and numbers (Xidakis 2018).

Irving Hexham and Karla Poewe believe this connection between magic and technology is to be found in the sphere of diffused religiosity and this is why they speak of (a) a new mythology, the mythology of evolution, which, in effect, is presented by means of rules and tangible results, like science (Hexham and Poewe 1997, pp. 92, 93); (b) a new science, which is based on insight, magic and communication with other, non-human beings (Hexham and Poewe 1997, p. 93); and (c) a mythological-pseudoscientific sphere in which everything is possible: the human race can become god, through the process of evolution and upgrading, since the universe itself is undergoing the same process (Hexham and Poewe 1997, p. 95).

Similarly, Wouter J. Hanegraaff, in his study on the New Age, that new religious movement that appeared after the 1960s, also speaks of the “new science” and the “mythology of science”. More specifically, he, in turn, also referred to the desire of New Ager to (a) question official science; (b) support the existence of a new science, one that will not only study the causal relations between natural phenomena but will also have the capacity to know even the very nature of the divine element in the world; (c) treat science just like men in previous centuries treated magic—as a sphere, that is, in which everything is interconnected (Hanegraaff 1996, pp. 62, 63, 398, 407, 421, 423, 517; 1999, pp. 153, 154), and in this way, logic can be used to explain (as if it were natural knowledge) not only the secrets of matter but also those of the spirit, of consciousness, or—as it is otherwise called in New Age terminology—the Self (Hanegraaff 1999, pp. 155, 156, 158).

The inclusion of the gods and superhumans in the supernatural and not the metaphysical sphere (which characterises God in the monotheistic religions) can thus be observed in the New Religiosity. This represents a tendency to secularise the divine, that is, to place it in a worldly context, to confine it within the bounds of the natural world. Sometimes obviously, for example in the UFO Religions (Xidakis 2006), and at other times more indirectly, as in the case of the Ascended Masters of the Theosophical Society (Xidakis 2006, pp. 20–24), those who in the teachings of the New Religions possess the status and role of the gods are placed in a higher sphere of reality. The same thing happens in the case of angels (Sutcliffe 2003, pp. 57, 75, 79, 86, 96, 145–46, 170; Hanegraaff 1996, p. 198) and the ancient gods (Hanegraaff 1996, p. 202) in the sphere of the New Age movement. In the same way, the manifestations of all these supernatural beings, their powers and their magical appearances are explained in terms of logic and “science” and are always identified with the natural world and its constitutive elements.

Hence, the neomythology that features such gods and supernatural heroes or antagonists also belongs to the New Religiosity and repeats motifs that are found in the teachings of the New Religions and in New Age myths.

## 5. Conclusions

In the plots of science fiction works and their characters, the mythical element predominates. It would be no exaggeration to say that these plots are products of mythology in the sense that they reproduce old mythological schemata, and in so doing, produce new myths. This reproduction and production of mythical elements, and in particular, the way in which these mythical elements are combined and presented, call to mind the more general phenomenon of neomythology and the framework it forms part of, namely the New Religiosity.

What common element may be observed in these two cases—the one specific and the other general—of neomythology and the New Religiosity? The common element is the sphere of myth, which has not only not become defunct within the confines of modern life but is in fact flourishing. In neomythology, traditional myths are presented in the plots of films, literary works and video games in a new way, and in the New Religiosity too, myths, either in the teachings and closed framework of a New Religion, or in the endless, casual and occasionally open discussions of New Agers, are utilised in a variety of different ways.

In this sphere of neomythology and the New Religiosity, there are five dominant motifs, as follows.

First of all, the placing of the divine in a worldly context, that is to say, the inclusion of the transcendental element in the material and explainable world, along with a derivative of this motif: the objectivisation of the divine, in other words, the treatment of gods as if they were objects that can improve positive situations or create negative ones, objects that can help certain people or harm others.

Second, the absolutisation not only of the acquisition of power but also those who bear it. The supporter of the New Religiosity and the fantastical hero is often presented as the person who has attained a state of self-actualisation, self-development and self-expression, and in all cases, the best image or version of themselves compared with all other uninitiated, ordinary people.

Third, a consequence of the two previous motifs is the correlation between magic and technology. The new religious adherent, depending on the teaching that follows and the group to which they belong, can be both a magician and a technologist at the same time, without either concept negating the other. In science fiction films and comics, as well as video games, both the good and bad virtual characters are often both magicians and technologists. Both of these attributes—those of magician and scientist—are reconciled and combined because they exist within the same framework in which the divine is to be found in material reality, though in a higher sphere or plane. Thus, for fantasy characters, magic is usually another version of super-knowledge or super-science, while science is another means of achieving what they seek in a sudden, spectacular fashion.

Fourth, a follower of the New Religiosity, like the characters in myth, can be the one who will receive the knowledge and the right to join a brotherhood of secret superhuman beings in a new age.

Fifth, in the New Religiosity the history of civilisation, and all that that encompasses—that is to say, myths, legends and traditions—becomes material that is used to narrate another, alternative side of it. This motif is a derivative of the previous ones since the new myth that is gradually being fashioned displays evidence of (a) the select nature of the followers of the New Religions, who know the new myth as a kind of esoteric knowledge and reproduce it; and (b) the inclusion of the absolute, that is to say, the divine, within the confines of the world, in the sense that our world is not the one we know but something else, which possesses something else, for example, another power that leads elsewhere, such as another, new age.

Similarly, in contemporary literary works, video games and cinema products, all of the mythical and religious elements—that is to say, the elements of the mythologies of the past and traditional religiosity—are present, although they are retold from the beginning.

In these literary works, video games and cinema products, then, myth is a dominant element and is developed either in accordance with the motifs of traditional mythology and fable, with respect to the hero and their adversary, or—and this is the most usual case—in accordance with the motifs of the new diffused religiosity and the broader framework of neomythology.

This is why in the plots of the abovementioned works, the roles of the good heroes and their evil enemies are played on the one hand by a variety of warriors and samurai and on the other by an array of aliens, angels, demons, higher and lesser gods, scientists who possess magical abilities and magicians that redefine themselves as scientists. All of

these characters might fight not only in scientific laboratories and modern cities but also in temples, basements and dark dungeons or magic forests and faraway planets.

The products of popular culture are, therefore, products of myth and produce myth themselves; they are inspired by myth and, what is more, by the mythological schemata found in the New Religiosity. In them, the modern Westerner witnesses the re-emergence of elements that they believed or thought or boasted that they no longer needed, such as (a) myth, (b) the distinction between good and evil, (c) the concept of the transcendental, and (d) religious and mythical symbols. All this ultimately causes us to reflect that modern man may still be a being that seeks and strives after myth and also reinforces it.

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## Notes

- <sup>1</sup> A preliminary and brief study of this subject, which was carried out as part of the initial research into the phenomenon, was presented in Greek in the theological journal *Synaxis* (Xidakis 2019).
- <sup>2</sup> In order to have a better and safer view of the plots, we consulted the wikia and wikipedia websites, to which the international community of loyal fans of neomythology products, such as video games, has anonymously, but with constant updates and dedication, provided comprehensive information on the scripts of the fantasy movies, sci-fi series and video games. Of course, where secondary literature sheds more light on certain parameters of these scripts, a comparison has been made between these references and those provided by the above websites.

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Article

# Struggling to Maintain the Gender System and to Gain Domination: Martin Luther's Correspondence Regarding "The Hornung Case" 1528–1530

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**Abstract:** In this article, a case study is utilized to determine how personal relations and individual life events were used as tools in religious politics in the sixteenth century. The correspondence of sixteenth-century reformer Martin Luther is examined between 1528–1530 regarding Wolf and Katharina Hornung's marriage and the role of Luther's opponent, Joachim I Nestor, Elector of Brandenburg (1484–1535), in their case. By investigating Luther's representation of this marital strife, the relationship between personal and political is examined to determine if and how he used the case as means of religious–political influencing. The main method used is careful close reading. At the explicit level, Luther's aim in the case was to restore the Hornung marriage by bringing Wolf and Katharina back together. His letters suggest there was competition for Katharina between Wolf and Joachim, which actually, in his rhetoric, turned out to be a competition of two men representing different religious views: an evangelical one and a Catholic one. I will argue that in Luther's efforts to maintain the marriage and the prevailing gender system, the underlying goal was to gain power over an opposing religious–political figure and to prove one's own supremacy.

**Keywords:** Martin Luther; Elector Joachim I Nestor; Wolf and Katharina Hornung; sixteenth century; gender norms; gender system; power; dominion; honor; religious politics

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Struggling to Maintain the Gender System and to Gain Domination: Martin Luther's Correspondence Regarding "The Hornung Case" 1528–1530. *Religions* 14: 358. <https://doi.org/10.3390/rel14030358>

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## 1. Introduction

The personal is political. This thought gained popularity in the feminist movement at the turn of the 1960s and 70s, particularly after the publication of Carol Hanisch's essay of the same name, and it has been popular as a slogan ever since. Hanisch's key idea—that all women had political potential and that their personal experiences were closely connected to their position in structural power relationships (Hanisch 1970)—has been an inspiration to the investigations made in this article. My starting point is, however, that the experiences and actions of both women and men of the sixteenth century were heavily influenced by their place in the system of power relationships.

In this article, I examine sixteenth-century reformer Martin Luther's correspondence between 1528–1530 regarding Wolf and Katharina Hornung's marriage and the role of the Elector of Brandenburg, Joachim I Nestor (1484–1535), in their case. By investigating how Luther treated this marital case, the relationship between personal and political is examined to determine if and how he used the case as means of religious–political influencing. Thereby, this case study presents a micro-historical perspective into the intersection of theology, religious–political motives, and power relations in the sixteenth century.

Little is known about Wolf and Katharina Hornung. Katharina Hornung was the daughter of Margarethe Blankenfeld and Thomas Blankenfeld, Berlin's mayor. Wolf Hornung was a burgher from Köln an der Spree, which was the sister town of Berlin. Both towns, Berlin and Köln, were located in the Margraviate of Brandenburg, which was ruled by Elector Joachim I Nestor. Wolf and Katharina were married and had a daughter in 1524. Soon after, Katharina and Joachim fostered a relationship. Wolf discovered this and attempted to stab Katharina in March 1525. Katharina fled to Joachim, and Wolf was made



to drop all the claims he had to his wife and to leave the Brandenburg area (Clemen 1933, p. 292; Hendrix 2015, p. 235; Roper 2016, p. 298).

Apparently, Wolf fled to Saxony, where public opinion had already set against Elector Joachim, who, as a devout Catholic, was against the evangelical movement. In fact, in July 1525, Joachim constituted an alliance with other opponents of the evangelical movement, namely Duke George of Saxony, his own brother Albert of Mainz, and Henry of Braunschweig, in order to suppress the teachings of the evangelicals. Katharina was willing to return to Wolf, but Joachim forbade her. After failing to return to her husband, Katharina turned to Luther for help. Luther convinced Wolf to write to his wife, and sent Wolf's letter himself to Katharina's mother, Margarethe, who acted as an intermediary (Clemen 1933, pp. 292–93, 512). This likely occurred sometime during the second half of 1527, as Margarethe wrote an answer to Luther in December 1527. In her reply, she assured him that her daughter was willing to return to her husband (WA BR 4, no. 1179, p. 293). Joachim soon became aware of the ongoing correspondence between Margarethe, Katharina, Luther, and Wolf, and forbade any contact between them (Clemen 1933, p. 345). However, Luther approached Katharina and Margarethe by letter in January 1528. Both letters were sent back, unopened (Clemen 1933, pp. 345–46). Hence, it seems probable that by then, Katharina's correspondence was under supervision (cf. Clemen 1933, p. 512; Ebeling 1997, p. 146).<sup>1</sup>

Katharina's situation was complicated—it seems that she had had at least one child with Joachim by August 1528 (see WA BR 4, no. 1304b, p. 515). In June 1529, Wolf attended parliament in Speyer where his and Joachim's case was heard (Bebermeyer 1934a, pp. 99–100; Ebeling 1997, p. 152). Apparently, the issues were not legally solved, at least not in Wolf's favor, because by June 1530 Wolf had left for Augsburg to expedite his case against Joachim (cf. WA BR 5, no. 1607, p. 402, fn.1). When Luther's final comment on the case was published in the spring of 1530, Katharina was still with Joachim, most probably against her will (see WA BR 5, no. 1526b).

From 1528–1530, Luther wrote four letters to Joachim, and the latter two were printed and published. According to Luther, the need to go public was a result of Joachim's refusal to reply to any of his appeals. However, the public letters to Joachim still did not elicit any response. Luther again attempted to reach Joachim by approaching the three bishops in the Brandenburg area in February 1530. Luther's hope was that the persons in positions of power might influence Joachim. Instead of replying to Luther's letters, Joachim complained to John, the Elector of Saxony, of Luther and Wolf Hornung's harassment towards him (Clemen 1933, p. 576). John had been a faithful supporter of the evangelical movement since his rise to power after his brother Frederick the Wise had died in 1525. Nevertheless, he advised Luther not to interfere further in Joachim's business—advice Luther did not follow (Clemen 1933, p. 577).

At the time of Luther's involvement in the Hornung case in 1528, he was by no means an objective observer. His attitude towards Joachim had been reserved from the beginning of the 1520s as becomes evident by looking at his letters from an earlier period. In 1521, for instance, Luther called Joachim "the other Rehoboam near you [in addition with George of Saxony]" in a letter to Philipp Melancthon (WA BR 2, no. 407, p. 333, l. 31–32). The comparison of Joachim with the unjust ruler of the Old Testament is undoubtedly related to his and Joachim's differing views over religious issues and shows his attitude towards the elector.

Luther's explicit aim throughout his correspondence was to restore the Hornung marriage by bringing Wolf and Katharina back together (cf. also Roper 2016, p. 298). However, I will argue that in Luther's efforts to maintain the marriage and the prevailing gender system, the question was not, in fact, of the Hornungs or the gender system, *per se*. Rather, Luther used the case as a tool in religious politics, and via his letters, waged a battle against a religious–political enemy, Elector Joachim.



## 2. Primary Sources and Previous Scholarship

There are altogether nine letters written by Luther to the parties of the Hornung case during the years 1528–1530 which I have analyzed for this article: four letters to Elector Joachim (WA BR 4, no. 1304a; no. 1309; no. 1332; WA BR 5, no. 1523), two to Katharina Hornung (WA BR 4, no. 1206; WA BR 5, no. 1526a), one to her mother Margarethe Blankenfeld (WA BR 4, no. 1205), and one to the bishops of Brandenburg, Havelberg, and Lebus (WA BR 5, no. 1524). One of the texts is, in fact, a preface and commentary to a letter sent in the name of Katharina Blankenfeld, which Luther had published (WA BR 5, no. 1526b; Bebermeyer 1934b, p. 231; Roper 2016, p. 299).<sup>2</sup> The main method used is careful close reading, with which I refer to an intensive and critical reading of texts that aims at understanding their formal aspects, content, and their textual and historical contexts (cf. Moya 2016, pp. 9–10; Brummett 2019, pp. 8–9).

In order to achieve his goal to bring the Hornung couple back together, Luther used multiple styles of rhetoric, from flattering to persuasion and threats. Due to the codes of letter writing dictated by *ars dictaminis*, the art of letter writing (see, e.g., Perelman 1991), there can be a certain disparity between the formalities (which were compiled as respectful and flattering) and the factual contents of the letter. In general, it was believed that the correct way to approach the recipient depended on their position: whether they were in a higher, lower, or similar position as the sender. Thereby, letters were a formal reinforcement of social hierarchies. For example, regardless of his attitude towards Joachim, in his letters to him Luther complied with the codes of social hierarchy and *ars dictaminis* in the salutations, signatures, and the overall addressing. The formalities of every letter to Joachim stressed Luther's status as lower in social rank (cf. e.g., WA BR 4, 1304a, p. 513, l. 54).

All in all, letter writing in the sixteenth century was guided by multiple motives and literary strategies (Boureau 1997). Letters were semi-public by nature and readily forwarded, and hence, not merely meant to build and maintain bilateral relations but to serve as a communication channel within complex networks. In most cases, letters were intended to be read not only by the designated recipient but also by others. They were read aloud and circulated. As Lyndal Roper has noted, Luther assumed by premise that his letters would be read by a wider circle than the actual recipients. Furthermore, the increasing printing of public letters "enabled Luther to subvert authority, appealing over the head of the apparent addressee to a wider public" (Roper 2010, pp. 284–86).

Until now, the Hornung case has received little scholarly interest. For example, Gerhard Ebeling discussed Luther's letters to Joachim in his book on Luther's *Seelsorge* (Ebeling 1997, pp. 147–55); he did not, however, analyze them from the viewpoint of masculinity, as is achieved in this study. Lyndal Roper briefly described the Hornung case in her recent biography on Luther, noting that the whole case "became a particular obsession" for him (Roper 2016, pp. 298–99); however, she does not analyze the reasons behind this "obsession". This study will shed some light on those reasons.

## 3. Maintaining the Gender System: The Man as the Normative, the Woman as the Subordinate Other

The power of husbands over their wives was a given fact in the societies of the sixteenth century (see, e.g., Wiesner-Hanks 2011, p. 284). Luther's correspondence regarding the Hornung couple reveals a traditional viewpoint of emphasizing the man's rights over the woman to the extent of approving violence.<sup>3</sup> In his letters, the approval of violence exercised by Wolf was implicit yet visible. None of the letters, even those written to Katharina and her mother, acknowledged Wolf's usage of violence. Instead, in them, Luther called Wolf "the poor fellow (*der arme geselle*)" (WA BR 4, no. 1205, p. 345, l. 13) or "the good fellow (*der gute geselle*)" (WA BR 4, no. 1206, p. 346, l. 4–5), presenting him as the one who had been improperly treated. This was certainly due to several reasons, yet the most important was the so-called "normal domestic violence", to which husbands were entitled and which was recognized neither by canon law nor by the evangelicals as an issue (Roper 1989, p. 167;

Harrington 2005, pp. 266–67; Wiesner-Hanks 2010, p. 95). For husbands, violence was the means by which they could maintain their status as pater familias.<sup>4</sup>

In the sermon *Marital Estate* a few years earlier, Luther had explicitly considered it improper to represent one's masculinity through violence. When presenting a picture of a married couple as one flesh, Luther advised men in the following way:

So man, too, should not govern women (*die Weiber regieren*) by big batons, bullying, or with a bear knife, but with friendly words and gestures and with all kindness (*sanfftmuth*), so that they will not become frightful, as Saint Peter says in chapter three, and [so that they will not] be startled so that then they do not know what to do. That is why man has to govern women with understanding (*vernunfft*) and not with madness (*unvernunfft*) and give the feminine sex its honor as the weaker vessel, —. (WA 17<sup>1</sup>, p. 24)

The situation with the Hornung couple seems to have been different from Luther's point of view, however. In the midst of his thoughts concerning Wolf and Katharina was, I believe, the question of breaking the marital bond.<sup>5</sup> Katharina had already betrayed Wolf with Joachim before the attempted stabbing. Thus, since Wolf's status as the husband had been endangered, it was his prerogative to use violence as means of controlling Katharina.

Luther expressed his expectation of Katharina's submission in harshening tones as time went by. When writing to Katharina's mother in 1528, Luther merely noted that Katharina had made a fool of Wolf (*hat lassen mit der nasen furen*) and did not bother to write to inform him of her plans regarding their future (WA BR 4, no. 1205, p. 345). The strict demand of the husband's right to receive proper treatment from his wife was, however, expressed clearly in 1530 when Luther wrote to Katharina herself:

You know that you practice such great and cruel impiousness and misdemeanor towards your husband, practice so much robbery, that you withhold yourself, his child, his house and yard, his goods and honor—I think Wolf Hornung will resign from you as from a public adulterer—. (WA BR 5, no. 1526a, p. 231, l. 13–15, 22–23)

The tendency to treat Katharina as the main culprit in a profoundly active manner can be found, in addition to the quotation above, in Luther's letter to the three bishops, in which he tried to convince them to take a stand on the Hornung case. He presented Wolf to the bishops as "a poor underling (*knecht*)", who had to suffer "in great misery and squalor, in need and want, in concern and sorrow of his soul—" (WA BR 5, no. 1524, p. 228, l. 12–14). Luther continued that Elector Joachim should not stand "the wife's robbery and misdemeanor (*raub und frevel des weibs*)" (WA BR 5, no. 1524, p. 228, l. 16–17). He advised the bishops to interfere and, if warnings and requests were not enough, to judge and expel Katharina (WA BR 5, no. 1524, p. 228, l. 27–28).

The image that Katharina as robbing herself from Wolf (see also WA BR 5, no. 1523, p. 227; no. 1526a, p. 230) points to an understanding of the wife as not only a ward but even property of her husband. Luther made this point by depicting a number of things that belonged to Wolf as the *Hausvater*: his wife and child, house and yard, goods and honor (WA BR 4, no. 1304a, p. 513; no. 1332, p. 579, l. 72; WA BR 5, no. 1523, p. 227, l. 50; no. 1524, p. 228, l. 12; no. 1526a, p. 231, l. 14–15).<sup>6</sup> The whole of Wolf's family was thus in his possession in quite a similar vein as the material belongings.

The occurrence of Katharina and Wolf's names in Luther's letters reveal his view on the man as the normative and the woman as the other. He mentioned Katharina's name 13 times in the correspondence, whilst Wolf's name appears 37 times. In one particular letter to Joachim, Luther used Wolf's name 14 times and did not use Katharina's once (WA BR 4, no. 1332, pp. 577–80). The few mentions of Katharina's name compared to Wolf's suggests that naming of a woman was not necessary but the emphasis was on her position as a wife of a certain man (cf. Mikkola 2017, p. 186).

Luther's depiction of Katharina's position is in line with the contemporary legal custom, which took the patriarchal continuum and the husband's guardianship as a given.

The woman was in the dominion of her father until her marriage, which, in turn, shifted the guardianship from father to husband (See, e.g., Roper 1989, p. 72; SM 1999, pp. 79, 127). In this system, an honorable woman retained her chastity as a virgin or a devoted wife (Wiesner 2002, pp. 155–56; Karras 2003, p. 60; Wiesner-Hanks 2011, p. 65), a feature she was expected to make every effort to maintain (Rublack 1998, p. 259), thereby remaining in control of the men she was to obey. In other words, female honor was especially connected to proper sexual behavior in the sixteenth century. Luther clearly shared this view.

A woman's social status as either unmarried or married hence dictated the proper sexual behavior expected from her. Social norms did not, of course, treat merely the question of whether a woman was entitled to sexual relations or not: the question of proper sexual behavior within marriage was complex and it had been the worry of pastors well before Luther, as medieval penitentials, for instance, prove.<sup>7</sup> However, the threat towards Katharina of becoming deserted by her husband as a public adulterer, which would have resulted in losing her honor, was not a judgment lightly made but after years of trying to reunite her with Wolf. The stigma would have made Katharina, as Luther put it, "even worthless", indeed a social outcast.<sup>8</sup> This fate was more than probable in a society where the man's right to his wife's body was self-evident (see, e.g., Roper 1989, p. 72).

Luther also referred to Katharina's impiousness in the letter to the bishops (WA BR 5, no. 1524, p. 228, 35), calling for the need for their pastoral, masculine intervention. He appealed to the bishops to act as examples of masculine virtue. According to Luther, these virtues were "seriousness and courage, strength and resourcefulness (*ernst und mut, stercke und rat, zu thun—*)" (WA BR 5, no. 1524, p. 229, 42), which were defined by the example of Jesus himself in the Scripture, and which the bishops were to use in evaluating the case of the Hornungs. All of the virtues mentioned by Luther imply an understanding of masculinity as reason, control, and order, which was in line with the medieval view of male characteristics compared with female irrationality, lust, and disorder (for the dichotomies, see, e.g., Bynum 2012, pp. 151–79). By arguing that Katharina was impious, Luther implied that she was a threat both to the social order and the gender system. This was a hint to the bishops to take actions to put her to her proper place, that is, back to her husband towards whom she had the highest obligation to be obedient.

Luther further emphasized the significance of the bishops' masculine role by admitting his own inferiority and humility in front of them, their status, and their knowledge (WA BR 5, no. 1524, p. 228, l. 32–34). The common motive of letter writing to flatter the recipient and emphasize the writer's humbleness in order to affect the recipient's conduct is clear in Luther's letter to the bishops, especially in his choice of rhetoric (cf. e.g., Perelman 1991, p. 112).

#### 4. Luther's Depiction of a Struggle of Honor and Domination

Luther sought to reinforce Wolf's status and rights as a husband and treated Katharina as a less important party. One part of his strategy in emphasizing Wolf's rights and status was to illustrate Joachim not only as an unjust ruler but also as unmanly. There are two levels of discourse in Luther's letters concerning Joachim. The first level is an explicit one, which can be read from the letters addressed to Joachim himself. The other level is implicit, found in the letter Luther wrote to Katharina in 1530 and in the preface to her letter in the same year. In those texts, he targeted his criticism at Joachim, as I will demonstrate in the following section. The two levels are somewhat different from each other—what Luther could not say in a letter to Joachim due to his electoral position and privileges, he could say to him indirectly in a text that was explicitly written to or about Katharina.

The unequal positions of Joachim and Wolf were mentioned in every letter Luther wrote to Joachim. Similar to his wordings to other recipients, Luther presented Wolf as "a poor fellow" (WA BR 4, no. 1304a, p. 513, l. 12, 21, 44–45), "a poor, wounded fellow" (WA BR 4, no. 1332, p. 578, l. 47–48), and "a poor, innocent Hornung" (WA BR 5, no. 1523, p. 227, l. 44) in his letters to Joachim. This rhetoric concerning Wolf was most probably twofold: first, by representing Wolf as the innocent party and pitiful victim, Luther could validate

the claim for Katharina's return and indicate Joachim and Katharina's guilt without having to explain it; second, Luther's intention may have been to bring forward the power Joachim had over Wolf by reason of his position as a ruler, and Wolf's ineptitude as a target of that power. Both aspects of Luther's rhetoric aimed at building public support for Wolf in the public letters.

Luther emphasized Wolf's pitiful position by remarking that he was about to lose his honor as a man and a husband. This he did by presenting a series of Wolf's belongings, including honor, which the man had lost (WA BR 4, no. 1332, p. 579, l. 72; WA BR 5, no. 1523, p. 227, l. 50; no. 1526a, p. 231, l. 14–15). It is worth noting that both letters wherein Luther mentioned Wolf's honor are public, and in the two private letters there is no indication of this theme. As Ruth Mazo Karras has pointed out, male honor and domination were not equivalent in late medieval Europe. A man could obtain honor without taking it from another man. Thereby both the winner and the loser of a battle, for instance, could maintain or acquire honor. The matter was of brave, manly behavior. In other cases, however, a man could lose his honor to another man. The case usually involved women. By gaining the love of a woman, the man won a battle—either a metaphorical or a real battle—and thereby gained honor at the other man's expense, "either by preventing him [the other man] from winning her or by taking her from him." Losing one's honor and the threat of becoming considered as unmanly in the eyes of other people were two intertwined phenomena (Karras 2003, pp. 60–61).

In this latter case, where honor is gained by taking it from another, the meanings of honor and dominance are more closely related. It seems that the question was an understanding of a limited amount of honor, as it were, which was inevitably taken away from one when acquired by another. In the first case, where several men could gain honor even simultaneously, the idea seems to be of an unlimited amount of honor, free to be pursued by any man. Male honor seems thereby to have been a slightly more complex concept than the female one, which had mostly to do with the woman's correct sexual behavior, as noted previously.

The way Luther treated Wolf as a poor victim of circumstances and the malice of both his wife and Joachim is best understood through honor (also Roper 2016, p. 298 shares this interpretation). There was certainly present the understanding of a limited amount of honor—if Joachim achieved it, Wolf unavoidably lost it, and vice versa. Thereby the possession of Katharina was the key factor in gaining male honor. Wolf's attempt to stab Katharina could be understood by society, and certainly by Luther, as the ultimate way of trying to maintain his honor as her husband. Thus, for Wolf, the struggle for Katharina was, as Luther presented it, a struggle to regain his honor as well as maintain his reputation as a husband and a man.

Outer signs of stability and honor were crucial, and these were indeed the things that Wolf had to give up. Thus, Luther's view of male honor (as his view of female honor) had everything to do with social codes and gender ideals. This becomes particularly evident by the fact that when writing to Joachim, Luther only mentioned Wolf's honor in the public, printed letters. A request to restore Wolf to his honor was a public request for Joachim to maintain the gender system. In other words, Luther held Joachim responsible for maintaining the order that was created by God himself (cf. Mikkola 2017, pp. 68–74).

In what way did Luther treat Joachim, especially his way of being a man? First of all, he appealed to Joachim's position and its obligations. Luther illuminated Joachim's power as first and foremost that from God. The power and authority Joachim possessed was a loan from God, as Luther noted: "—Jesus Christ, from whom Your Electoral Princely Grace has been given his power—" (WA BR 4, no. 1332, p. 580, l. 107). God was understood to be the source of the hierarchical system of the day. Thus, both hierarchy and inequality were unquestionable parts of the societal system (Parsons 2011, pp. 80–81; Kolb 2014, p. 168). In this hierarchy, the ruler was considered to receive and maintain his power and authority through God, although leadership was by premise also a naturally ordained position for Luther's contemporaries (Nederman and Bejczy 2007, p. 1; Tang 2007, p. 102). The power

of the elector was thus more accurately ministerium than dominium (cf. e.g., Verweij 2007, pp. 58, 62; Strack 2007, p. 269). By remarking that God would not allow such misery for Wolf for long but would interfere in the situation to Wolf's advantage (WA BR 4, no. 1304a, p. 513, l. 44–48), Luther indicated that Joachim had heavily misused his ministerium.

Luther's emphasis on doing right as a ruler is a penetrable theme in his letters. It was also a part of a common understanding of leadership. As noted in former research,

—the authority of princes of all sorts rested for medieval people largely upon the personal qualities that they manifested in the conduct of their government as well as in their private behaviour. That is, princes enjoyed a claim on the obedience, respect, and love of their subjects only to the extent that they demonstrated spiritual and moral goodness and hence exercised forms of virtue. (Nederman and Bejczy 2007, pp. 2–3)

The virtues of the male ruler thus became important in claiming Wolf's rights. This was a logical part of Luther's rhetoric since the relationship between the ruler and the ruled was based on a mutual agreement of the rights and the obligations that a certain status created. Joachim should therefore show his rightfulness in the case of the Hornungs, as Luther explained in the second letter to him (WA BR 4, no. 1309, p. 539, l. 4–5). In the published letters this claim was made even more clearly:

Because we have no superiority or power over Your Electoral Princely Grace—we hold on to the dear duty (*Liebe Pflicht*), and firstly remind and beg for the sake of God's will that Wolf Hornung would be let to follow his wife and child, and everything that is his—she herself, the wife, has often wished and prayed [for it also]—. (WA BR 4, no. 1332, p. 579, l. 97–103)

The bringing together of the married couple was Joachim's obligation as "the electoral superior" (WA BR 4, no. 1332, p. 579, l. 90–91), as Luther explained, and both of his subjects, Wolf and Katharina, waited for Joachim to do his "dear duty" as a ruler. In the fourth and last letter to Joachim, Luther explicated the difference between the ideal ruler and the factual situation by noting that Joachim should help the married couple to reunite, which was his electoral duty, and not to keep Wolf's belongings to himself by injustice and unfairness, which factually was the case (WA BR 5, no. 1523, p. 226, l. 8–11; see also Ebeling 1997, p. 151).

The depredation of the subjects (in other words, greed) was considered as one of the vices of a ruler (Verweij 2007, p. 68). Luther related his request to this tradition by asking Joachim to refrain from vice and realize virtue. Joachim's behavior as a ruler was thus against the expected virtues of male leader, namely piety, wisdom, and temperance (on virtues, see Nederman and Bejczy 2007, pp. 20–21; Strack 2007). Luther depicted Katharina as the main culprit in some of his letters; however, in the letters to Joachim himself, Luther placed the guilt of robbing of Wolf upon him (WA BR 5, no. 1523, p. 227). Thereby, Luther presented not only Wolf but also Katharina as victims, with Joachim being the only one accused.

Luther represented himself as a man of good will and intentions, especially in the letters that were published. In the first published letter to Joachim, Luther assured that Wolf's matter should not be dealt with in violence or letters of slander, but one had "—to pray God, our Father diligently against Your Electoral Princely Grace, that He pardons the prisoner of conscience [Wolf] and leads the Elector of Brandenburg to justice" (WA BR 4, no. 1332, p. 580, l. 122–125). Luther assured his readers to "pray that God the Almighty wants to clarify and move Your Electoral Princely Grace to do, what is right, amen" (WA BR 4, no. 1332, p. 580, l. 138–139). In this way, Luther used a classical means of supplicating, that is, persuading, the recipient(s). This was often used when the sender, for one reason or another, had no influence over the recipient of the letter and their actions. (Perelman 1991, p. 112). In other words, Luther admitted to having no domination or power over Joachim, even though gaining it seems to have been his goal.

Yet another way to attack an opposing male ruler was to regard him as a knave (*ein Bube*). In general, Luther used the concept in at least three contexts: when deciphering young men, or a man of whatever age before God and God's righteousness, or when attacking his male opponents (Mikkola 2017, pp. 132–34). The word was brought up in three letters to Joachim. In August 1528 in his second letter to Joachim, Luther threatened that he should eventually begin to speak of whores and knaves (*hurn vnd buben malen*) if the situation did not improve (WA BR 4, no. 1309, p. 540, l. 15). In the published letter in 1530 he repeated the threat: Elector Joachim should be treated like a *Bube* (*solt E. K. F. G. yhn drum gestrafft haben als einen buben*) if he did not mend his ways (WA BR 5, no. 1523, p. 226, l. 34–35). In the preface from 1530, Luther concluded his text by noting: "Bah and bah, what a disgraceful, unashamed thing it is with whores and knaves! (*Pfu und aber pfu, welch ein schendlich, unverschamt ding ist umb hurn und buben!*)" (WA BR 5, no. 1526b, p. 232, l. 23–24). Joachim was thus treated in the second and third meaning of the concept: as an opponent of Luther, and as a wicked man before God's righteousness. Hence, Luther attempted to present Joachim as morally and politically dubious.

Joachim was, as Luther put it, guilty not only of acting unjustly as a ruler but also guilty of acting unmanly. Luther's ridicule towards Joachim was based on his conviction that Joachim acted in Katharina's name. Luther noted in his second letter to Joachim that the letters from Katharina looked as if they were dictated by Joachim himself (WA BR 4, no. 1309, p. 539, l. 11–13). In his 1530 preface to Katharina's letter, Luther stated that "[In the letter] She is called lady Katharina Blankenfeld, and yet Luther had written to Katharina Hornung" (WA BR 5, no. 1526b, p. 232, l. 16–17). By this, he signaled his belief that Joachim had dictated this letter, not Katharina.

To highlight his disapproval, Luther used a metaphor from the Scripture: "The man should not wear women's clothing (*Ein man sole nicht weibskleider tragen*)" (WA BR 5, no. 1526b, p. 232, l. 19; cf. Deut. 22:5). Hence, Luther transformed the biblical prohibition of concrete cross-dressing into an allegory that prohibited a man to present himself as a woman, and to hide himself behind the figure of a woman. This metaphor served Luther to allude to not only Joachim's dishonesty, but also to his unmanliness, even effeminacy, in dealing with things under a cover offered by a double-subordinate, as it were: a subject, who was a woman. The notion of Joachim's unmanliness becomes evident in Luther's judgment on the letter he was answering. It was, in his words, "a very female composition (*ein seer weibisch getichte*)" (WA BR 5, no. 1526b, p. 232, l. 13).

As Ruth Mazo Karras has maintained, "men demonstrate their rank as well as personal qualities through their deeds, whereas women have only their clothing to signify it" (Karras 2003, p. 47). The metaphor of women's clothing can thus be interpreted as a conscious choice on Luther's part to highlight Joachim's unmanliness when considered from the point of view of the late medieval understanding of gender codes. In other words, from Luther's point of view, Joachim did not demonstrate his rank or personal qualities by virtuous behavior proper to a male ruler but chose metaphorically to wear female clothing and thereby deserved to be called effeminate.

Luther connected the discursive feminization of Joachim to his bodiliness and sexuality. Temperance as a *virtus specialis* was connected to the (male) ruler's sexuality (Strack 2007, p. 276). The demand of sexual self-control becomes explicit in Luther's preface, wherein he wished that every man would guard his wife from Joachim. Nevertheless, Luther noted this by speaking explicitly of Katharina:

And may God shelter every man's wife from this lady Katharina Blankenfeld [in other words, from Joachim], unless a good pig doctor has come to her [him] in advance with a sharp knife and made a castrate of it, that she [he] does not have to make vain Katharina Blankenfelds of them [other married women]". (WA BR 5, no. 1526b, p. 232, l. 19–23)

The dichotomy of the masculine as self-controlling and feminine as lustful can be detected in Luther's treating of Joachim, his femininity, and sexual appetites. Thus, Luther



painted a picture of Joachim as both an unjust ruler and a feminine man, whose lack of temperance, especially in the field of sexuality, was a risk to all women.

A reference to the need to castrate Joachim seems to be Luther's way of emphasizing Joachim's lust but also humiliating him, that is, to discursively reduce his honor as a male (see also Roper 2016, p. 298). Namely, the capability to act as a husband and to beget offspring were essential in being an adult man (see, e.g., Karras 2003, pp. 16–17), whereas Luther understood castration as feminization of the man. Generally, it was held that when a man lacked the male sexual organs, he did not have a socially acknowledged gender either (Ferroul 2000, pp. 139–140; Irvine 2000, pp. 87, 93–94).

The German word for a castrate that Luther used was *borgel*, which refers to porcus castratus, a castrated pig (WA BR 5, no. 1526b, p. 232, l. 22). Thereby, “a pig doctor” (*sewehyler*) was needed to operate on Joachim. The metaphor of a pig was a conscious choice on Luther's part to emphasize the degradation of Joachim. Not only were pigs despised animals in the Old Testament, which Luther knew, the image of a pig was also actively used for mockery in his own day. The pig motif was widely exploited to denigrate and to laugh at a religious enemy, the Jews, in late medieval and early modern Germany. Similar to how the pig was used with regard to Jews, Luther also used the concept of the pig for humiliation and ridiculing (for the pig motif vis-à-vis Jews, see, e.g., Classen 2010, pp. 100–1).

In his correspondence, Luther presented that despite the formal power relations between himself and Joachim, he was entitled to judge Joachim as a knave due to Joachim's malpractices that his position did not allow. Luther had demonstrated this tendency previously, when he had judged the pope as a knave (see, e.g., WA 7, p. 645). The malpractices of religious–political opponents validated this kind of rhetorical attack (see, e.g., WA 7, pp. 625, 647–48). Furthermore, whereas Luther was trying to reinforce Wolf's honor and his status and rights as a husband, he made efforts to illustrate Joachim not only as an unjust ruler but also as unmanly. In other words, the way Luther depicted the tragicomic characteristics of Joachim (his improper lust, the need to have a castration, and his effeminacy) served Luther not only to battle against him in the case of the Hornungs but also, more broadly and importantly, to strengthen his argument in the religious–political battle in support of the evangelical movement. The discursive feminization of Joachim, as well as the questioning of his morals as a ruler, also emphasized Luther's own way of being and that of his evangelical allies, as Joachim's opposite: masculine, righteous, and trustworthy.

## 5. Conclusions

In this article, I examined Luther's representation of a marital case that involved not only the couple itself but also Luther's religious–political opponent. Luther's discursive representation of the proper gender system, as well as the power relations between himself, Elector Joachim, and the Hornung couple, offer a valuable insight not only into his views of femininity and masculinity, but also and especially into his rhetoric concerning the intersection of one's social position, religious conviction, and gender, and thus the relationship between personal and political. I have shown that Luther used this marital strife as a religious–political weapon to serve his own goals.

At the explicit level, Luther's aim in the case was to restore the Hornung marriage by bringing Wolf and Katharina back together. To enable this, he used several discursive methods within his letters, which varied according to the recipient and also within time. Luther aimed to maintain the proper gender system by emphasizing the husband's rights over his wife and the wife's position as the property of the husband. This rhetoric highlighted the normativity of the man and the woman's role as the subordinate other.

Luther's letters reveal a traditional viewpoint of emphasizing the man's rights over the woman. The view that Luther continuously repeated and justified during the correspondence was that the husband was the only man with the right to claim power over his wife. This becomes particularly evident in Luther's discussion of Wolf's property, which



included his wife, child, house, and yard. All in all, Luther not only supported the common view of the significance of the gender difference that created different social and familial positions for women and men, but he also reproduced and maintained these positions through his own verbal actions.

Luther reinforced the predominant gender system; however, societal hierarchies were questioned in his discussions on Joachim and his qualities as a ruler and a man. Luther's letters suggest that there was a competition for Katharina between Wolf and Joachim, which actually was a competition of two men with differing religious views: an evangelical one and a Catholic one. Katharina Hornung was but the subordinate, the medium of male honor, which was implicitly tied to a question of religious supremacy. The competition was, as Luther drew it, a competition of possessing male honor and religious-political credibility in which violence was a *sine qua non*.

The question of the Hornung marriage was, hence, heavily colored by Luther's religious-political ambitions. I argue that this correspondence ultimately concerns Luther's own struggle for domination and power over Elector Joachim. This interpretation is supported by Lyndal Roper's (2016, p. 298) former notion: "it is hard to imagine any campaign more uncompromisingly aimed at destroying someone's reputation." It seems that in this discursive struggle, the most masculine and honorable party was the one that had the most religious-political credibility. In this discursive struggle, fought by Luther through his letters, the means of ridiculing, pressuring, and threatening Joachim both as a male and as a ruler were at use. In effect, the competition between differing religious views put both of the Hornungs mainly in a secondary role. The Hornung marriage served Luther as a rhetorical weapon against an opposing religious-political figure in the question of who had the authority to define the conduct of others.

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## Notes

- <sup>1</sup> The situation between Katharina, Wolf, and Joachim is even more interesting from the viewpoint of Joachim's simultaneous conflict with his own wife, Elisabeth von Brandenburg (1485–1555), who had been influenced by Luther's theological views since 1523. After long-term differences of opinion with Joachim over religious convictions, Elisabeth fled to electoral Saxony in 1528 (Stjerna 2009, pp. 89–92; Mikkola and Räisänen-Schröder 2022, pp. 63–66). According to Gustav Clemen, Joachim's strict prohibition concerning the correspondence between the Hornungs and Luther was due to his indignation at his wife's evangelical conviction and, hence, at Luther (Clemen 1933, p. 345).
- <sup>2</sup> The Hornungs are mentioned a few times in Luther's other correspondence, e.g., Luther's letters to his colleagues (WA BR 5, no. 1437; no. 1625). However, they are not analyzed here as they do not provide any additional information in regard to the central questions of this article.
- <sup>3</sup> So also with Wolf Hornung, whose letter explicated his dominance as the husband: "—I say that I have been her husband and she has been my wife, [in] which [relationship] I [was] the ruling [one], thereby I had reason and right to discipline her; —" WA BR 4, no. 1304b, p. 514.
- <sup>4</sup> For marital violence in the sixteenth and seventeenth centuries, see Lidman (2008).
- <sup>5</sup> The remark is supported by WA BR 5, no. 1523, pp. 226–27, l. 35–42. The passage is noted also in (Ebeling 1997, p. 153). For marital bonds and adultery in Luther's theological writings, see, e.g., WA 10II, pp. 286–90; WA 30III, pp. 241–42.
- <sup>6</sup> The wife as property in Calvin's view, see (Parsons 2011, esp. p. 285).
- <sup>7</sup> James Brundage, for instance, has distilled the amount of regulations in medieval penitentials humorously yet truthfully in his table "The sexual decision-making process according to the penitentials." (Brundage 1987, p. 162). See also Wiesner-Hanks (2011, p. 61).
- <sup>8</sup> It seems, thus, that Luther represented the medieval German understanding of honor as a social concept, and used honor codes in a regulative sense. Cf. Stopa (2021, pp. 67–70).

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## Article

# Calling the Question: The Role of Ministries of Presence and Polity Principles in the Struggle for LGBTQIA+ Inclusion, Ordination, and Marriage in the Presbyterian Church (U.S.A.) and Its Predecessor Denominations

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**Abstract:** This article reflects upon how LGBTQIA+ Christians and their allies within the Presbyterian Church (U.S.A.) and its predecessor denominations ‘called the question’ on their right *to* and responsibility *for* membership, ordination, and marriage by simultaneously (1) practicing apologetic ‘ministries of presence’ and (2) grounding their ecclesio-juridical arguments in the church’s long-standing polity principles. It is commonly argued that advocates for full inclusion pushed the church to change historic norms, while ‘conservative’ voices called for the maintenance of time-honored principles. In an effort to problematize such reductionistic accounts, this article begins by sketching the historical trajectory of U.S. Presbyterian theology and polity, with special emphasis on the Adopting Act of 1729 and the tradition that proceeds from it. Building upon its survey of the debates that shaped the church’s history between the early eighteenth and mid-twentieth centuries, the text then shows how LGBTQIA+ Presbyterians and their allies acted within the traditional discursive patterns of their faith community when they advocated for the repeal of the exclusive policies that arose in the second half of the twentieth century. Inspired by the work of advocates and allies alike, when the PC(USA) and its predecessor denominations articulated an inclusive stance toward openly LGBTQIA+ members in 1978/1979, removed barriers to their ordination in 2011, permitted same-sex marriages within Presbyterian communities in 2015, and opened the church to receiving new theological insights from queer people via the adapted version of the ‘Apology Overture’ in 2016, the church’s collective discernment drew on historic Presbyterian principles of theology and governance to respond (often imperfectly) to contemporary challenges. The church’s multi-generational self-critique thus created a space in which queer Christians could ‘re-de-normalize’ their experiences of life and faith in ways that may open doors for post-apologetic reconstructive theological engagement in the years to come.

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**Keywords:** LGBTQIA+ history; queer religious history; Presbyterianism; PC(USA); freedom of conscience

## 1. “Is Anyone Else out There Gay?”

David Bailey Sindt (1940–1986) was ordained as a minister of word and sacrament in the United Presbyterian Church (U.S.A.) in 1965. By taking up the mantle of pastoral ministry, he participated in a family tradition that stretched back three generations and even included an uncle. After completing a Master of Divinity at McCormick Theological Seminary, Sindt pastored congregations in St. Paul, MN, and Chicago, IL. With less than five years of ministry under his belt, he decided to continue his graduate studies and earned a Master of Social Work from the University of Michigan in 1971. While in graduate school, he worked at the Illinois Department of Children and Family Services, where he would remain gainfully employed alongside his ecclesial commitments for some time. During that same year, Sindt began to openly identify as a gay man.

By 1972, Lincoln Park Presbyterian Church had “issued a call to him to become a part-time associate pastor with a special ministry to the gay community” (Holmen 2013, p. 252). In a decision that he would later unsuccessfully appeal in ecclesial court, the Ministerial Relations Committee (MRC) of the Presbytery of Chicago (into which he had attempted to transfer his membership) blocked what “was believed to be the first call ever issued to an openly gay man by a Presbyterian congregation” (LPPC/MLCN 1999, p. 1). Unyielding in the face of those who thought the pulpit was an unfitting place for gay people, in the summer of 1974, the embattled pastor set out for the national judicatory of his church. Sitting among thousands of commissioners, guests, and onlookers, Sindt steadied himself as he climbed atop his chair. He held up a poster he had prepared in his hotel room and carried into the assembly hall earlier that day. The sign posed a provocative question; “is anyone else out there gay” (PHS 2022c)?

Before his fateful stand, Sindt and others, including two openly gay seminarians (Bill Silver and Chris Glaser), had organized the Presbyterian Gay Caucus (PGC), which changed its name to Presbyterians for Gay and Lesbian Concerns (PLGC) in 1977. In a letter that called for the creation of a PGC prior to the 1974 UPCUSA General Assembly, Sindt wrote, “I suggest that we focus our initial efforts nationally on a ‘ministry of presence’” (PHS 2022c). He also called his friends and colleagues to “work for change within the denomination, not attack it from either within or without” (in Holmen 2013, p. 353).

Sindt’s belief that the practice of a *ministry of presence* was a necessary first step toward the full inclusion of LGBTQIA+ Christians in the church was shared by most leading advocates and allies in the movement’s early years. For example, his colleague, Chris Glaser, and the noted historian of medieval sexuality, John Boswell (1947–1994)<sup>1</sup>, often expressed a similar conviction about the power of LGBTQIA+ witness to effect change through building relationships with their co-religionists. After speaking at events hosted by Presbyterian organizations, they concluded, “phobias, irrational fears, are not overcome by reason so much as experience. I believe the church and society’s phobia regarding homosexuality and homosexual persons will be overcome by experiencing us” (Glaser 1988, p. 1).

When the PGC was denied standing at the 1975 General Assembly of the UPCUSA, Sindt was interviewed by the New York Times on behalf of the caucus’ more than 120 members. He said, “it’s our purpose to remind the church that homosexuals exist and must not be shunned” (Dugan 1975). A PLGC pamphlet from the early 1980s included photos of Sindt and other openly gay Presbyterians in a banner across the top of the page. The first sentence of the document read, with emphasis included, “SOMEONE YOU KNOW AND LOVE is Presbyterian and a Lesbian/homosexual person” (PHS 2022g). For Sindt, Glaser, and other early advocates for inclusion, the practice of a ministry of presence was a prophetic act that took place within the church’s governmental structures and drew upon its historic polity principles. Their boundary-defying ministries confronted the myth of queer Christian non-existence and called the church to an expansive realization of divine grace.

To perform a ministry of presence was to offer an *apology*, in the classical sense of the term, by being *publicly* and *unapologetically* queer and Christian at the same time. Sindt’s audacious stand put a face on LGBTQIA+ people in America’s Presbyterian churches. His silent protest made two things uncomfortably clear; (1) the words *gay* and *Presbyterian* are not oxymoronic, and (2) the church’s theology and polity must account for the presence of queer people within its bounds. A solitary gay Christian’s protest became a watershed in the history of American Protestantism and a rallying cry for queer believers who sought to live and die in the church that was their spiritual home.<sup>2</sup> The theological, ecclesiological, and praxiological journey on which the church embarked in the years surrounding Sindt’s stand reshaped one of America’s historic mainline Protestant traditions in ways that have yet to be fully understood.

## 2. Aims, Limits, and Labels

This article reflects upon how various individuals and groups within the Presbyterian Church (U.S.A.) and its predecessor denominations drew upon historic apologetic

discursive patterns and polity principles when ‘calling the question’ on LGBTQIA+ inclusion, ordination, and marriage within their faith community. Based on an analysis of U.S. Presbyterian history and polity, the following pages support a two-fold thesis as to the primary means by which queer Presbyterians and their allies called the church to change its exclusionary policies. LGBTQIA+ Presbyterians and their supporters called the question on their right to and responsibility for inclusion, ordination, and marriage by simultaneously (1) practicing apologetic ‘ministries of presence’ through collective action, which confronted the myth of queer-Christian nonexistence via distinctly Presbyterian patterns of intra-ecclesial engagement, and (2) grounding their arguments in the church’s long-standing polity principles. Consequently, when the PC(USA) and its predecessor denominations articulated an inclusive stance toward openly LGBTQIA+ members in 1978/1979, removed barriers to their ordination in 2011, permitted same-sex marriages within Presbyterian communities in 2015, and opened the church to receiving new theological insights from queer people via the adapted version of the ‘Apology Overture’ in 2016, the church’s collective discernment drew on historic Presbyterian principles of theology and governance to respond (often imperfectly) to contemporary challenges. The church’s multi-generational self-critique thus created a space in which queer Christians could ‘re-de-normalize’ their experiences of life and faithfulness in ways that may open doors for post-apologetic reconstructive theological engagement in the years to come.

It is commonly argued that advocates for inclusion pushed the church to change long-standing norms, while ‘conservative’ voices called for the maintenance of historic principles. This reductionistic perspective mangles the historical evidence and belays attempts to listen for the tone and tenor of debates within specific faith traditions. In contrast to prevailing narratives, this article situates the struggle for inclusion within the broader trajectory of mainline American Presbyterian theology and polity. In so doing, it complexifies a discourse that tends to associate motivations for pro-LGBTQIA+ advocacy with *supposedly* extra-ecclesial impulses, like concerns for social justice and human rights, while uncritically granting conservative claims about the consistency of their arguments with past church rulings.

Guided by its two-fold thesis, this article seeks to disentangle the interrelated web of ecclesiastical theology, polity, and discursive mechanisms upon which advocates for full inclusion drew when making their arguments. The project thus aims to fill the gap in historical research regarding the discursive practices and historical principles employed by LGBTQIA+ Presbyterians and their allies in the struggle for greater inclusion. It also provides a brief narrative account of the intra-ecclesial movement that led to the denomination’s current policy position. Other publications have noted LGBTQIA+ Presbyterians and their allies’ persistent use of ‘ministries of presence’ within their church’s judicatories. Of particular importance in this regard is R.W. Holmen’s popular monograph, *Queer Clergy: A History of Gay and Lesbian Ministry in American Protestantism* (2013). While Holmen’s work focuses primarily on the struggle for LGBTQIA+ *ordination* in various mainline U.S. Protestant traditions, his references to the polity principles employed by advocates for inclusion significantly influenced the initial conceptualization of this article. Nevertheless, his account may be complemented by this project’s intentionally narrow focus on developments in the PC(USA) and by its reference to events that postdated the publication of his work.

Roché Francois Vermaak’s doctoral dissertation, *A Historical Study of the Polity of the Gay and Lesbian Ordination and/or Same-Gender Marriage Debates in the Presbyterian Church (U.S.A.) and its Predecessor Churches*, was completed under the auspices of the Faculty of Theology at the University of Pretoria (South Africa) in 2009. In his dissertation and subsequent articles, Vermaak argued that U.S. Presbyterians have used “polity rather than theology to solve . . . theological issues” (Vermaak 2010a, p. 1). Like this project, his venerable work also asserted that the church’s historic polity principles guided the inclusion, ordination, and “same-gender blessing and marriage debate since the 1980s” within the PC(USA) (Vermaak 2010b, p. 1).



Nevertheless, while this article follows a similar discursive path and grapples with many of the same ecclesial adjudications as Vermaak's work, there are some essential differences between the respective approaches of the two projects. Vermaak's dissertation critiqued the tendency of decision-making bodies within the PC(USA) to solve disputes via polity processes rather than drawing on their church's wealth of theological and biblical reflection. In light of the exclusionary policies that were then still enshrined in the church's constitution and the decisions of the General Assembly's Permanent Judicial Commission (GA-PJC), which he so diligently examines, Vermaak called the church to reflect anew upon its theological heritage. Ultimately, he expressed hope that the PC(USA) would widen its official understanding of God's embrace and recognize God's call upon the lives of LGBTQIA+ Presbyterians (Vermaak 2009, p. 6).

In contrast to Vermaak's approach, this author views polity mechanisms as practical outgrowths of ecclesiastical theology, which comes to life through intra-ecclesial dialogue. Additionally, the primary emphasis in this account is not on the church's policy per se. Rather, it focuses on *how* LGBTQIA+ Presbyterians used historic principles to advocate for their vision of a more inclusive church and thus confounded their interlocutors by engaging constructively with the church's unique governing principles. Perhaps even more significantly, both Holmen and Vermaak wrote before the PC(USA) changed its exclusionary policies on same-sex marriage. This text benefits from the ability to look back on the discursive patterns employed by advocates for LGBTQIA+ inclusion, ordination, and marriage after the church has already repealed its exclusionary policies and opened the door for ongoing theological reflection by apologizing for past harms done. The (presumed) wisdom that comes from additional years of hindsight avails an opportunity to suggest that apologies are often among the first steps to receiving new truths and working toward reconciliation. It is, in fact, the skillful and sustained use of the church's historic polity principles, not the negation of them, that has led to the present situation in which the church is now free to move beyond queer Christian apologetics to the in-depth biblical and theological reflection which Vermaak once envisioned as a mechanism for change.

In an effort to trace the development of the aforementioned polity principles and discursive patterns, section three begins by looking back into the church's history to a time long before Sindt hoisted his provocative poster. It introduces formative decisions made at early gatherings of American Presbyterians in the eighteenth century. The section then traces the development of key principles of Presbyterian polity and governance, as exemplified by the Adopting Act of 1729, Itinerancy & Education Acts of 1737 and the accompanying Apology of the Presbytery of New Brunswick, 1758 Plan of Union, 1788/1789 codification of the Adopting Act in the post-revolution church constitution, the 1797 Radical Principles of Church Governance, 1801 Plan of Union, Portland Deliverance of 1892, Doctrinal Deliverance of 1910, report of the Special Commission of 1925, the Confession of 1967 and other important documents. After exploring the developments that contributed to the formation of these foundational texts, the fourth and fifth sections show how the largest group of Presbyterians in the United States reversed exclusionary policies and affirmed their LGBTQIA+ coreligionists as members, leaders, and married couples. Section six offers concluding remarks and points toward pathways for future engagement.

Due to the challenges associated with summarizing centuries of development within the paltry space of a single article, several limits have been placed on the scope of inquiry. First, though social and ecclesial change often starts at the grassroots level, this project charts broad developments in the denomination's institutional stance toward LGBTQIA+ inclusion. Consequently, it relies heavily on the records of the national judicatory (General Assembly-GA) of the PC(USA) and its predecessor denominations to the exclusion of significant reference to other sources in congregational life and the church's derivative organs; Namely, the General Assembly's Permanent Judicial Commission (GA-PJC), which heard important cases related to sexual orientation, gender identity, ordination standards, and the blessing of same-sex unions or marriages. Second, the author has curtailed references to extra-ecclesial stimuli like secular protest movements, U.S. Supreme Court decisions,



and psycho-social debates about sexuality and gender. These conversations took place not only outside but also within the church, and had a formative impact on ecclesiastical deliberations. Nevertheless, the inter-penetrative relationship between church and society is not the subject of this article. Thus, while certain aspects of the debate over LGBTQIA+ inclusion may constitute test cases for Open-Systems Theory (Koch and Curry 2000), this project considers the particular developments within the U.S. Presbyterian tradition in their own right. Finally, though the account presents a broad range of ecclesial documentation, it focuses primarily on the discursive techniques and polity principles employed by individuals and groups that advocated for the full inclusion of LGBTQIA+ people in the PC(USA) and its predecessor denominations. Though the author does not feign objectivity as to the right application of church law when doing so would make the argument unintelligible, efforts have been made to present a multifaceted account of events by including limited references to documentary evidence from non-Affirming sources.

Proper use of labels and terminology is essential to good academic practice and foundational to mutual edification across contexts. Though the author's commentary uses gender-inclusive language, androcentric and heteronormative terms have been left unchanged in historic texts so as not to obscure the worldviews out of which they emerged. Additionally, the project makes use of the acronym 'LGBTQIA+' (Lesbian, Gay, Bisexual, Transgender, Queer/questioning, Intersex, Asexual, and + to create space for other expressions of sexual/gender diversity) or the term 'queer' as interchangeable catch-all referents for two reasons. First, as of this writing, they are widely used/reclaimed terms by the cohort in the United States. The contested term 'queer' has been employed historically to address LGBTQIA+ people in a derogatory manner. In line with others in the field of queer studies, the author has 'reclaimed' the term here as a resource for epistemic clarity in historical and theological research. No defamatory intent is implied by this terminological choice. Second, while the increasingly popular acronym 'SOGIESC' (Sexual Orientation, Gender Identity Expression and Sex Characteristics) appropriately emphasizes that sexuality and gender identity are traits common to all human beings rather than markers of a specific group, the goal here is not to discuss universal characteristics. Instead, the intention is to engage with religious change as it has been generated by and for a subset of the broader human population which has been shaped into a class by sociocultural pressures.

While questions regarding gender identity played a role in intra-ecclesial discussions for many in the LGBTQIA+ community as early as the 1970s, Presbyterian policy debates were primarily focused on sexual orientation and behavior until as late as 2014. The 2006 report of the Theological Task Force on the Peace, Unity, and Purity of the Church provides commentary that is typical of official church statements in previous decades. In a footnote to its official account of various deliberations, the report states, "the task force did not discuss the issues raised by bisexual and transgendered [*sic*] persons, but we did receive a number of communications from groups that include and represent such persons in which the pain of their situation was expressed" (PC(USA) 2006, p. 12).<sup>3</sup> Consequently, though trans and gender non-conforming Presbyterians had a profound impact on the church's development, its higher judicatories have only recently given serious consideration to their needs and concerns. Despite this oversight, in the following sections, the author regularly (though not exclusively) uses the terms 'LGBTQIA+' and 'queer' rather than the phrase 'gay and lesbian' to emphasize the presence of bisexual, trans, and gender non-conforming Christians throughout the church's story.

Though Sindt and other advocates for full inclusion took bold stands, they were hardly the first to call questions before a gathering of Presbyterians. LGBTQIA+ inclusion arose as an 'issue' to be debated by the church in the second half of the twentieth century, but queer people did not present their questions in a theological or praxiological vacuum. The struggle over the full inclusion of people who are marginalized due to their sexual orientation and gender identity was deeply rooted in Presbyterian discursive patterns and practices. The church's Form of Government (constitution) mandates that all meetings of its councils "shall be conducted in accordance with the most recent edition of *Robert's Rules of*

*Order Newly Revised* except when it is in contradiction to this constitution” (PC(USA) 2019, G-3.0105). According to the rules of order, a commissioner may ‘call the question’, or more accurately, ‘move the previous question’ on a matter being discussed by an assembly. The assembly then votes on whether or not to end debate on the motion under consideration. Presbyterians have long taken courageous stands amid gatherings of their coreligionists. Upon doing so, they were often ruled ‘out of order’<sup>4</sup> for calling a question that had not previously been raised. Yet, they kept calling, and the church usually found a way to answer by widening its understanding of divine embrace.

### 3. Calling the Question: Patterns of Intra-Ecclesial Discourse in American Presbyterianism

#### 3.1. “Do You Sincerely Receive and Adopt the Essential Tenets of the Reformed Faith?”

While Sindt’s protest at the 1974 General Assembly of the UPCUSA called a relatively new question before his faith community, the spiritual and theological groundswell from which he and others drew ran deep into the church’s institutional memory. His apologetic ministry of presence also had an impact far beyond the official limits of his denomination. Since their arrival in the Americas, Presbyterians have asked bold questions of one another. Depending on how those questions were answered, these passionate people of faith have either blessed the ties that bind the faithful together in unity or castigated opponents who would dare to scandalize decency and order.

The United Presbyterian Church U.S.A. (UPCUSA), by which Sindt was ordained, was formed after the 1958 union of the two largest ‘Northern’ churches, then known as the Presbyterian Church U.S.A. (PCUSA) and the United Presbyterian Church in North America (UPCNA), which was itself a union church of two other Northern Covenant/Suceder traditions (ARPC and APC). In the second half of the twentieth century, the UPCUSA again reunited with the Presbyterian Church in the United States (PCUS), which had been created by Southern Presbyterians in 1861 due to intra-ecclesial conflicts over slavery and the U.S. Civil War. When these various strands of the tradition came together at the 1983 Atlanta Assembly, they formed the current denominational communion known today as the Presbyterian Church U.S.A., which is abbreviated here as PC(USA), to prevent confusion between the currently active ecclesial body and the pre-1958 church of the same name, which is abbreviated here as PCUSA.<sup>5</sup> Despite the institutional complexity of American Protestantism, advocates for inclusion drew upon historical trajectories common to most expressions of the U.S. Presbyterian tradition.

Denominational mechanisms have evolved over the centuries, but Presbyterians have been a force in American history, economics, and political life since before the U.S. revolution. After fleeing English repression of religious non-conformists in Ulster and being tried in the magisterial court of New York for preaching without a license in an Anglican colony, Francis Makemie (1658–1708) formally established the first American Presbyterian congregation in Snow Hill, Maryland, in 1684.<sup>6</sup> Twenty-two years later, in 1706, Makemie met with seven other ministers and was elected Moderator of the emerging church’s first regional judicatory (presbytery), which eventually became known as the (General) Presbytery of Philadelphia. By then, Presbyterians were arriving in the North American colonies in droves. Though the stated aim of the first presbytery was to strengthen missional engagement, considering Makemie’s experiences in Ulster and New York, it is perhaps unsurprising that a primary mean to that end was the development of common standards for the certification of ministerial candidates. Presbyterian pioneers needed a regional gathering of qualified ministers to legitimize the fledgling church by ensuring fidelity in its ordered ministries. Thus, from its earliest years, the Presbytery of Philadelphia devoted considerable energy to codifying ordination standards and credentialing ministers of word and sacrament (Smylie 1996, p. 29).

By 1716/17, the Presbytery of Philadelphia had spread out across the mid-Atlantic region of America’s British colonies (Balmer and Fitzmier 1994, pp. 23–26). Four presbyteries arose under what soon became the (General) *Synod* of Philadelphia. This organizational

realignment was prompted by concerns over the lack of a unified Form of Church Government, the need to establish a common order of worship, and the desire to foster effective pastoral accompaniment with emerging congregations. In line with broader settlement patterns, geographically bound presbyteries tended to reflect the dominant ethnicities of the Europeans who settled in their regions. The Presbyteries of Philadelphia and New Castle were essentially controlled by Scots-Irish immigrants (Church of Scotland-COS), while an Anglo-Welsh (English Puritan) cohort made up the majority in the Presbytery of New Brunswick (Balmer and Fitzmier 1994, pp. 25–28). The Presbytery of New York included a comparatively broad representation of both groups. In subsequent decades, more presbyteries would emerge within the Synod's bounds.

In the 1720s church leaders debated whether they should follow the 'old world' tradition and adopt/subscribe to the *Westminster Confession & Catechisms of 1647* as what Presbyterians would later define as a 'subordinate standard' to the Bible. Presbyterians had long joined their Reformed siblings of other stripes in affirming that scripture is the supreme measure of Christian orthodoxy. Nevertheless, there was a growing sense that the church needed to formally adopt a confession to clarify its worship and witness amid the vicissitudes of colonial life. In 1721 representatives from the New Castle Presbytery (Scots-Irish) requested that the Synod mandate subscription to the 'Westminster Standards', while representatives of the Presbytery of New Brunswick (Anglo-Welsh) "warned against strict creedal formulas" (Vermaak 2009, p. 24). The mostly Scots-Irish proponents of the Westminster (New Castle), who had begun requiring confessional subscription as early as 1724, asserted that the document was a reliable interpretation of what scripture had to say amid their century's theological and social challenges. The predominately Anglo-Welsh opponents (New Brunswick) may have agreed with the theological system outlined in the confession, but they feared that mandated subscription to a particular confessional, doxological, and governmental formula would lead to a repression of the religious freedoms in search of which they had fled to the colonies. Vowing to protect Christian liberty, the Anglo-Welsh cohort argued that the best "way to prevent error from harming the church was to examine [individual] candidates thoroughly" (Hart and Muether). At a 1727 synod meeting, the Scots-Irish wing again called for 'mandated subscription', but the gathering failed to resolve their differences with the anti-subscriptionists and the church's stance toward the Westminster remained unclear.

Delegates to the 1729 Synod came together in the hope of ending the fledgling church's first major controversy. The normative/ecclesio-legal consequence of their lengthy debate about confessional standards is known as the *Adopting Act of 1729*. Though it has been argued that the *Irish Pacific Act of 1720* constitutes a prototype (see Loetscher 1929, pp. 340–42), the Adopting Act, in its present form, was primarily compiled by Johnathan Dickinson (1688–1747). The Act was a compromise. Though the "subscriptionists had a two-to-one advantage in the Synod, a compromise was reached due to the moderates within both parties" (Vermaak 2009, p. 24). With its action, the synod charted a *via media* between extreme positions and would "set a pattern for American Presbyterians in theological disputes" (Holmen 2013, p. 345). Presbyterians from across the theological spectrum would use the Adopting Act to undergird their arguments on various issues for centuries to come. Smiley summarizes the Act's contents as follows, "in the act, the Synod, [which was then the highest judicatory], disclaimed any attempt to legislate the conscience and declared Christ and the Bible as the source and rule of Christian faith and life. It then described the Westminster Confession and the catechism[s] 'as being in all essential and necessary articles, good forms of sound words and systems of Christian doctrine'" (Smylie 1996, p. 45).

While U.S. Presbyterians would build upon the precedent established by the Adopting Act to develop an innovative doctrine of the freedom of conscience in the centuries to come, the 1729 synod confirmed the 'new' church's continuity with Reformed thought across the Atlantic when it drew inspiration from the Westminster Confession itself. The Westminster's twentieth chapter is dedicated to "Christian Liberty and Liberty of Conscience."

To guard against both the iconoclastic tendencies of the radical Reformers and legalistic adherence to high liturgical or ecclesio-political traditions, the Westminster divines (i.e., theologians) asserted, “God alone is Lord of the conscience and hath left it free from the doctrines and commandments of men which are in anything contrary to his Word, or beside it, in matters of faith or worship. So that to believe such doctrines, or obey such commandments out of conscience [i.e., against conscience], is to betray true liberty of conscience: and the requiring of an implicit faith, and an absolute and blind obedience is to destroy liberty of conscience, and reason also” (BPC 1938a, p. 31). As advocates for LGBTQIA+ inclusion would remind the church at the turn of the twenty-first century amid debates over various ecclesiastical adjudications, the Westminster and the Adopting Act enshrined a complex understanding of the human conscience in the church’s theology of governance. It made clear for future generations that, in subscribing to the Westminster Confession, U.S. Presbyterians agreed to *act* in accordance with the principles of their emerging church’s discipline, but they were also committing to the exercise of a conscience that is free from human control and bound only to God’s word.

Since the church had yet to adopt other confessions when the Act was affirmed, ministers were required to subscribe to ‘all essential and necessary articles’ of the Westminster. However, the Act did not specify which articles were considered ‘essential and necessary’. The 1729 Synod thus created a discursive space in which Presbyterians could be trusted to hold one another accountable to the theological system they collectively affirmed. At the same time, the refusal either to codify specific essential articles of belief, or to mandate ‘blind’ and absolute obedience to the very letter of a document that had been drafted amid religious turmoil on the other side of an ocean almost a century earlier, *implied* that there were, indeed, some articles of the Westminster that could be called “non-essential parts of the confession” (Vermaak 2009, p. 25). The Act thus created space for flexibility, pragmatism, and trust in the church’s collective discernment when leaders met to examine candidates for ordination or adjudicate intra-ecclesial disputes.

Despite the Act’s ambiguity, it confirmed for future generations of Presbyterians that “some beliefs and practices were indispensable, but that; differences always have existed and have been allowed” (in Vermaak 2009, p. 26). From 1729 onward, a *general* commitment to limited diversity of belief within the confines of the Reformed theological tradition was accompanied by a *particular* allowance. The Act permitted individual candidates for ordination to declare ‘scruples’ with elements of the confession that they believed God (through their conscience) forbade them to accept. The Act states, “as such a minister or candidate for the ministry shall have any scruple with respect to any article or articles of said Confession or Catechisms, he shall at the time of his making said declaration declare his sentiments to the presbytery or Synod, who shall notwithstanding, admit him to the exercise of the ministry within our bounds and to ministerial communion if the Synod or presbytery shall judge his scruple or mistake to be only about articles not essential and necessary in doctrine, worship or government” (PCA 1729, p. 8). Inspired by the Act, which remains in effect in the PC(USA) since the reunion between the main Northern and Southern branches of U.S. Presbyterianism in 1983, candidates for ministry have been asked the following question during their ordination services; “Do you sincerely receive and adopt *the essential tenets of the Reformed faith* as expressed in the confessions of our church as authentic and reliable expositions of what Scripture leads us to believe and do, and will you be instructed and led by those confessions as you lead the people of God?” (Emphasis added, PC(USA) 2019, W-4.0404c).

The Adopting Act’s endorsement of a candidate’s right to ‘scruple’ on non-essential articles of faith enshrined what has become a defining feature of U.S. Presbyterianism. The concept of ‘scrupling’, and the broader commitment to religious liberty to which it bears witness, draws on two parallel traditions that the church has tried to hold in tension throughout its history. Both traditions seek to balance order and ardor, dogma and devotion, biblical authority, and openness to the Spirit’s movement in the world. The first of the two principles is *confessional affirmation*. The Adopting Act did not spell out what the church

considered ‘essential and necessary’ articles of belief, but it made clear for successive generations that U.S. Presbyterians are ‘confessional Christians’ and that their church is a “confessional church” (Loetscher 1929, p. 346). Though Jesus Christ, as revealed in the New and Old Testaments, is its only ultimate authority in matters of life and faith, the church believes its confessions are reliable witnesses to the word of God in various times and places. In the years that followed the Synod meeting of 1729, mainline U.S. Presbyterians came to affirm other historic creeds and confessions alongside the Westminster. Today the PC(USA)’s twelve confessions make up the *Book of Confessions*, the first volume of its constitution.<sup>7</sup> Volume II is called the *Book of Order*, which contains the rules of order, worship, and discipline. Elements of both volumes will be discussed in detail below.

The second tradition codified by the Adopting Act is that of *freedom of conscience* or, more accurately, *the binding of the conscience to the word of God*. The use of the Adopting Act as a polity mechanism by subsequent generations of Presbyterians has led some scholars to conclude that the tradition that flows out of the Act contributes to the development of *atheological* problem-solving in intra-ecclesial disputes that has hindered productive reflection on the church’s mission (Vermaak 2009). This conclusion is based on contemporary debates over the Adopting Act tradition within modern Presbyterian governmental structures, but it obscures the theological convictions that made a pragmatic compromise like the Act possible in the first place.

The Adopting Act tradition has played a significant role in shaping religious debates around ‘freedom of conscience’, not only in the United States but throughout the entire world via Presbyterian’s formative participation in the ecumenical movement and geopolitical advocacy for human rights and free expression. Indeed, church leaders have frequently drawn upon the Act amid discussions of interreligious cooperation and intra-denominational pluralism. Nevertheless, since 1729, the tradition has rested solidly upon a Reformed theological foundation. When Presbyterians affirm ‘freedom of conscience’, they mean that their conscience is bound (i.e., unfree/dependent) upon the word of God. It is because Presbyterians are *unfree* to contradict their conscience, which is dependent upon God’s word for guidance, that they believe no human being or institution can claim to regulate their faith, or the convictions of others. The enduring relevance of the Act derives from the staunchly Reformed *theological* affirmation of an asymmetrical relationship between a sovereign God, whose will is absolutely free, and human beings who are bound by sin, and can only be freed through divine grace. It is because of humanity’s inability to judge rightly or understand completely unless guided by grace that Presbyterians believe all people must be protected from asymmetrical control over their beliefs by another person or institution. If consciences that are bound to God’s word are not protected from human interference or imposition, artificial barriers may be established between believers that scandalize the church’s peace, unity, and purity.

Like most compromises, the Adopting Act left many intra-ecclesial tensions unresolved. The Act’s relevance to matters of doctrine, polity, and practice in the church would need to be clarified repeatedly in the centuries that followed its ratification. The creative tension affirmed by the church’s dual commitment to its confessional identity and what is commonly called ‘freedom of conscience’ would characterize intra-Presbyterian scruples for centuries to come. Indeed, “the ethnic character of the two [early Presbyterian] groups, [Scots-Irish and Anglo-Welsh], might have disappeared, but . . . their different tendencies remained” (Vermaak 2009, p. 22). In the following sections, it will be shown that when LGBTQIA+ Presbyterians and their allies called their questions at church gatherings or declared their ‘scruples’ with exclusionary policies, they located themselves within the tradition of the Adopting Act. Like their forebears, they affirmed that diversity of belief on non-essentials did not necessarily threaten the church’s mission. Yet, when they decided to stand within the church’s polity, they did more than identify their arguments with a seemingly obscure synodal promulgation from 1729; LGBTQIA+ Presbyterians and allies laid claim to their inheritance as members of a tradition that has long taken for granted the cantankerous nature of Christian communion.



### 3.2. Which Side Are You On?

The Adopting Act of 1729 made it possible for colonial-era American Presbyterians to move beyond theological differences and coalesce around a shared sense of mission, but its scope of application has remained hotly contested throughout the church's history. Amid what is commonly called the First Great Awakening (1730s to late 1740s), a pan-protestant divide emerged between advocates for revival and traditionalists who spurned 'enthusiastic' spirituality. Advocates for the awakening remembered that, in his farewell address to the Dutch pilgrims aboard the *Speedwell* in July 1620, the Congregationalist pastor John Robinson (1576–1625) had proclaimed, "for I am very confident the Lord hath more truth and light yet to break forth out of his Holy Word" (Ashton 1851). In line with Robinson's use of the biblical 'light' theme and with an eye toward the intra-Presbyterian conflicts discussed below, the Reformed theologian and pastor Johnathan Edwards (1703–1758) penned *A Faithful Narrative of the Surprising Work of God* in 1737 (Edwards 1972, pp. 144–211). In the text, Edwards described individual experiences of divine grace as the shedding of 'new light' on sin that revealed the way to forgiveness and revival. Drawing on these and other allusions, revivalists were labeled as 'New Lights', while traditionalists were called 'Old Lights'.

Among Presbyterians, the Old/New Light debate employed a modified vocabulary and centered largely around the judicial functions of ecclesial bodies that had been roughly enumerated in the Adopting Act. In Presbyterian circles of the eighteenth century, New Lights were called 'New Siders', and Old Lights were described as 'Old Siders'. New Siders emphasized the authority of presbyteries to decide over questions related to the scope of the Adopting Act, especially as it pertained to the ordination of ministers and the maintenance of sound doctrine. In contrast, Old Siders lauded the superior jurisdiction of the Synod over questions of ordination, worship, and theology. Both 'sides' functioned as polar opposites between confessional legalism and openness to the Spirit's witness, in relation to which moderate Presbyterians have often located themselves.

One year after the Adopting Act was passed, at the 1730 meeting of the Synod of Philadelphia, a dispute emerged as to whether its provisions were "sufficiently obligatory upon intrants" (in Baird 1856, p. 6). The text of the Act had been compiled during a morning session of the 1729 meeting, but the actual adoption of the Westminster Confession took place later in the day. During the afternoon session, nineteen delegates declared scruples with some aspects of the confession. Among the 'scruplers' were Jonathan Dickinson (who composed the Adopting Act), William (1673–1746), and Gilbert (1703–1764) Tennent. However, by the end of the discussion, eighteen of the nineteen disputants had assented to what the Synod deemed 'essential and necessary articles of faith' and had made exceptions regarding only two 'chapters' of the confession.<sup>8</sup>

Two of the scruples declared amid the discussion pertained to the twentieth and twenty-third chapters of the Westminster. Chapter twenty of the version of the confession to which the Synod had access addressed those who "may be proceeded against by the censures of the Church, and by the power of the civil magistrate" (Baird 1856, p. 5). In its unedited form, the twenty-third chapter of the Westminster stated, "the civil magistrate may not assume to himself the administration of the word and sacraments, or the power of the keys" (Baird 1856, p. 5). Yet, in words that might have caused Makemie anxiety a generation earlier, the confession asserted that the magistrate "hath authority, and it is his duty, to take order that unity and peace be preserved in the Church . . ." (Baird 1856, p. 5). While it did not repeal the Adopting Act in principle, the 1730 Synod leaned heavily toward the confessional 'subscription' (Old Side) end of the ecclesio-political spectrum. It obliged members "to receive and adopt the Confession and Catechisms at their admission, in the same manner, and as fully as the members of the Synod did, that were then present" (Baird 1856, p. 5).

In 1734, following persistent discord regarding ordination standards and confessional subscription, the Synod declared that it would "make a particular inquiry during time of their meeting every year, whether such Ministers as have been received as members since

the foregoing meeting of the Synod, have adopted or have been required by the respective Presbyteries, to adopt the Westminster Confession . . . ” (Minutes 1730, p. 98 in Baird 1856, p. 6). Thus, the Synod claimed a *general* authority to overrule the presbytery’s decision to grant a preaching license based upon its own review of ordinands. The higher judicatory also maintained the right to overrule the granting of a license to a minister who did not meet their standards.

In light of ongoing strife over unconstrained revivalist preaching, at its 1737 meeting, the Synod of Philadelphia, which was then primarily controlled by Old Siders, passed several measures that sought to constrain diversity within the church’s bounds. The Synod’s various measures can be collectively referred to as the *Itinerancy & Education Acts of 1737*. The 1737 acts limited itinerant preaching, a common practice among New Siders and other revivalists. Old Siders, still dominated by the Scots-Irish cohort, often aligned with the liturgical theology of the Church of Scotland and were deeply concerned by the ‘disorderly’ nature of revivalist worship. Like conservative Presbyterians in subsequent generations, Old Siders recognized that the preservation of their influence depended not only on policing standards during the examinations of ministerial candidates. The church also needed to carefully monitor the *installation* of ministers in particular preaching posts. Old Siders believed spiritual enthusiasms were an affront to the sacred humility, decency, and order expected of Christians when approaching the divine. Thus, they admonished congregations to conform their worship to the principles laid down in the *Directory for Public Worship*, which had been produced as a liturgical complement to the Westminster Confession in 1644.<sup>9</sup> The Synod also required ministerial candidates to possess a formally recognized academic diploma from an American college (e.g., New College/Harvard, or Yale) or a European university, or to be otherwise ‘certified ready’ to receive a call through an examination by the Synod.

In 1738 and 1739, the Synod, which was already on a hair trigger, exploded in outrage when it received word that the Presbytery of New Brunswick had licensed a candidate named John Rowland to preach, though he neither possessed a diploma nor had he been formally examined by the Synod. Instead, Rowland was educated by New Sider William Tennent (1673–1746), father of Gilbert and William Jr., at the ‘Log College’ in Pennsylvania. Tennent had founded the college in 1727, but it was not a formally recognized academic institution. Thus, it could only offer ‘private education’ and could not grant the diploma required by the *Itinerancy & Education Acts of 1737* for ordination. Indeed, it was largely due to the establishment and growth of the Log College that Old Siders sought to exclude ministers who did not possess a degree from a formally recognized institution.

In line with its acts of 1737, the Synod judged “the proceedings of the said Presbytery of New Brunswick to be very disorderly, and do admonish the said presbytery to avoid such divisive courses for the future; and do determine not to admit the said Mr. Rowland to be a preacher of the gospel within our bounds, nor encourage any of our people to accept him until he submit to such examinations as were appointed by this Synod for those that have had a private education” (Ingram 1912, p. 329). To the shock of New Siders, the Synod further decreed, “no Person should be allowed to sit and vote in the Synod who acts or persists in any *Practice* contrary to any Rules contained in the Directory, or Orders made by the Synod, until he professes of his Sorrow for such sinful Disorder, to the Satisfaction of the Synod, or such inferior Judicatory, as the Synod shall appoint for that Purpose” (Emphasis added, Tennent 1741, p. 14). In this statement, the Old Side dominated Synod conformed to a pattern that would emerge in intra-ecclesial disputes whenever a reigning majority felt threatened; it emphasized the distinction between freedom of conscience and freedom of *action*. The Old Side declared that whatever the Presbyterians in New Brunswick believed about revival, so long as they were in communion with the Synod, they could not contradict the judgements of the higher judicatory.

In response to the Synod’s decision to revoke Rowland’s preaching license, the embattled presbytery issued the document known as *An Apology of the Presbytery of New Brunswick* in 1739, which Gilbert Tennent (1703–1764) preserved in his *Remarks upon a*



*Protestation Presented to the Synod of Philadelphia* (Tennent 1741, pp. 12–31). The ‘apology’ of the Presbytery foreshadowed the apologetic acts carried out by believers like Sindt in future generations. The text lamented disunion in the “infant church” (Tennent 1741, p. 11). It also recognized the Synod’s duty to adopt and maintain allegiance to a confession of faith. However, the New Brunswick Presbyterians considered the larger body’s refusal to seat individuals who did not conform to the Old Side interpretation of the confession or the letter of the Directory for Worship “unreasonably severe” (Tennent 1741, p. 14). The New Brunswick cohort evoked the language of the Adopting Act when they rejected the notion that the Synod, through majority vote, could be “vested with a Power authoritatively to make new Laws or acts, from time to time, binding the smaller Number to obey them, who conscientiously scruple and oppose them” (Tennent 1741, p. 17). The New Brunswick cohort believed that, if left unchecked, the Synod’s quest for power would “open a door for continual Oppressions, Schisms, and Convulsions in the Christian Church” (Tennent 1741, p. 17). According to Tennent and his colleagues, the synod’s action also allowed “no Mercy for scrupulous Consciences and renders synodal communion as precarious as the variable Humours and Fancies of Men” (Tennent 1741, p. 14).

At the 1741 Synod meeting, the Old Side issued their own ‘protestation’, which called for the expulsion of the Presbytery of New Brunswick. In the document, they furiously asserted that the “revivalists had forfeited their membership in the Synod by declaring their powers over ordination” (in Vermaak 2009, p. 28). The Old Side then vented its outrage at the New Side preacher Alexander Craighead (1705–1766) for his refusal to appear before the Presbytery of Donegal and answer charges leveled against him by the influential Old Sider, Francis Alison (1705–1779). Alison charged that Craighead had preached from his pulpit without permission and thus violated the Itinerancy & Education Acts of 1737. After a lengthy debate, it was clear that New Siders were not going to allow the trial to proceed. Unfortunately for both sides, many of the moderates in their respective ranks had anticipated schism and failed to attend the meeting.

Amid the cacophony, the New Side supporters of the Presbytery of New Brunswick called the proverbial question before the gathering and decided to break ties with their interlocutors. They then withdrew and, after sub-dividing into the Presbyteries of New Brunswick and New Castle, were called the Conjoint Presbyteries. Meanwhile, the Old Siders solidified their hold on the Synod of Philadelphia. Most members of the Presbytery of New York leaned toward the New Side, but they feared schism and attempted to moderate between the partisans in their midst. Nevertheless, in 1745, New Siders from the Presbyteries of New Brunswick, New Castle, and New York formed the Synod of New York and opposed their Old Side counterparts who remained in the Synod of Philadelphia.

Arguments at the synodal level quickly spread to Presbyterian congregations and communities across colonial North America. Gilbert Tennent continued to fan the fires of discord when he lambasted Old Siders for focusing on formal education, decency, and order while ignoring concerns about the spiritual lives of ministers in his 1742 sermon, *The Danger of an Unconverted Ministry*. John Hancock, Jr. (1702–1744), father of John Hancock III (1736–1793), who enthusiastically signed the U.S. Declaration of Independence, responded to Tennent with the equally provocative sermon, *The Danger of an Unqualified Ministry* (Hancock 1743). The subsequent publication and distribution of Hancock’s response to Tennent exemplifies the reactionary pamphleteering that would be employed by Presbyterian leaders in future church debates.

Despite the vehemence with which Old Siders argued their case, within a decade, it had become clear that the New Side, and revivalism in general, had won the hearts of many American Christians. After seven years of productive dialogue, the seventeen-year schism ended, and the 1758 *Plan of Union* was enacted. That year, the Synods of Philadelphia and New York formally reunited. At the reunion assembly, Francis Alison, who remained committed to his Old Side views, but lamented the schism, preached the opening sermon. His message to the gathered community reflected on Ephesians 4:4–7, which recognizes that Christians are of one body, one spirit, and rely on a shared hope. During the years

of schism, New Side graduates of the Log College had supported the foundation of the College of New Jersey (now Princeton University) in 1746, and thus could offer a formal education in accordance with their values. Perhaps that is why, in accordance with the acts of 1737, representatives of both sides to the 1758 reunion meeting recognized the importance of formal education for the church's ministers and passed resolutions to limit intrusions upon the pulpits of pastors by unlicensed itinerates. Old Siders also exhibited a willingness to compromise, and the newly reunited synods "ratified the Awakening as the work of the Holy Spirit" (in Vermaak 2009, p. 28).

Lest one assume that all was quiet at church gatherings following the 1758 reunion, disagreement over the proper application of the principles enshrined in the Adopting Act persisted between hard-liners on both sides. Intra-ecclesial discord was finally quieted upon the outbreak of the U.S. Revolutionary War. Following the cessation of hostilities, Presbyterian leaders, like their counterparts in the civil government, worked to shape a new constitution (Form of Government and Discipline) for their church. Their work was completed in 1788, and in 1789, the same year that the U.S. federal government began operating under its present constitution, commissioners gathered for the first meeting of the General Assembly (GA) of the Presbyterian Church in the United States of America (PC(USA)).

In the lead-up to the first General Assembly, the united Synods of Philadelphia and New York had been dissolved, and the church's structure was clarified as deriving power 'from the ground up.' Enshrining the wisdom gained from decades of intra-ecclesial debate, the new constitution firmly placed the authority over the examination of ordinands and installation of ministers under the mandate of presbyteries. It also created four new synods that would serve as regional judicatories or 'mid-councils' to which presbyteries could appeal. The newly formed GA would then function as the supreme judicatory. The aim of this institutional restructuring was to formalize the mechanisms by which presbyteries could settle disputes and carry out their responsibilities for mission and ministry in the United States. Thus, unlike Presbyterians in Scotland, the newly formed American church viewed "synods and General Assemblies merely as agencies for unifying the life of the church" (Vermaak 2009, p. 30).

Since colonial Presbyterian leaders began their work together by organizing themselves into presbyteries, those bodies provided the wellspring for judicial authority in the church. Perhaps counterintuitively, the authority of higher judicatories like synods and the General Assembly derives from presbyteries in much the same way the U.S. federal government derives its powers from states. Debates over the church's national life would thenceforth be adjudicated by the GA, which consisted of 'commissioners' from each presbytery. The church's constitution, and subsequent amendments to it, would be 'passed' at assemblies and 'sent' to presbyteries for ratification through a process that would be clarified in subsequent decades. The assembly could act only upon the authorities enumerated to it in the constitution or, as would be clarified amid twentieth-century intra-ecclesial debates, in response to a request from presbyteries to 'clarify ambiguity' in the church's constitution by offering formal guidance (eventually known as an Authoritative Interpretation of the Constitution 'AI').

During the founding meeting of the GA in 1789, U.S. Presbyterians, passed an amended version of the Westminster Confession which altered its references to the civil magistrate. Their goal was to bring the confession into alignment with the "American theory of separation between church and state" (Vermaak 2009, p. 30). In so doing, the church also codified and clarified the scope of the Adopting Act for a new generation of Presbyterians and anticipated further disputes and divisions around the relationship between ordination standards and freedom of conscience. The words of the 1788/1789 Form of Government/constitution echo down the centuries and have shaped Presbyterian responses to countless developments, including slavery and racism, gender equality, religious pluralism, and, most importantly for this project, LGBTQIA+ inclusion, ordination, and marriage. In a declaration that would become part of their new church's constitution,

U.S. Presbyterians jointly quoted Chapter XX, Article II of the Westminster Confession, and enumerated the political theological consequences of the Adopting Act tradition. They stated, “God alone is Lord of the conscience, and hath left it free from the doctrines and commandments of men which are in anything contrary to his Word, or beside it, in matters of faith or worship” (PC(USA) 2019, F-3.0101a). The nation’s new Presbyterian church went on to assert, “therefore, we consider the rights of private judgment, in all matters that respect religion, as universal and unalienable: We do not even wish to see any religious constitution aided by the civil power, further than may be necessary for protection and security, and at the same time, be equal and common to all others” (PC(USA) 2019, F-3.0101b).

In 1791, the majority of states ratified the ‘Bill of Rights’, which included the first ten amendments to the U.S. Constitution. Six years later, in 1797, after a series of debates, U.S. Presbyterians also clarified their church’s Form of Government (constitution). That year, the church affirmed the *Radical Principles of Church Government*. By describing the principles as ‘Radical’, post-revolution Presbyterians meant that these were their church’s ‘basic’ or ‘fundamental’ structural mechanisms. The principles established an appeals process by which scruples could be settled progressively ‘from the ground up’ all the way from sessions<sup>10</sup> to the General Assembly. The principles also made clear that to ensure the protection of free consciences, the church had been and would continue to be governed by majority rule rather than consensus or some other decision-making process. Implicit in the Radical Principles is a belief that the “collected wisdom and united voice of the whole Church” (PC(USA) 2019, p. 13) is best discerned when individuals are empowered to believe and vote freely and in accordance with their own consciences (not on behalf of a set of partisan concerns, lobbying from constituents, or another governing body).<sup>11</sup>

Thus, since the early days of independence, mainline Presbyterians have advocated for religious freedom in U.S. society and mutual forbearance among coreligionists who disagree on non-essentials. Conservative advocates of religious liberty have often used these polity principles to justify the marginalization of LGBTQIA+ people in the church and society. However, those who called for greater inclusivity consistently drew upon the same principles in their arguments for the acceptance of sexual and gender diversity within their faith community. The engagement of LGBTQIA+ Presbyterians with their church’s historic polity principles will be addressed in detail below. At this stage, it is sufficient to note that the 1788/89 constitution, the Radical Principles of 1797, and the other ecclesio-legal promulgations referenced in this section testify to the reception of the Adopting Act tradition within the faith community. By affirming these principles, Presbyterians expanded the scope of the Adopting Act tradition beyond the confines of intra-ecclesial debates over historic confessional standards into a political-theological framework for ministry in a rapidly changing context.

### 3.3. “Shall Woman Preach?” and with Whom Shall We Minister?

Like other American faith traditions, Presbyterianism experienced significant religio-cultural changes in the nineteenth century. New revival movements, expansion into the Western frontier, ecclesial division prompted by slavery and the U.S. Civil War, and the rise of industrialization had a profound impact on the church’s development. As the new country’s institutions came of age and faced emergent conflicts, Presbyterians continued to develop unique polity mechanisms and a theological worldview that would eventually create space for serious conversations about LGBTQIA+ inclusion, ordination, and marriage.

The movement commonly called the Second Great Awakening (1790s to 1840s) impacted Presbyterians in ways that are distinct from their counterparts in other protestant denominations. Major church debates remained focused on the application of now historic polity principles and the credentialing of ministers. Disputes over revival, Arminianism, and ordination led to the expulsion of the Cumberland Presbytery in 1802, which eventually prompted the formation of the Cumberland Presbyterian Church (CPC) in 1810. In 1886,

the Cumberland Presbyterians became the first Reformed denomination to ordain a woman to the ministry of word and sacrament.

Like LGBTQIA+ Christians in subsequent generations, Louisa Mariah Layman Woosley (1862 to 1952), the first woman to be ordained in the CPC, faced significant opposition on her climb into the Presbyterian pulpit. It would take the Cumberland General Assembly two decades to endorse her as a minister after the presbytery initially recognized her call. Like Sindt, her ordination came after she practiced an apologetic ministry of presence by calling a question before the church through her pathbreaking book, “Shall Woman Preach? Or The Question Answered” (Woosley 1891).

In the *Plan of Union of 1801*, Presbyterians and Congregationalists agreed to coordinate their church-planting efforts in the new country’s vast frontier. Building upon the Plan of Union of 1758, which had allowed New and Old Siders to maintain a diversity of views in good conscience, the two denominations promised to share the costs and commitments associated with sending ministers and founding new churches in America’s emerging Western towns. Congregationalist ministers also agreed that they would participate in Presbyterian polity structures when installed in Presbyterian pulpits outside of New England. Many Presbyterians celebrated the emergence of a pan-Reformed commitment to cooperative mission and ministry. Advocates for the 1801 plan recognized improved relationships with Congregationalists as a logical consequence of the Adopting Act tradition, but others feared the agreement was leading the church to compromise the essential tenants of the Reformed faith and governance.<sup>12</sup>

During the period of Western expansion and early pan-Reformed missional engagement, America’s theological academe came into its own. A series of heated scholarly debates led to more scruples and the advent of another old/new division within the church. This time, advocates for the ‘Old School’ argued against proponents of the ‘New School.’ The Old School was championed by the likes of Charles Hodge (1797–1878), Professor of Didactic Theology and Second Principal of Princeton Theological Seminary. Members of the Old School, also known as “Old Calvinists,” advocated for strict adherence to the Westminster Confession, usually rejected interdenominational mission initiatives, and often supported gradualist approaches to the emancipation of enslaved people or the colonization movement. Among New School proponents was the lawyer-turned-preacher Charles Grandison Finney (1792–1875), who is commonly called the “Father of Old Revivalism” (Hankins 2004, p. 135). In addition to serving as the second president of Oberlin College and alongside his millenarian conception of revival, Finney was a passionate abolitionist and advocate for equal access to education regardless of race or gender.

The 1801 Plan of Union led to the formation of interpersonal contacts between Presbyterians, who gravitated toward the mid-Atlantic region, and congregationalist ministers who tended to settle farther north. In yet another debate over the ‘installation’ of ministers in pulpits, greater interaction with Congregationalists brought to the fore discussions of ‘New England Theology.’ In contrast to Old Schoolers like Hodge, New Schoolers were accused of espousing versions of the New England Theology, which relied upon earlier insights from Johnathan Edwards’s works.<sup>13</sup> Edwards had been influenced by enlightenment rationalism, which led him to a nuanced perspective on the doctrines of original sin, total depravity, free will, and the perseverance of the saints. Old Schoolers thought some of his conclusions were beyond the doctrinal scope of the Westminster standards.<sup>14</sup> Moreover, Old Schoolers believed that joint missional engagement and shared ministries with Congregationalists or common communion with the Cumberland Presbyterians would open the door to dangerous compromises on ‘essential and necessary’ articles of faith<sup>15</sup>.

In 1834 and 1835, Old Schoolers distributed a document called *The Act and Testimony*. Many self-professed Old Schoolers, including Charles Hodge, found the document problematic. The polemical text decried the formation of new presbyteries under the ‘elective affinity’ provision of the 1801 Plan, the presence of a new wave of revivalists and Arminians within the church, and countless other perceived ills. Like later generations of conservatives who came to mistrust the actions of the General Assembly, the declaration’s signatories

proclaimed, “in the solemn crisis, to which our Church has arrived, we are constrained to appeal to you in relation to the alarming errors which have hitherto been connived at, and now at length have been countenanced and sustained by the acts of the supreme judicatory of our Church” (PCA 1834). The Old Schoolers thus declared, “we do avow our fixed purpose to strive for the restoration of purity, peace, and scriptural order to our Church; and to endeavor to exclude from her communion those who disturb her peace, corrupt her testimony, and subvert her established forms” (PCA 1834).

When the New and Old schools met for a rhetorical battle at the 1836 General Assembly, questions were called, votes were tallied, and the Old School won the day on critical overtures. As a result, many New Schoolers were expelled and subsequently forbidden to participate in the 1837 assembly. The 1836 assembly’s victorious Old School majority also made their decision retroactive and “declared that the four [additional] synods, predominantly New School and formed under the Plan of Union, were illegal” and were thus expelled from the Presbyterian communion (in Vermaak 2009, p. 31). In subsequent years, the New and Old School churches would again split into four churches amid disagreements over the abolition of chattel slavery. Nevertheless, it is sufficient to recognize at this stage that from 1837 until the outbreak of the U.S. Civil war, the schismatic New and Old Schools operated separate churches. Both groups called their denominational body the PCUSA.<sup>16</sup>

#### 3.4. “What Do You Do Here?”

Soon after the 1837 assembly, debates over mission, ordination, and theological distinctives would become interwoven with the broader U.S. struggle over the institution of chattel slavery. U.S. Presbyterians had condemned slavery and called their coreligionists to “work toward abolition” at their first General Assembly in 1789 (Smylie 1996, p. 87). Around the time of the New/Old School schism, several black Presbyterians rose to leadership roles in the church and abolitionist organizations. Princeton Theological Seminary’s first black graduate (class of 1828), Theodore Sedgwick Wright (1797–1847), was prominent among them.

Wright’s rhetorical prowess, organizational skills, and theological insight combined with the lived realities of American slavery to call a question before the church. Yet, while some of his fellow Presbyterians listened, many did not have ears to hear either his question or the GA’s admonition from nearly fifty years earlier. Instead, in the decades to come, it was a question posed *to* Wright that would typify many white Presbyterian responses to black advancement. In 1836, the same year the assembly expelled New School-dominated synods from its midst, Wright returned to his alma mater for a visit. While retiring in the chapel, he was accosted and physically assaulted by a white man. “After using a racist term, the man yelled to Wright, ‘What do you do here? What do you do here? Don’t let me see you here again’ (Bowens 2021).<sup>17</sup>

In 1847, Presbyterian abolitionists from both the New and Old Schools vented their outrage over the refusal of their respective denominations to exclude slave ‘owners’ from membership in the church (PHS 2022e). In the absence of clear ecclesio-legal prohibitions on slaveholding, many assembly commissioners believed they could not impose abolitionist beliefs upon those whose consciences permitted them to ‘own’ another human being. Together, abolitionists in both schools bolted their respective communities and formed the Free Presbyterian Church, which would later reunite with the New School branch of the Northern denomination in 1863 amid the U.S. Civil War. While the staunchest abolitionists in both schools and from across regions joined the Free Presbyterians, some New Schoolers threw in their lot with their Congregationalist colleagues, and others decided to sever denominational ties altogether in favor of congregational independence (Parker 1988). In 1858, Southern anti-abolition New Schoolers separated from their national body to form the United Synod of the South, which joined with Southern Old Schoolers in the Presbyterian Church in the Confederate States of America (see below) in 1864.

Following the outbreak of the U.S. Civil War in 1861, the Old School branch began a rancorous dispute over what came to be known as the *Gardiner Spring Resolutions of*



1861.<sup>18</sup> The resolutions called Presbyterians to move beyond party sentiment and support the duly elected federal government under the leadership of President Abraham Lincoln (1809–1865). The resolutions were passed by a large majority, made up of representatives from the more populous Northern presbyteries. Decrying, perhaps ironically, what they saw as attempts to legislate their conscience, Southern Old Schoolers bolted and formed the Presbyterian Church in the Confederate States of America (PCCSA), which continued its separate existence as the Presbyterian Church in the United States (PCUS) following the war until reunion with the Northern church at the 1983 GA in Atlanta.

Though the war ended in 1865, sectional concerns hardly abated within the church or society. It was U.S. President Abraham Lincoln, though he was not formally a member of any Christian denomination, who in his Second Inaugural Address and other statements, lauded Christian siblinghood and called for a mending of the national bonds that had been so violently torn asunder. Presbyterian leaders in both the north and south took much longer to open themselves to a reunion with their coreligionists. As the Presbyterian historian and advocate for unity, Ernest Trice Thomson (1894–1985) lamented in a 1965 speech to the Presbyterian Historical Society, “the Old and New School Assemblies [in the North] did not possess the spirit of the martyred President. Their post-war resolutions widened rather than narrowed the sectional cleavage which the war and previous declarations had steadily deepened” (Thompson 1965, p. 2).

Sectional conflicts would divide the church for more than a century, but the trauma of the Civil War, in which Presbyterians had taken up arms against one another, placed New and Old School divisions in a fresh light. In view of all they had endured together, Northern church members and leaders alike found it difficult to think of their old theological rivals as enemies. A broadened spirit of unity had again seized many Northern Presbyterians by 1870. At that year’s GA, the work toward reunion between the Northern Old/New School branches was largely completed, and the two assemblies formally reunited. At their reunion assembly, Northerners also “expressed the hope that the day would soon come when Presbyterians should be reunited in one great organization that would cover the land” (Thompson 1965, p. 2). The reunited Northern church then went so far as to “express the desire for a speedy reestablishment of cordial, fraternal relations with the Southern Assembly and appointed a committee to confer with a similar committee from that church in respect to opening a friendly correspondence between the two bodies” (Thompson 1965, p. 2). The Southern church reacted to these overtures with vitriol. The PCUS Assembly responded by “drawing up charges against the Northern Assembly,” which Thompson (a Southern Presbyterian), called “fully as severe and just as unpardonable as the charges leveled against it by the two Northern Assemblies at the war’s end” (Thompson 1965, p. 2).

Overtures from presbyteries would repeatedly call the question on reunion in the 117 years of sectional division that followed, but it would take generations for Northern and Southern Presbyterians to find their way back into an organic union. The Southern Assembly’s blunt response to an 1883 overture of the Upper Missouri Presbytery, which called for the appointment of a committee to address questions about reunion, was typical. The ruling stated emphatically, “the question of organic union is not to be entertained as a subject before the church” (in Thompson 1965, p. 4). In another refusal to hear questions about reunion, the 1894 assembly of the Southern church justified its action via a five-point response. The response echoed the scruples noted by some members at the 1729 assembly at which the Adopting Act was affirmed.

Southern Presbyterians expressed concerns over what they saw as the close relationship between the Northern church and the civil government.<sup>19</sup> As a testimony to their ongoing refusal to hear the questions called by black Presbyterians and their allies, the Southern Assembly also asserted, “to enter into organic union with the Northern church involves the surrender of the plan of an independent [i.e., segregated] Negro church which this Assembly regards as essential alike to the religious and social welfare of both races” (in Thompson 1965, p. 5). Additionally, though the Northern assembly was hardly at ease regarding the role of women in the church, Southerners feared the inclusive trajectory

on which debates among their sectional interlocutors were heading. Hence, the highest governing body of the PCUS also made clear how they would have responded to the then emergent Women's movements and to Louisa Woosley's question to the Cumberland Presbyterians if women began to ask it in their midst. The PCUS assembly expressed grave concern over the "essential difference between the two Assemblies [PCUSA and PCUS] as to woman's sphere and work in the church" (in Thompson 1965, p. 5). Debates over racial segregation and gender equality would rage throughout the first half of the twentieth century and would end in yet another major church schism shortly before Sindt made his bold stand on behalf of LGBTQIA+ inclusion.

### 3.5. "Shall the Fundamentalists Win?"

By the late 1890s, a new ecumenical and missiological consciousness had arisen among mainline protestants in the north and, to a lesser extent, in the south as well. At the turn of the twentieth century, organizations like the Federal (now 'National') Council of Churches of Christ in the USA were founded and issued calls for cross-denominational unity. The NCC encouraged Christians at every level of ecclesial life to break down denominational barriers. Ecumenical groups also admonished believers to exhibit deeper concern for the poor who were oppressed under the weight of industrialization (NCC 1908). Meanwhile, the findings of historical criticism in biblical scholarship contrasted sharply with what conservatives would soon call 'fundamentals of the faith' (Longfield 1991). As a result of these developments, tensions between social gospel progressives, theological liberals/modernists, advocates for ecumenism, denominational loyalists who were generally moderate on theological issues, and fundamentalists (who opposed all other groups) exploded into the 'fundamentalist controversy', which engulfed the church for decades.

In 1892, Charles Augustus Briggs (1841–1913), Professor of Hebrew and Cognate Languages at Union Theological Seminary in the City of New York, was tried and convicted of heresy by the PCUSA's 104th General Assembly in Portland, OR. The result of the case is known today as the *Portland Deliverance of 1892*. The eight charges leveled against the noted biblical scholar were based primarily upon reactions to the inaugural lecture he had delivered upon his professorial appointment in 1891. Briggs' lecture affirmed 'higher criticism' of the Bible and endorsed aspects of what others called the 'documentary hypothesis.' Most horrifying for advocates of 'lower criticism', he denied the unitary authorship of the Book of Isaiah and mosaic authorship of the Pentateuch (Briggs 1891). Prominent among his interlocutors were the so-called 'Princeton Theologians.' Specifically, Briggs had run afoul of Archibald Alexander Hodge (1823 to 1886), son of Charles (see Section 3.3), and Benjamin Breckinridge Warfield (1851–1921). Though Briggs was considered a moderate, and while he defended the Bible's supernatural inspiration, his understanding of scripture did not meet the lofty standards of inerrancy advocated by the Princetonians (Vermaak 2010b, p. 2).

Pursuant to the *Portland Deliverance*, in 1893, Briggs was defrocked and excommunicated, which eventually led him to join the Episcopal Church in 1899. Yet, the purity-conscious conservatives (they were not yet called 'fundamentalists') were unsatisfied with drumming one of their most prominent opponents out of the denomination. In addition to charging Briggs on eight counts, the *Portland Deliverance* also "decreed that anyone applying for the ministry must believe that the Bible 'is without error'" (David 2015). In a move that recalled Old Side/Old School efforts to block the itineracy of New Siders and the installation of New Schoolers in Presbyterian pulpits in previous generations, the Portland assembly also instructed "ministers who believe otherwise [i.e., who endorse 'higher criticism'] are directed to withdraw from the ministry" (David 2015). In the final decade of the nineteenth century, it seemed that 'Princeton Theology' had won a major victory within the largest Northern Presbyterian denomination.

At a series of assemblies, including the 104th, which met in Portland in 1892, Briggs and his school had worked to revise the Westminster Confession and Catechisms. The results of their work were eventually approved by the majority of presbyteries in 1903



(Smylie 1996, pp. 98–99). The revisions carved out space for theological diversity and cleared the way for reunion with the Cumberland Presbyterian Church in 1906 (Gore 2000).<sup>20</sup> Despite what both liberals and theologically moderate denominational ‘loyalists’ may have seen as progress toward the development of a shared mission; storm clouds were gathering.

An exacerbating dispute took place at the 1909 meeting of the Presbytery of New York over whether or not to ordain three men who would neither affirm nor deny the virgin birth of Jesus (Weston 1997, p. 13). Though the majority of presbyteries voted to ordain the men, the minority forwarded a complaint overture to the General Assembly. In disregard of right order, the assembly bypassed the synod, held a trial, and acquitted the ordinands. Yet, at the urging of a group of conservatives (who were by then known as the ‘fundamentalists’),<sup>21</sup> the assembly instructed the Bills and Overtures Committee to step beyond the limits of the Adopting Act tradition and define which doctrines were ‘necessary and essential’ for future ordinands to affirm (PCUSA 1909). The result of the committee’s deliberations, which was endorsed by the next assembly, is commonly called the *Doctrinal Deliverance of 1910*. The document outlined beliefs known today as ‘the five fundamentals.’ According to the deliverance, candidates for ordained ministry must thenceforth affirm (1) the Bible’s inspiration and inerrancy, (2) Jesus’ virgin birth, (3) substitutionary atonement, (4) the bodily resurrection of Christ, and (5) the historical reality of his miracles

Amid the conflict that engulfed the church in the following decades, the liberal Baptist preacher Harry Emerson Fosdick (1878–1969) stoked the fires of denominational discord in 1922 when he called a question before the congregation of the First Presbyterian Church in New York. As his booming voice echoed through the sanctuary, he asked, “Shall the Fundamentalists win” (Sherry 1978, pp. 27–38)? After Fosdick’s sermon was published and circulated without his permission, Clarence E. Macartney (1879–1957), the moderate pastor of Philadelphia’s ornate Classical Revival-style Arch Street Presbyterian Church and Moderator of the 1910 Assembly, posed a question of his own. First to his congregants, and then in the form of pamphlets, Macartney asked, “Shall Unbelief Win?” (Macartney 1922, pp. 1–23).

In response to the uproar around Fosdick’s sermon, charges were issued that challenged the right of the Presbytery of New York to install him in the pulpit of the city’s First Presbyterian Church. The charges declared that Fosdick’s preaching directly contradicted the ‘essential and necessary articles of the Reformed faith’, as defined by the *Doctrinal Deliverance of 1910*. In anticipation of debate over the application of ordination standards in the context of a new theological dispute, Presbyterians from across the spectrum of belief once more armed themselves for an intra-ecclesial dogfight. In the controversies that followed, interlocutors on both sides evoked the institutional memory of historical conflicts over the Adopting Act, struggles between the New and Old Sides regarding the Itineracy & Education Acts of 1737, and the blows exchanged by the New and Old Schools over the Plan of Union of 1801.

Between 1910 and 1925, multiple assemblies had voted to sustain the *Doctrinal Deliverance of 1910*. In light of Fosdick’s case(s), moderates and progressives honed their critique of the deliverance and focused their attention not on systematic theological concerns but on questions of polity. In line with their eighteenth century forebears on the New Side, they declared that the GA had violated the church’s constitution when it mandated the arbitrary and universal application of the 1910 deliverance. They asserted that it was unlawful for that body “to proclaim essential doctrine without the concurrence of the presbyteries” (Weston 1997, p. 19).

In anticipation of the 1923 assembly of the Northern church, professors from the Auburn and Union (NYC) Theological Seminaries circulated a working paper that would become known as the *Auburn Affirmation*. Like the Apology of the Presbytery of New Brunswick in the eighteenth century, the document’s final version affirms the Westminster Confession of Faith and the *Doctrinal Deliverance of 1910* while also asserting, “by its law and history, the Presbyterian Church in the United States of America safeguards the liberty of thought and teaching of its ministers” (PCA 1923). Additionally, though the

church had emphasized the need for sound doctrine among its clergy, and while the Five Fundamentals were affirmed as valid ‘theories’ as to how scripture is best interpreted, the Presbyterian tradition “manifestly does not require . . . assent to the *very words* [emphasis added] of the Confession, or to all of its teachings, or to interpretations of the Confession by individuals or church courts” (PCA 1923). The document goes on to discuss the 1870 reunion of the church’s Northern New and Old School branches and the 1906 reunion with the Cumberland Presbyterians. Based on those historical precedents, it asserts, “thus did our church once more exemplify its historic policy of accepting theological differences within its bounds and subordinating them to recognized loyalty to Jesus Christ and united work for the kingdom of God” (PCA 1923).

Debates over the Auburn Affirmation and Fosdick’s preaching cast new light on the unflattering silhouette of a faith community that was “burdened by major unresolved questions and comprehending some sharply different groups” (Quirk 1975, p. 122). In their responses to the Auburn Affirmation, fundamentalist faculty members of Princeton Theological Seminary employed the language of past debates and once again split with their moderate colleagues along ‘New School’ and ‘Old School’ lines. In 1929, the new generation of Old Schoolers would leave Princeton, where the faculty had long set the standard for Presbyterian theological education in the U.S., to form the Westminster Theological Seminary. John Grisham Machan (1881–1937), who led the exodus from Princeton, also founded the anti-ecumenical Independent Board for Presbyterian Foreign Missions in 1933. He then left the PCUSA to form the Presbyterian Church of America, later known as the Orthodox Presbyterian Church, in 1936.<sup>22</sup> The vehemence of the controversy led one scholar to assert that “neither unity nor liberty were secure during the major phase of the fundamentalist controversy in the Presbyterian Church” (Quirk 1975, p. 123).

Confounded by what they viewed as fundamentalist obstinance, modernists considered their options and contemplated division. Fearing schism, the 1925 assembly set up a Special Theological Commission of Fifteen, formally known as the *Special Commission of 1925*. In language that subsequent generations of Presbyterians would employ in hopes of holding the church together, the commission’s stated aim was to “study the present spiritual condition of our Church and the causes making for unrest” so that we might be encouraged to seek “her peace and purity and unity along the same path which she has traveled hitherto” (JPH 2001, p. 49).

In subsequent debates, the Special Commission of 1925 was often cited with reference to its chairperson, Henry C. Swearingen (Moderator of the 1921 Assembly). After being granted a continuance for its work in 1926, the ‘Swearingen Commission’s’ 1927 report called the assembly to acknowledge that the proper application of the 1729 Adopting Act tradition, the 1788/1789 constitutional affirmation of freedom of conscience, and the Radical Principles of 1797 should inform contemporary intra-ecclesial debates in two important ways. First, they precluded the GA from circumventing the church’s long-established appeals process, as it had done on various occasions when it bypassed synods and chastised presbyteries for ordaining or installing candidates who did not affirm the five fundamentals. Second, they barred the assembly from issuing universally binding mandates as to what constituted ‘essential and necessary’ articles of faith. The Swearingen Commission recognized that the Adopting Act was “a conciliatory measure designed to bridge a chasm between minds which otherwise could not meet” (JPH 2001, p. 46). Yet, while the Act’s initially humble aims may not have foreshadowed its lofty application in the intervening centuries, it had established the foundation for procedural mechanisms like those enshrined in the Radical Principles of 1797. According to those principles, consciences were to be protected through an appeals process that was outlined ‘from the ground up’ via Presbyteries, through synods, to the GA.

Based upon the Swearingen Commission’s interpretation of the Adopting Act tradition, the General Assembly and its judicial organs only possessed authority “in specific cases, and not a general authority” (Vermaak 2010b, p. 3). As Gilbert Tennent and his New Side allies in the Presbytery of New Brunswick had learned centuries earlier, when acting as a presbytery

(i.e., gathering of formally *sent* presbyters) within the appeals process and regarding a specific case, a higher judicatory could issue ‘deliverances’, which would eventually become known as ‘Authoritative Interpretations (AIs)’ of the church’s constitutional standards. In the PCUSA, the General Assembly maintained the right “from time to time to bear general witness as there may be need,” but future general assemblies could not be bound by the deliverances of their predecessors (JPH 2001, p. 48). Thus, while the Doctrinal Deliverance of 1910 might have included an apt summary of Christian beliefs, the five fundamentals could not be applied as general ordination standards since they had not been ratified as a constitutional amendment by the majority of presbyteries. Furthermore, a General Assembly, when acting as an ecclesiastical court, “can judge a candidate’s doctrinal beliefs in a judicial action and find whether the candidate is competent for office.”<sup>23</sup> However, “the General Assembly cannot decide that certain articles are essential and necessary to the system of doctrine contained in the scriptures” (in Vermaak 2009, p. 44). The process by which the church’s judicial organs would determine whether or not an ‘essential or necessary’ article of faith had been violated in a specific case, could only be initiated *after* an individual candidate had been formally charged or had declared scruples in the context of an examination. Additionally, the assembly could act only after the decision had been adjudicated by presbyteries and synods. Amid deliberations on a charge, previous GA deliverances could inform the church’s thinking on theological matters, but they could not be used as universal and arbitrary mandates to exclude candidates from ordination or installation.

The commission’s report further cautioned those who would leap to define as essential those doctrines they personally cherished when it stated, “a doctrine may be entirely true and yet not be an ‘essential and necessary article’” to the theological system enshrined in the church’s Confession(s). Thus, even if the GA, like the Old Siders believed regarding the synod in the eighteenth century, had been granted the right to “make new laws or acts, from time to time, binding on the smaller number to obey them” (Tennent 1741, p. 17), they should be mindful that “the exercise of this right may lead, as experience has shown, to disturbing results” (JPH 2001, p. 49). The GA’s acceptance of the Swearingen Commission’s report at its 1927 meeting marked “a turning point in PCUSA attitudes toward doctrinal Diversity” (JPH 2001, p. 46). More importantly, from an ecclesio-legal perspective, it outlined divergent doctrines of *stare decisis* regarding theological and (strictly) juridical cases. By asserting that GA deliverances on theological questions have *persuasive effect* but lack *binding authority*, the assembly’s reception of the Swearingen report formally ended the brief reign of the Doctrinal Deliverance of 1910. At the same time, the Swearingen Commission left some questions unanswered about the interpretation of strictly constitutional matters (e.g., extra-constitutional ordination standards or use of church facilities for ceremonies like same-sex weddings). Future assemblies would delegate their power to adjudicate matters of ‘atheological’ constitutional interpretation to the GA’s Permanent Judicial Commission (GA-PJC), whose decisions would have binding effect unless contravened by an assembly-wide and general AI or a constitutional amendment.

In light of the ecclesio-legal complexity of these developments, it is perhaps wise to pause our discussion of them for now and simply note yet another occurrence of a tendency that will again become evident in the analysis of ‘Amendment B’ in Section 4.6: Whenever conservatives have tried to insert biblical literalism or confessional stringency into the church’s polity mechanisms, they have usually won the day. Yet, their fleeting victories often hastened their ultimate defeat in intra-ecclesial debates. Like conservative maneuvers in subsequent disputes, fundamentalist advocacy for the Doctrinal Deliverance of 1910 “took the extraordinary step of attacking and undermining constitutional tradition”. In so doing, “they lost the competition for the hearts and minds of the centrists,” who have been the glue that binds ruling denominational coalitions together throughout the history of U.S. Presbyterianism (Weston 1997, p. 3).

### 3.6. “Unite with the Northern Presbyterian Church?” and Who Makes the Rules?

Despite the essential victory of Auburn proponents within the mainline Northern churches, in the mid-1940s, young Presbyterians from across the country returned from World War II with a hunger for a theological depth that seemed to be lacking in both fundamentalist and modernist expressions of faith. Global ecumenical conversations were also kicked into overdrive in the years following the official founding of the World Council of Churches (WCC) in 1948 and amid the lead-up to the Roman Catholic Church’s Second Vatican Council (1962–1965). As a result of these and other developments, many American Presbyterians again reevaluated their beliefs along the lines drawn by Neo-Orthodox theologians like Karl Barth (1886–1968). Indeed, following the reunion of the PCUSA and the UPCNA, the UPCUSA General Assembly approved the addition of two sections of the 1934 *Theological Declaration of Barmen*, which was written mainly by Barth, to the Book of Confessions in 1967.<sup>24</sup> Karl Barth’s son, Markus (1915–1994), and Karl’s student, Edward Dowey (1918–2003), both served on the drafting committee for the Confession of 1967, which was approved alongside the Barmen Declaration that same year (Gill 2009, p. 83).

In the wake of the Civil Rights Movement, the Confession of 1967 (commonly abbreviated as ‘C67’) codified the church’s prophetic witness against racism and social inequality. At the same time, it moved beyond the ‘secular’ language of ‘social justice’ and posited “a Christological interpretation of Scripture [as] the basis of a commitment to racial reconciliation” (Rogers 2006, p. 46). In a provocative move, the confession also named racism, gender inequality, domestic violence, and other forms of social injustice as consequences of human sin (PC(USA) 2016, 9.47). “In Sin,” the Confession declared, “men claim mastery of their own lives, turn against God and their fellow men, and become exploiters and despoilers of the world. They lose their humanity in futile striving and are left in rebellion, despair, and isolation” (PC(USA) 2016, 9.12).

The authors of C67 were aware that the years of the fundamentalist/modernist controversy had been accompanied by the church’s reevaluation of its ethical outlook, which led Presbyterians to reassess their historical stance on issues that were considered important, but not essential elements of belief. Presbyterians of the post-war age sought to understand the witness of scripture in light of the “rule of love” (PC(USA) 1999b, p. 13). Specifically, they argued that Jesus’ teaching mandates ‘a pastoral approach’ to controversial issues like *heterosexual* divorce and remarriage (Rogers 2006, p. 44).

Presbyterians had been debating their understanding of the bonds of marriage since well before the twentieth century, let alone the advent of the LGBTQIA+ inclusion movement. The 1647 version of the Westminster Confession and Catechisms included detailed regulations of Christian marriage. Chapter XXIII of the Westminster, which had been hotly contested during debates over the Adopting Act, dealt with the civil magistrate’s authority. Meanwhile, chapter XXIV comments on marriage and divorce. In that section, the Westminster Divines began with a phrase that was directed against polygamy but would later be used by anti-LGBTQIA+ groups to oppose the blessing of same-sex civil unions and (eventually) marriage. The Westminster Assembly wrote, “*marriage is to be between one man and one woman: neither is it lawful for any man to have more than one wife nor for any woman to have more than one husband; at the same time*” (emphasis added, BPC 1938a, XXIV-I). Articles V and VI condemn divorce in cases other than adultery or willful desertion “as can no way be remedied by the Church or civil magistrate” (BPC 1938a, Vm & Vin). Article V also condemned remarriage unless “the offending [adulterous] party were dead” (BPC 1938a, Vn).<sup>25</sup>

Throughout the nineteenth century, various cases and overtures were brought before the general assemblies of the major U.S. branches of Presbyterianism. The most prominent of these cases centered around whether domestic violence was a justifiable reason for divorce (Staniunas 2014). Noting that Jesus permitted divorce only on the basis of adultery (Matthew 5:31–32) and with veiled references to the problems associated with maintaining family cohesion on America’s expanding frontiers, some Presbyterians even declared their

scruples over the Westminster assembly's perceived *laxity* when it allowed for 'willful desertion' as a basis for divorce (Staniunas 2014).

The PCUSA heard reports from its Special Committee on Marriage and Divorce between 1927 and 1931. After a brief hiatus amid the Second World War, in 1947, the committee took up its responsibilities again (Staniunas 2014). Building upon the newly reconstituted group's work, the PCUSA's 164th General Assembly in 1952 resolved official debates over divorce and remarriage for the largest Northern Church. Following the reunion between the two Northern branches (PCUSA and UPCNA) in 1958, the newly formed UPCUSA "amended the Westminster Confession of Faith 6.131-32 and 6.133-139 [modern numbering] to allow for divorce and remarriage on grounds other than infidelity—namely, when 'marriage dies in the heart, and the union becomes intolerable' (BOC 6.137)" (Vermaak 2010b, p. 1). Southern Presbyterians in the PCUS followed suit at their 1959 assembly with a resolution to the same effect.

After decades of consideration, new hermeneutical insights and ongoing pastoral reflection had created space for the church to widen its understanding of the grounds for divorce, which has implications for the church's LGBTQAI+ inclusion movement. Regarding an issue that also manifested the church's concerns about human sexual expression, Presbyterian denominations had "turned away from what they considered a legalistic approach to marriage and divorce based on a literal interpretation of biblical and confessional texts" (Rogers 2006, p. 41). The church's decisions had a profound impact on the lives of many Presbyterians, especially ministers for whom divorce may have previously blocked them from being installed in a pastoral call and thus entailed the possible sacrifice of gainful employment.

In its ninth chapter, the Confession of 1967 affirmed a theological foundation for the church's revised marriage policies. The document lamented the social ills and interpersonal differences that might lead to divorce, but it affirmed the all-encompassing nature of Christ's reconciling work within marital relations. After reflecting on the challenges facing modern society, C67 articulated the church's vision for marriage and family life, "a man and woman are enabled to marry, to commit themselves to a mutually shared life, and to respond to each other in sensitive and lifelong concern; parents receive the grace to care for children in love and to nurture their individuality" (PC(USA) 2016, 9.47).

In addition to reevaluating their stance on divorce, by the mid-1960s, the two major branches of Presbyterianism had finally answered Louisa Woosley's question to the Cumberland Presbyterians and ordained women as both teaching and ruling elders/ministers. Margaret Towner (b. 1925) was ordained as a minister in 1956 by the PCUSA. The Southern church ordained Rachel Henderlite (1905–1991) as its first female minister in 1965. These actions both substantiated and grew out of the church's evolving consensus on the efficacy of Christ's reconciling work in all areas of life, including relationships between gendered groups.

Though their church was moving in a similar direction, many Southern conservatives in the PCUS looked with ire upon what they viewed as C67's codification of the Northern church's lax sexual ethics and overly permissive policies on women's ordination. They also lamented the larger reunited Northern church's influence on their denomination. More than anything else, however, they were positively outraged by calls for the church to participate actively in the Civil Rights Movement. A pamphlet by L. Nelson Bell (1894–1973), medical doctor, missionary to China, patron of Montreat College, and one-time moderator of the PCUS assembly, exemplifies how many Southerners (including 'moderates') viewed the church's reckoning with race. He responded to conversations about racial reconciliation in the church in an article titled, with emphasis included, "Christian Race Relations Must be Natural, NOT FORCED" (Bell 1955). Upset by attempts to reunite with the more racially progressive Northern Presbyterians, the Southern lawyer and ruling elder, Chalmers W. Alexander (d. 1996), also composed an article titled, "Unite with the Northern Presbyterian Church? No!" (Alexander 1947).



At the 1973 PCUS assembly in Alabama, conservative Southerners formally broke with their fellow churchgoers and formed the National Presbyterian Church. The newly established denomination was quickly renamed as the Presbyterian Church *in* America (PCA), which should not be confused with the Presbyterian Church *of* America (see Section 3.5 above). Reflecting on the formation of the PCA, a pastor who remained within the PCUS after the split suggested that from the point of division onward, “the battle lines had been pretty well drawn. It was ‘good’ against ‘evil’, ‘conservative’ against ‘liberal.’ There was no middle ground” (Broyles 2008, p. 6). The mainline Presbyterian tradition was and remains theologically diverse. However, in the eyes of conservative Southerners, the Northern Presbyterians with whom the PCUS was trying to reunite “epitomized . . . many alleged bugaboos, [including] lax doctrine, racially liberal policies, women in ordained leadership, amorphous confessional standards, sexual freedoms, and conversations with other church bodies that did not adhere to the Reformed faith . . . ” (Broyles 2008, p. 7).

Amid the uproar in the Southern church, the UPCUSA assembly also made a subtle and seemingly minor alteration to its judicial processes, which was foreshadowed in the discussion of the Swearingen Commission’s report above. Concerned by the growing caseload of the General Assembly’s Permanent Judicial Commission (GA-PJC), the 1973 assembly voted to make GA-PJC decisions non-reviewable by the broader General Assembly. Thus, since the GA-PJC “does not utilize any theological discussion, but only deals with each issue based on the *current* polity of the church,” it was not necessary for particular cases to be adjudicated at national gatherings (emphasis added, Vermaak 2009, p. 6). Additionally, because commissioners to annual assemblies may or may not have been well-versed in the church’s polity, discussions over specific GA-PJC cases tended to develop into embattled free-for-alls that unsettled Christian communion and wasted precious time at annual gatherings.

Furthermore, since the UPCUSA had been formed by the reunion of the PCUSA and the UPCNA in 1958, the tension had been heightened between the power of presbyteries and that of the General Assembly and its derivative organs. The UPCNA, had been formed in 1858, when the predominantly Scottish-American members of the Associate Reformed Presbyterian Church (ARPC-Covenanter and Sceder)<sup>26</sup> and the Associate Presbyterian Church (APC-Sceder) held their first united assembly in Pittsburgh. Inspired by the model employed in the Church of Scotland, the UPCNA’s General Assembly was “pre-eminent and was called the great presbytery in which the entire church is represented” (in Vermaak 2009, p. 23). In contrast, following the tradition of the Radical Principles of 1797 and the Swearingen Commission report, the PCUSA had increasingly emphasized “the rights and powers of presbyteries,” especially on matters pertaining to ordination (Vermaak 2009, p. 23).

The result of the UPCUSA’s 1973 attempt to clarify and streamline its judicial processes was that the GA-PJC, as a derivative organ of the General Assembly, received the assembly’s power to issue ‘Authoritative Interpretations (AIs)’ of the constitution, particularly regarding ecclesio-legal mechanisms and to the exclusion of *strictly* theological/confessional considerations. The decision to give the GA-PJC final say on the application of laws passed by the assembly and ratified by the presbyteries to specific cases may have been a pragmatic necessity, but it also opened the door to ongoing confusion and discord. The decision seemed to place authority over the application of church law into the hands of a small group of elected church insiders and implied that church courts were moving toward an absolute doctrine of *stare decisis* regarding atheological matters of constitutional interpretation.

Though the purpose of this project is not to examine specific adjudications of the GA-PJC, it is important to note that, because of the UPCUSA’s 1973 decision, whenever advocates on either side of the debate on LGBTQIA+ inclusion lost a case before the GA-PJC, they were at an impasse. Thenceforth, the assembly could not review a decision of the GA-PJC in a particular case. The only recourse for the ‘loosing’ side was to work within the denomination’s massive and often unwieldy structure to advocate on behalf of general AIs that would invalidate GA-PJC rulings for the future or to supplant them via



an amendment to the constitution, which had to be passed by an assembly and ratified by the majority of presbyteries. The goal of the 1973 provision was to alleviate intra-ecclesial tensions and ensure the consistent application of church law, but some have argued that this practical mechanism prolonged debate and stifled opportunities for reconciliation between disputants in LGBTQIA+ ordination and marriage cases (Vermaak 2009, p. 6). The decision was carried over into the PC(USA) constitution when the UPCUSA and the PCUS reunited in 1983. Since its promulgation, the 1973 adjudication on GA-PJC AIs has contributed to a now pervasive sense of mistrust over the actions of the General Assembly and their relationship to missional engagement at the congregational level.

It is important to recognize that it was but one year after the largest intra-Presbyterian schism of the twentieth century and the formation of the PCA in the south that David B. Sindt called his question on the floor of the Northern church's 1974 General Assembly. That same year, the Northern church had also engaged in a detailed review of its judicial processes, which prompted relief among some and frustration in others. Though many in the church may have longed for a respite from constant infighting, this section has attempted to make clear that when Sindt rose to call the question on LGBTQIA+ inclusion, he stood in a long line of Presbyterians whose consciences had compelled them to scruple within the bounds and by use of the polity principles established by their church.

#### 4. Calling the Question on LGBTQIA+ Inclusion, Ordination, and Marriage

##### 4.1. *Sin, Sexuality, and Christ's Reconciling Work*

In 1966, the Council on Church and Society (CCS) of the UPCUSA began a period of study on human sexuality. The 182nd assembly issued its first major report on the council's work in 1970; Two years later, the 184th assembly in 1972 failed to endorse the majority report as a position paper but commended it to the church as a study guide. The document's title was *Sexuality & the Human Community*. Homosexuality was but one of many topics addressed by the report, which was heavily influenced by the Confession of 1967. The confession asserted, "the church comes under the judgment of God and invites rejection by man when it fails to lead men and women into the full meaning of life together or withholds the compassion of Christ from those caught in the moral confusion of our time" (PC(USA) 2016, 9.47). The committee's use of the newly ratified confession suggested that Christians should view human sexuality and gender in light of Christ's reconciliation of the world to himself, yet it also outlined a consistently heteronormative vision of faithful Christian living (PC(USA) 2016, 9.47).<sup>27</sup> While not endorsing homosexual 'behavior', the church's early reflection made it clear that LGBTQIA+ people should not be taught that "their sexual preference is in irresolvable conflict with their membership in the Christian fellowship" (UPCUSA 1970, p. 18).

In line with the pre-1974 *Diagnostic and Statistical Manual for Mental Disorders* (DSM II), the 1970 report articulated a growing sense that homosexuality was the result of 'sexual deviation', which was diagnosable under the broader category of 'sociopathic personality disturbance' (UPCUSA 1970). Yet, according to the report, the "condition" of homosexuality did not necessarily imply that one was uniquely sinful merely because of their identity. Homosexual persons could live full and rich Christian lives so long as they did not practice "homosexualism", i.e., proscribed sexual behavior, acts, or practices (UPCUSA 1970, p. 8). Thus, in the assembly's accompanying decision, Presbyterians declared, "we ... reaffirm our adherence to the moral law of God as revealed in the Old and New Testaments, that adultery, prostitution, fornication and/or the practice of homosexuality is sin" (UPCUSA 1970, p. 889). That said, though it did not mention either Leviticus 18:22 or 20:13, a footnote referenced Deuteronomy 22 and 23, which include lists of people who should be condemned to death due to proscribed sexual behaviors or ways of being, as "intolerable". (UPCUSA 1970, p. 9). The assembly also sounded a call for justice when it agreed with the CCS's assertion that "laws which make a felony of homosexual acts privately committed by consenting adults are morally unsupportable, contribute nothing to the public welfare, and inhibit rather than permit changes in behavior by homosexual

persons" (UPCUSA 1970, p. 20). The assembly then called for the repeal of civil laws that criminalized sexuality.

Though the church's earliest formal round of engagement with questions about sexual diversity had shown considerable awareness of contemporary trends in biopsychosocial research, it was lacking in theological rigor and stopped short of charting a realistic path toward genuine intra-ecclesial equality for Presbyterians who had been marginalized due to their sexual orientation (PC(USA) 2016, 9.47). In the following years, David B. Sindt and other advocates for the full inclusion of LGBTQIA+ people would push the church toward what they believed to be a radical realization of Christ's reconciling work, but the Presbyterian tradition of robust theological and ecclesio-political debate prolonged that realization for almost five decades.

#### 4.2. *Inclusion as Members, Freedom of to Scruple for Allies, and More Light*

Despite the considerable efforts of Sindt and others following the 1974 assembly, Presbyterians for Gay Concerns (PGC), formerly known as the Presbyterian Gay Caucus (PGC),<sup>28</sup> was denied official recognition as a 'special organization' at the UPCUSA's 187th General Assembly in 1975. The PGC sought approval under Chapter 28 of the UPCUSA constitution, which had emerged amid the growth of youth and women's movements at the turn of the twentieth century, and permitted the organization of special groups, agencies, or programs to support the work of sessions, presbyteries, and synods.<sup>29</sup> The PGC's report to the GA committee tasked with oversight of 'special organizations' expounded upon the new group's mission. Employing the terminology of the time, the report stated that the PGC aimed "to facilitate the intelligent consideration by judicatories of support for legislation prohibiting discrimination on the basis of affectional or sexual preference and for legislation deleting restrictions on private sexual behavior of consenting adults" (Dugan 1975). Ruling Elder Robert Boyd from the Presbytery of North Central Iowa summarized the response of the assembly's majority to the PGC's request when he quipped, "if this is their purpose, I'm agin' it" (Dugan 1975). Remarkably, Robert C. Lamar (1923 to 2019), who had served as the Moderator of the UPCUSA's 186th General Assembly in 1974, at which Sindt posed his question, advocated for recognition of the PGC. Like many moderators after him, personal interactions with queer Presbyterians and knowledge of the church's constitution prompted Lamar to assert, "we are not asked to approve, theologically or morally, of homosexuality . . . We are only asked to listen . . . , particularly to those with whom we disagree" (Dugan 1975).

After their failure to gain formal recognition in 1975, LGBTQIA+ Presbyterians and their allies continued to practice ministries of presence in the face of institutional barriers to their participation in church gatherings, grassroots activism, and disputes over AIs issued by the GA-PJC led various presbyteries to submit overtures that called the church to address policy questions around gender, sexuality, and ordination. In addition to rejecting the PGC's request for recognition, the assembly reviewed seven overtures that would have reduced the power previously granted to the GA-PJC at the 1973 assembly (see Section 3.6 above). To that end, the overtures called the GA "to reaffirm the authority of the presbyteries in instances where rigid applications of the law would defeat its intent and destroy the peace of the church" (in Vermaak 2009, p. 70). Presbyteries sent the overtures mentioned above to the assembly because they feared that the recent GA-PJC decision in *Maxwell v. Pittsburgh Presbytery* (RC 1) was contributing to the usurpation of presbyterial authority over the ordination and examination of candidates. The case arose after the presbyterian minister J.M. Maxwell filed a complaint against the Pittsburg Presbytery with the PJC of the Synod of Pennsylvania and West Virginia (now Synod of the Trinity) for ordaining W.W. Kenyon as a teaching elder/minister. Kenyon had declared his scruples with the church's policy of ordaining women and stated that he would not fulfill his constitutional obligation to participate in the ordination of female church officers.

Following a series of developments, the case made its way up to the GA-PJC, which reversed the presbytery's decision, stated that Kenyon could not be ordained, and reminded

the church that “neither a synod nor the General Assembly has any power to allow a presbytery to grant an exemption to an explicit constitutional provision” (UPCUSA 1975, p. 188). The GA-PJC based its ruling on Chapter XXX, Section IV of the UPCUSA constitution, which made it clear that a delegated commission of the GA could, indeed, “review cases where exceptions to constitutional requirements were requested on the basis of conscience” (in Vermaak 2009, p. 59). The ruling was further based upon the church constitution’s condemnation of discrimination based on gender, race, ethnic origin, marital status, or age, including with regards to ordination (VIII.II, IX.III), and the requirement of congregations to elect elders “giving attention to a fair representation of both the male and female constituency of that congregation” in XVII.I (UPCUSA 1975).

Due to his refusal to participate in the ordination of women, it was clear to the GA-PJC that Kenyon was unwilling to fulfill the constitutionally mandated responsibilities of a teaching elder. In their ruling, the GA-PJC contributed to the formation of yet another deliberative pattern, which had been foreshadowed in early eighteenth century synodal debates and would play a significant role in disputes over anti-LGBTQIA+ constitutional amendments and their application in particular cases in the late 1990s; It legislated *action*, not *conscience*. According to the GA-PJC, whatever Kenyon believed, if he was going to serve the church as a teaching elder, he had to abide by its constitution. The 1975 assembly concurred with the recommendation of its Committee on Bills and Overtures (CBO) and took no action on the overtures, which would have subverted the GA-PJC’s decision.

The Kenyon case and other maneuvers that followed it made clear that it was illegal for any minister, ruling elder, session, or presbytery to use their authority to bar women *as a class* from ordination under their jurisdiction. Though the GA-PJC legislated *action* and not *conscience*, concerns over the ordination of women and LGBTQIA+ inclusion contributed to calls for schism among evangelical Presbyterians, many of whom officially broke ties with the UPCUSA and formed the Evangelical Presbyterian Church (EPC) in 1983 (Fortson 2016).

In response to ‘Overture 9’ from the Presbyteries of New York City and the Palisades, the UPCUSA’s 188th General Assembly established a task force in 1976 under the auspices of its Advisory Council on Church and Society (ACCS) to reflect upon “Christian approaches to homosexuality, with special reference to the ordination of avowed practicing homosexuals” (PC(USA) 2004, p. 43). The task force was also instructed to provide a background report that would inform the assembly’s consideration of Overture 9’s request for “*definitive guidance* in regard to the ordination of persons who may be otherwise well qualified but who affirm their own homosexual identity and practice” (Emphasis added, PC(USA) 2004, p. 56).

Per the final version of Overture 9, the task force was to be composed of “people broadly representative of the life of our church, both ministers and laypersons . . . [including] experts in such fields as biblical interpretation, theology, ethics, psychiatry, sociology, and law” (PC(USA) 2004, p. 43). The group held hearings regularly between 1976 and 1978 to address “the major biblical, theological, historical, ethical, biomedical, and psychological issues” related to homosexuality (PC(USA) 2004, p. 44). In addition to holding formal hearings and soliciting responses from advocates for inclusion, the task force also heard from individuals who identified as ‘former homosexuals’ and attended events hosted by the conservative group Presbyterians United for Biblical Concerns (PUBC).<sup>30</sup>

After distributing their findings for consideration and comment by various church bodies, congregations, and advocacy groups, the ACCS built upon the task force’s work and proposed five potential actions from which the 19th General Assembly could choose at its 1978 meeting. The majority of the task force supported option five. The cohort recognized that “no prohibition of the ordination of a self-affirming, practicing homosexual person currently exists in the explicit words of the [church’s] constitution” (PC(USA) 2004, p. 48). Thus, the majority of the task force asked and answered the question that would divide the church for years to come. They queried and responded, “may a self-affirming, practicing homosexual Christian be ordained? We believe so, if the person manifests such gifts

as are required for ordination” (in Anderson 1997, p. 42). The majority opinion went on to state, “for some homosexual Christians growth toward mature Christian living may imply accepting celibacy; for some it may imply accomplishing reorientation to heterosexuality [presumably through conversion therapy]; however, for others it may imply remaining open to or attaining full companionship and partnership with a person of the same sex” (in Anderson 1997, p. 42). Thus, while the task force’s majority espoused harmful psychotherapeutic misconceptions about sexual reorientation, they left open the door for ordinands who were in ‘full’ (an intentionally ambiguous and broad term) same-sex partnerships, which would presumably include sexual intercourse. The majority’s acknowledgement of the possibility for ‘full’ and *faithful* same-sex relationships among clergy cut through the veil of haughty moralizations about homosexuality. To reject it was to tacitly acknowledge the church’s fixation on sex, especially gay sex.

Rather than introducing a previously non-existent prohibition into the church’s law, the majority proposal recognized diversity of thought regarding articles of faith that the majority of presbyteries had never previously codified in the constitution as ‘essential.’ Thus, the task force’s majority proposal reaffirmed the long-standing norm that the church’s authority to examine ordinands is located in presbyteries (for teaching elders/ministers) and sessions (for ruling elders and deacons) rather than higher judicatories (i.e., synods and the General Assembly). If the assembly had endorsed it, option five would have remitted “the question [on LGBTQIA+ ordination] to the presbyteries and congregations for further discussion and for adjudications made by individual Christian consciences considering individual cases and circumstances” (UPCUSA 1978, p. 48). Thus, the task force’s majority recommendation was that congregations (through sessions) and presbyteries should be permitted to decide on questions of whether to ordain an otherwise well-qualified ‘practicing’ LGBTQIA+ person.

On Monday, 22 May, the 1978 GA of the UPCUSA “devoted approximately ten hours to plenary debate” on the work of the ACCS and its task force (PC(USA) 2004, p. 46). The assembly accepted a modified version of the task force’s report as a study document but rejected its proposed ‘definitive guidance’ on the constitution. Instead, the assembly endorsed the recommendations of the task force’s *minority*, which consisted of only three people and was the third option on the list of possible actions, as definitive guidance to the church’s lower judicatories. Like the task force’s majority recommendation, the assembly’s decision recognized that “the phrase ‘homosexual persons’ does not occur in the Book of Order of the United Presbyterian Church”. It also acknowledged that, “no phrase within the Book of Order explicitly prohibits the ordination of self-affirming, practicing homosexual persons to office within the church” (PC(USA) 2004, p. 56). Therefore, both the task force’s minority and the assembly’s majority acknowledged that the constitution did not contain any formal exclusion of LGBTQIA+ people from service in the church’s ordered ministries. Yet, contrary to the recommendation of the *task force’s* majority, their solution was to side with those who, in previous generations, emphasized the authority of higher judicatories to police ordination standards.

In its rationale for the forthcoming definitive guidance, the assembly also testified to the prevailing moralistic monomania about gay sex, when it followed its recognition of the constitution’s silence on LGBTQIA+ ordination with the statement, “however, no phrase within the Book of Order can be construed as an explicit mandate to disregard sexual practice when evaluating candidates for ordination. In short, the Book of Order does not give explicit direction to presbyteries, elders, and congregations as to whether or not self-affirming, practicing homosexual persons are eligible or ineligible for ordination to office” (PC(USA) 2004, p. 57). In contrast to the task force’s majority recommendation, the assembly took the request for definitive guidance as a prompt to exert its authority to police ordination standards rather than trusting ordaining bodies to fulfill their historic prerogatives with decency and order. In a phrase that may have recalled memories of the ‘overly severe’ actions decried by Tennent and others in the Apology of the Presbytery of New Brunswick in 1739, the assembly concluded, “unrepented homosexual practice does not

accord with the requirements for ordination set forth in the Form of Government” and thus ‘self-affirming’ LGBTQIA+ people cannot be ordained in the church (PC(USA) 2004, p. 57).

The assembly’s action stopped short of barring “self-affirming practicing homosexuals” from membership in local congregations, but it prevented “practicing homosexual persons” from being ordained to the “professional ministry or to the offices of Ruling Elder or Deacon” (PHS 2022g, RG-512). Thus, while it kept the door open for LGBTQIA+ people to join the UPCUSA as members, it trapped them in the nave and padlocked the door to the pulpit. In a statement that represented LGBTQIA+ people as devoid of hope and promise while simultaneously acknowledging the limited scope of the church’s understanding at any given time, the largest governing body of the UPCUSA formally asserted, “we believe that Jesus Christ intends the ordination of officers to be a sign of hope to the church and the world. Therefore, our present understanding of God’s will precludes the ordination of persons who do not repent of homosexual practice” (PC(USA) 2004, p. 54).

The assembly’s decision on Overture 9 was intended to clarify the application of ordination standards to LGBTQIA+ candidates, but its wording managed to introduce additional uncertainty into the discussion. The phrase ‘definitive guidance’ did not, and had never, appeared in the constitution of the UPCUSA. Was the definitive guidance offered by the assembly the same as an Authoritative Interpretation (AI) of the constitution akin to the one adjudicated by the GA-PJC in *Maxwell v. Pittsburg Presbytery*? Or was it intended to function like the Doctrinal Deliverance of 1910, which the Swearingin Commission report of 1927 had concluded was an advisory declaration that was non-binding on subsequent assemblies and presbyteries? Amid the confusion that followed, advocates for inclusion argued in numerous PJC cases at both the synod and GA levels that these questions were, ultimately, irrelevant. Their arguments were based on the fact that the GA cannot claim the authority of lower judicatories over ordination and “segments of the membership cannot be excluded except by constitutional amendment” (in Anderson 1997, p. 46). Unless the majority of presbyteries ratified an amendment to the constitution that explicitly precluded LGBTQIA+ ordination, which would likely have proven inconsistent with the spirit (if not the letter) of Chapter VIII, Section II and Chapter IX, Section III (see the Kenyon case above), it could not arbitrarily bar queer people from ministerial service.

Amid the confusion that followed the assembly’s decision, the church turned to its highest administrative officer for clarification. Based upon the authority delegated to him, Stated Clerk William P. Thompson (1919–2006) declared that the definitive guidance issued by the 1978 assembly was equivalent to an AI. His ruling would be buttressed by GA-PJC cases in subsequent years. Thus, according to Thompson and the GA-PJC, the ban on the ordination of openly LGBTQIA+ Presbyterians was binding on presbyteries and sessions (Van Marter 2006).

In the early years, Thompson’s decision was not without its critics, even among conservatives. Thomas Gillespie (1928–2011), eventual President of Princeton Theological Seminary and chair of the ACCS, which drafted the 1978 UPCUSA policy options, was hardly known as an advocate for LGBTQIA+ concerns. Nevertheless, he preemptively contradicted the Stated Clerk’s hard-line. Gillespie explicitly stated that the church should not consider the assembly’s ‘definitive guidance’ as equivalent to an AI. Mindful that GA adjudications which overreached and undermined the church’s constitution had never longwithstood well-organized counter maneuvers by those they hoped to exclude, he evoked a paternal understanding of the GA’s role in church disputes. In their initial report to the GA, Gillespie and other members of the ACCS concluded, “when your son or daughter comes to you and asks for guidance, you should not respond by laying down the law. We propose, therefore, that this General Assembly not exercise its right to render a constitutional interpretation. We propose, rather, that it offer the ‘definitive guidance’ requested . . . We believe this recommendation, if adopted, will provide this policy statement with more ‘staying power’ throughout the church than one which unnecessarily calls into question the constitutional rights of the presbyteries in the ordination process” (in Anderson 1997, p. 47).



Whatever his limitations, Gillespie possessed an ecclesio-political acumen and foresight that many in his camp lacked. Advocates for inclusion would repeatedly call for clarification on the meaning of the church's definitive guidance regarding LGBTQIA+ ordination until 1993. That year, the reunited church's 205th General Assembly's Advisory Committee on the Constitution (ACC) would respond to four overtures from presbyteries by confirming that the 1978/1979 definitive guidance of the UPCUSA and the PCUS (see below), respectively, constitute an AI that is binding on the church's judicatories (PC(USA) 1993, pp. 315–25).

Despite the UPCUSA's decision against the ordination of LGBTQIA+ officers, the version of the task force report adopted by the 1978 assembly offered signs of hope for advocates of full inclusion. The report, entitled, *The Church and Homosexuality*, reiterated the Adopting Act's central principle and offered a measure of protection to those who would become allies in the cause for inclusion. It stated, "we . . . realize that not all United Presbyterians can in conscience agree with our conclusions. Some are persuaded that there are forms of homosexual behavior that are not sinful and that persons who practice these forms can legitimately be ordained. This is wholly in keeping with the diversity of theological viewpoint and the pluralism of opinion that characterize the United Presbyterian Church. The pluralism that can bring paralyzing weakness to the church when groups pursue their vision in isolation from one another can bring health and vigor when they practice pluralism-in-dialogue" (PC(USA) 2004, pp. 54–55). Thus, United Presbyterians affirmed the dual principles of the Adopting Act (confessional fidelity and the binding of the conscience to the word of God), when they stated, "diversity does not contradict either the principle of our Book of Confessions or our common commitment to Jesus Christ as Lord and Savior" (UPCUSA 1978, p. 48). Due to the contradistinction between freedom of *conscience* and freedom of *action*, which would be emphasized by conservatives in subsequent debates, the church's affirmation of 'permissible plurality' meant little for non-celibate LGBTQIA+ Presbyterians. If the GA's decision on the ordination question advanced their interests, it did so mainly by creating space for allies to become increasingly vocal 'scruplers' over the church's exclusionary policies, which the assembly had no authority to designate as 'essential tenets.'

Though debates in the larger Northern church received greater media attention, Southern Presbyterians in the PCUS also began their journey toward the greater inclusion of LGBTQIA+ Christians in the early 1970s. In 1972, the 112th Assembly of the PCUS issued a resolution that acknowledged, "there is in our culture today a great deal of discussion about homosexuality, both with approval and disapproval" (PC(USA) 2004, p. 31). Quoting Romans 1, the assembly "resolved . . . its conviction that homosexual behavior is a grievous sin, that marriages (so-called) between two of the same sex are contrary to the divine plan and under divine wrath" (PC(USA) 2004, p. 31). Yet, even while condemning homosexual 'practice' and same-sex marriage in principle, Southern Presbyterians "resolved that the Church express its deep love and compassion for all those struggling with this *problem* as other spiritual problems and offer its Christian help and counsel to assist them in making normal and wholesome adjustments to life" (emphasis added, PC(USA) 2004, p. 31). Thus, while the PCUS articulated its rejection of homosexuality, it claimed not to reject homosexual persons. The Southern GA also reminded the church that, even its most conservative adjudications had never suggested that being gay, or having gay intercourse, was somehow worse than 'sins' committed by heterosexuals.

It was also at the 112th assembly that the PCUS referred the overture it had adopted as 'Resolution 5' to its Council on Church and Society (CCS) for consideration. The resolution called for a period of intensive study of homosexuality. The work of the CCS would be referred to the Council on Theology and Culture (CTC) at subsequent assemblies, but intra-ecclesial discourse on LGBTQIA+ inclusion survived the vicissitudes of denominational maneuverings.

At the 117th PCUS Assembly in 1977, the CTC produced a report titled, *The Church and Homosexuality: A Preliminary Study*. The document was "printed, along with a study guide" and sent "to all PCUS ministers and Clerks of Sessions" (PC(USA) 2004, p. 3). The



study guide engaged with contemporary biopsychosocial discourse on human sexuality and outlined the church's ethical, theological, and hermeneutical concerns related to homosexual orientation. The guide also commended to its readers an introductory bibliography, which cited resources from across the disciplinary, theological, and ideological spectrums. Additionally, it included what it called "a synoptic of recent denominational statements on sexuality," which had been compiled by ecumenical officers at the National Council of Churches (PC(USA) 2004, p. 39). The text summarized the respective stances of the UPCUSA, Lutheran Church in America, Moravian Church in America, United Church of Christ, and the United Methodist Church.

According to the study guide, there was considerable disagreement among mainline Christians about homosexuality; some believed it was a sickness, others described it as a sin, and still others viewed it as a normal aspect of human life that should be accepted (PC(USA) 1986). Despite variance in Southern Presbyterian beliefs about homosexuality, the church revisited the 1972 GA's statement about "those struggling with this *problem*" (emphasis added, PC(USA) 2004, p. 31). In the new report, it acknowledged that "the 'homosexual problem' is also a heterosexual problem, the problem of ignorance, fear, anxiety, and prejudice of heterosexual people when they encounter homosexual people" (PC(USA) 2004, p. 28).

At its 119th General Assembly in 1979, the PCUS concluded an initial phase of discernment on LGBTQIA+ ordination. In response to various overtures, the majority of delegates endorsed the CTC's proposal. As evidence of the increasing cooperation between the PCUS and the UPCUSA, the Southern church's report stated, "we have reached the conclusion that the Policy Statement adopted by the 190th General Assembly of the United Presbyterian Church states a clear position which is well-grounded biblically and theologically, is appropriate in the light of the guidance received by the Council from the members and courts of the Church, and represents the conclusions of the Council itself" (PC(USA) 2004, p. 53). Thus, with slight technical modifications, the 1979 assembly of the PCUS adopted the UPCUSA's text, *The Church and Homosexuality*, as its own policy statement under the title *Homosexuality and the Church: A Position Paper*. Southern Presbyterians thus joined their Northern coreligionists by affirming the presence of openly queer Christians in their midst as *members*, but not as ordained officers.

Basing its decision on a behavioralist model of sexuality, the PCUS assembly concluded that "the repentant homosexual person who finds the power of Christ redirecting his or her sexual desires toward a married heterosexual commitment or finds God's power to control his or her desires and to adopt a celibate lifestyle, can certainly be ordained, all other qualifications being met" (PC(USA) 1986, p. 1027). Yet, "members and officers" are not "free to adopt a lifestyle of conscious, continuing and unresisted sin in any area of their lives" (PC(USA) 1986, p. 1027). Despite the high-sounding nature of this promulgation, early conservative arguments recognized that their anti-LGBTQIA+ stances were not based primarily upon careful exegesis, scientific research, or ecclesio-legal deliberations. In a statement that probably would not have made it past the curators of anti-LGBTQIA+ leaders in later decades, the respective Northern and Southern assemblies concluded, "it appears that what is really important is not what homosexuality is but what we believe about it" (in Anderson 1997, p. 42).

Though both the Northern and Southern assemblies posited a clear distinction between freedom of *conscience* and freedom of *action* (i.e., permission to disobey the church's constitution or formerly adjudicated interpretations of its ecclesio legal provisions), there was unanimous agreement among the task force and broad consensus at the assemblies that a ban on LGBTQIA+ people from ordination *as a class* was dangerously out of step with the church's constitution and Christian values. Perhaps some anti-LGBTQIA+ voices accepted the church's nuanced, though still exclusionary, language because they were aware of the hard line taken by mainline Presbyterians against *class-based* refusals of ordination, which was exemplified in the previously referenced Kenyon case. A critical mass of anti-LGBTQIA+ advocates must have had the foresight to recognize that, if they openly defied

the precedent established by recent GA-PJC cases and assembly actions, either by excluding a class of people without a constitutional mandate or by trying to pass an amendment designed to exclude rather than broaden inclusivity, they might find their gains reversed. The relationship between social class and the church's ordination standards had, indeed, been a subject of debate during the UPCUSA task force's discernment process. The 1978 majority report of the task force asserted, "Spiritual maturity or the absence thereof is an attribute pertaining not to any *class* of people but only to *individual* persons. Thus, it must be distinctively identified and separately evaluated in each individual candidate for ordination as the church, led by the Spirit and guided by God's Word, seeks to discern and verify that particular candidate's gifts for ministry" (in Anderson 1997, p. 42).

Despite the openness generated by the church's careful study of key questions regarding sexuality and gender, advocates for full inclusion believed the Northern and Southern assemblies had produced policy statements that were dangerously out of step with the Adopting Act tradition, and the Radical Principles of 1797. From their perspective, it was clear that by issuing *binding* 'definitive guidance', a phrase that did not appear in the church's constitution, on a polity question that was not addressed by the Form of Government, and based upon theological/belief convictions that had not been ratified in the constitution by presbyteries, the Northern and Southern assemblies had usurped the powers of the presbyteries and sessions to examine candidates for ordination. What argument could be offered in defense of the GA's action other than to claim that it was attempting to defend 'essential and necessary elements of faith?' Yet, even if heteronormative sexual ethics had been affirmed as 'essential and necessary' beliefs by previous GAs, the Swearingen Report of 1927 had made clear that (at least in the UPCUSA) the assembly had no authority to define such articles in a way that was binding on other church bodies. Advocates for *full* inclusion also believed that the GAs had ignored the past half-century of fruitful engagement on questions of heterosexual marriage and divorce. Even if one made a clear distinction between freedom of conscience and that of action, why choose homosexual sex as the one 'sin' that could exclude someone from ordination? After all, had not the church just spent decades pushing itself beyond legalistic understandings of divorce and remarriage? If a heterosexual divorcee could be ordained, why not a homosexual person in a committed relationship?

Oponents of the church's decision also believed that the new ordination policy was dangerously out of step with the Presbyterian theology of ministry. While neither the Northern nor the Southern assemblies excluded LGBTQIA+ people *as a class* from ordained service in *any* finalized GA policy statement, advocates for full inclusion would subsequently argue that both assemblies had imposed a theologically inconsistent and unconstitutional *class-based celibacy requirement* upon a specific group. Thus, despite the nuanced wording of the church's emergent policy statements, their effect was clear. "For the first time since women were finally accepted as full participants and members, this new policy . . . created two classes of members, with very different rules for the two classes" (Anderson 1997, p. 43). Indeed, many Presbyterians called the system "a kind of ecclesiastical apartheid," in which LGBTQIA+ presbyterians "are governed by a set of separate laws, designed only for them" (Anderson 1997, p. 43).

Additionally, the pragmatic question was asked, what about those deacons, elders, and ministers who were ordained before they came out or before the GA had issued its definitive guidance? Was the call congregations, sessions, and presbyteries had observed upon their lives to be disregarded? Could they be installed in a new call if they left their present one? Were they to be defrocked?

Though the application of their respective decisions on previously ordained LGBTQIA+ people would be repeatedly adjudicated in subsequent years, neither the 1978 UPCUSA assembly nor that of the PCUS in 1979 proposed to revoke the ordinations or installations of openly LGBTQIA+ individuals who were ordained prior to the issuance of the definitive guidance. While ecclesio-judicial consequences and difficulties finding employment or being installed in new calls often accompanied outed pastors, both churches attempted to

‘grandfather /grandparent in’ LGBTQIA+ people who were already ordained. In Paragraph 14 of their respective adjudications, the two churches stated, “the General Assembly declare that these actions shall not be used to affect negatively the ordination rights of any deacon, elder, or minister who has been ordained prior to this date in the” UPCUSA/PCUS (PC(USA) 1986, p. 1025F).

Paragraph 14 thus protected LGBTQIA+ clergy who had already been ordained prior to the 1978/1979 issuances of definitive guidance. The so-called ‘grandparent clause’ was grounded in the same Presbyterian theology of ordination and ministry that should have given the church pause before imposing class-based celibacy requirements upon a specific cohort. That theological understanding, which the church believes is grounded in biblical precedent, stipulates that once a person is ordained, their ordination is (1) perpetual and (2) universal. While Presbyterians ordain candidates to a *particular call*, a member’s ordination to the office of teaching elder (minister), ruling elder, or deacon is valid for the entire church. Ordination cannot be revoked unless a person renounces it or the church sees fit to defrock a particular individual after hearing a specific case (for example, see the Portland Deliverance in Section 3.5 above). Even if the majority of presbyteries took the radical step of ratifying a proposed amendment to the constitution that would arbitrarily impose class based requirements on ordinands in the present or future, the notion that such an amendment could be applied retroactively had been hotly contested since the New Side/Old Side debates of the eighteenth century (see Section 3.2 above). Presbyterians believe that ordination is an act by the church that affirms God’s call upon and gifts for ministry within a particular person’s life. If the church has borne witness to the gifts of ministry within a person, it is no small matter to deny what the church has seen by defrocking them.

In a desire to ward off the ‘gay witch hunts’ that would plague many denominations in the following years, both assemblies implied that the church would be wise to adopt a ‘don’t ask, don’t tell’ approach to the sexuality of ordained officers. Thus, they instructed ordaining bodies to “conduct their examinations of candidates for ordained office with discretion and sensitivity, recognizing that it would be a hindrance to God’s grace to make a specific inquiry into the sexual orientation or practice of candidates or ordained officers where the person involved has not taken the initiative in declaring his or her sexual orientation” (PC(USA) 2004, p. 58). Perhaps due to their respective experiences of the fundamentalist controversy and in line with the findings of the Swearingen Commission’s 1927 report, the assemblies cautioned Presbyterians who might set out in search of ways to exclude people with whom they disagreed.<sup>31</sup> Ultimately, however, the church’s discretion meant little for LGBTQIA+ Christians who felt called by God to live openly and honestly. In the words articulated by the task force regarding ministers who had already been ordained and installed, the decision led to the violation of “legitimate individual Christian conscience within the church, forcing some . . . Presbyterians . . . to deny what they believe, to believe what they deny, or to withdraw from the church” (UPCUSA 1978, p. 47).

From both a pastoral and ecclesio-legal perspective, the efforts of the Northern and Southern assemblies to find a compromise that acknowledged the presence of openly gay and lesbian people within the church’s membership, but thenceforth forbade them from being ordained if their identity and relationship status were known, can be described as a step forward for LGBTQIA+ inclusion. Emphasizing the social consequences of Christ’s reconciling work, the 1978–1979 assemblies had likewise “called for civil rights for all people, regardless of sexual orientation” (PMA 2019). As previously stated, they also made clear that sexual orientation *in itself* cannot prevent a gay or lesbian person from fully participating in the life of the church. Yet, after all their deliberations, the churches still imposed a celibacy requirement upon an entire class of people and, thus, introduced a rigid class-based dichotomy between the church’s *membership* and *ordination* policies.

As Gillespie anticipated, by failing to address this creative tension and by undermining the constitution, the decisions of both the Northern and Southern churches ripped open historic wounds about the credentialing of ministers and judicial authority in the church.

Thus, Presbyterian leaders across the theological spectrum soon realized that little had been settled by the GA's decision. While Presbyterians have held their ministers to high educational and ethical standards since they outlined their church's ordination requirements in the Itinerancy & Education Acts of 1737, their commitment to the 'priesthood of all believers' calls for significant nuance in the relationship between clergy and laity. Queer Presbyterians and their allies accepted that, regarding ordained officers, "it is necessary to the integrity and health of the church that the persons who serve it in ordered ministries shall adhere to the essentials of the Reformed faith and polity as expressed in [the] constitution" (PC(USA) 2012, G-2.0105). Yet, upon surveying the Adopting Act tradition and the historical debates that had shaped Presbyterian life and witness, they found nothing to suggest that the church's theological decision-making bodies had previously described a commitment to heteronormative sexual practice as an *essential and necessary* element of belief or ordination standard. They were equally aghast at the church's hardline position toward homosexuality when the majority of Presbyterians had collectively rejected biblical literalism and legalistic understandings of heterosexual marriage in the first half of the twentieth century.

Anticipating the backlash that followed the 1978/1979 decisions, biblical scholars, and organizations like the Presbyterian Lay Committee<sup>32</sup> mobilized to defend the decision against ordination, critique the church's ethical laxity regarding membership standards, and call for even stricter adherence to what they considered biblical principles. Via both explicit and implicit references to the church's confessions and to the Doctrinal Deliverance of 1910's attestation of the Bible's inspiration and inerrancy, they argued that the general trend toward greater acceptance of LGBTQIA+ members constituted a violation of the biblical witness and placed the church at risk of divine judgment (Presbyterian Layman 2022).

Presbyterians from across the theological spectrum recognized the limited nature of the church's understanding at any given time. They evoked Robinson's famous conviction that new light can break forth from the scriptures, and collectively agreed, "we need to seek more light" (PC(USA) 2004, p. 38). However, in the late 1970s, the "liberating power of the Holy Spirit" to revive the church through the shedding of new light became a rallying cry for LGBTQIA+ Presbyterians and their allies (in Holmen 2013, p. 365). With implicit reference to the Old/New debates of the eighteenth and nineteenth centuries, and via explicit quotation of Robinson's famous statement, these Presbyterians boldly asserted, "there is yet more light to be shed upon the scriptures" (in PHS 2022g, RG-512).<sup>33</sup>

West Park Avenue Presbyterian Church became the first congregation to identify as 'More Light' to protest the UPCUSA's 1978 decision to exclude openly LGBTQIA+ people from ordination in the future. On the day that his church announced its intention not to follow the higher judicatory's prohibition against ordaining gay and lesbian ruling elders, Rev. Robert Davidson (1928–1993) issued a firm but pastoral declaration. With the support of the session, he asserted, "this local congregation will not select one particular element from a person's total humanity as a basis for denying full participation and service in the body of Christ" (PHS 2018, RG-512).

In February 1979, Presbyterians for Lesbian and Gay Concerns (PLGC), which succeeded the PGC in 1977,<sup>34</sup> held their first formally organized annual meeting. Stated Clerk William P. Thompson invited the organization to submit an annual report to the GA in 1979. By accepting the report, the GA reversed the 187th Assembly's 1975 decision not to recognize the PGC/PLGC as a 'special organization' under Chapter 28 of the UPCUSA constitution.

Under its newly affirmed mandate to support the educational and missional efforts of the church, the PLGC organized at all levels of ecclesial life. In addition to their education efforts around human sexuality at the congregational and mid-council levels, and opposition to the national church's 1978 ruling, which members of the PLGC called the 'sin policy' (because it defined homosexual 'activity' as 'sin'), they also facilitated non-violent direct actions and organized within mid-councils (i.e., presbyteries and synods). In 1997, James D.

Anderson, Professor of Communication at Rutgers University, and long-time Editor of the *More Light Update* (See below), asserted “because of the polity of the Presbyterian Church, including annual [now bi-annual] General Assemblies, a major focus of the PLGC has been to use the political process within the church for education purposes aimed at eventually changing the policies of the church” (Anderson 1997, p. 44). Thus, even when the PLGC supported overtures that assemblies were unlikely to pass, the organization did so as a way of practicing a ministry of presence that continued to call the question on full inclusion.

The PLGC used West Park Avenue’s statement as a model for what would become known as a ‘More Light Statement.’ In disregard of the assembly’s definitive guidance, More Light Congregations (also known as ‘Welcoming Congregations’) declared their scruples with the church’s exclusionary position, issued an ‘apology’ (defense) against the assembly’s ruling, and committed to the full inclusion of LGBTQIA+ persons within the life of their local church. In 1985, the 197th GA of the newly reunited PC(USA) affirmed the right of congregations, presbyteries and synods to scruple with the national church’s policy and issue More Light or ‘welcoming’ statements. Nevertheless, it condemned attempts to ordain LGBTQIA+ persons in contradiction to the GA’s ruling (see Anderson 1997, p. 43). In defiance of the GA’s admonition, More Light congregations (through sessions) continued to ordain LGBTQIA+ persons to the offices of ruling elder and deacon. Through their resistance to church law, they hoped to create safe spaces where all people could be “welcomed as full participants in the Body of Christ without having to hide or deny their sexual orientations” (in Holmen 2013, p. 365).<sup>35</sup>

LGBTQIA+ Christians and their allies in other traditions took bold steps toward inclusion at the local level during the 1970s and 80s, but “there is a big difference between More Light Churches . . . and their counterparts in other denominations” (Anderson in Holmen 2013, p. 366). Among the mainline traditions, it was only the Presbyterian churches that had made it “illegal, under church law, to permit full participation by lesbian and gay Christians at the congregational level in such roles as a member of a governing council [ruling elder, deacon]” (Anderson in Holmen 2013, p. 366). As mentioned above, unlike other traditions that strictly demarcate priestly or pastoral ordination from the election of lay people to vestries or local governing boards of congregations, “presbyterian deacons and elders are both elected and ordained” (Vermaak 2009, p. 13). Presbyterian teaching elders/ministers of word and sacrament are not set aside or uniquely sanctified apart from other ordained leaders of the church. The constitutional ordination questions for teaching elders, ruling elders, and deacons differ only concerning the specific functions or responsibilities associated with their office. If a ruling elder or deacon moves to a different congregation from the one in which they were ordained, they remain ordained, even if they are not elected by a congregation and installed by a session in a new position. Thus, when a More Light congregation (through its session) ordained “a gay or lesbian, in defiance of the Constitution, or under scruple, their ordination [was] valid for the whole church” (Vermaak 2009, p. 14).

More Light Congregations blatantly called their question before the church in a format that was ‘out of order’, but they did so within the discursive framework that had been passed down to them from previous generations of Presbyterians. Like the New Siders/New Lights, who ordained revivalists ministers in contradiction of synodal decrees in the eighteenth century, More Lights strategically broke church laws that they believed to be out of accordance with historic Presbyterian polity principles and thereby performed an apologetic ministry of presence that confounded the myth of queer-Christian nonexistence. Through the efforts of More Light congregations and the church’s ongoing theological reflection, Presbyterians continued to awaken to the needs and concerns of a previously unrecognized population. While advocates for inclusion employed historic Presbyterian discursive patterns and drew upon long-standing polity principles, in the church, as in society, “a new gay politics of recognition was clashing with old establishment politics of social control” (Johnson 2006, p. 5).



### 4.3. Harmarteology, Homophobia, and Reunion

Conversations about human sexuality changed dramatically with the advent of the HIV/AIDS epidemic in the 1980s. Fundamentalist pundits either implied or openly asserted that the ‘gay cancer’, as the infection was often called at the time, was God’s judgment on homosexuals for their sinful behavior. Other Christians, including many Presbyterians, called for science-based solutions, and mobilized to meet the needs of suffering people. The crisis of the 1980s and Christian responses to it prompted notable church leaders and theologians like Howard Rice (1932–2010), William Sloane Coffin (1924–2006), and Beverly Wildung Harrison (1932–2012) to advocate for the problematization of traditional hamartiology concerning homosexuality along the lines envisioned by the PCUS’s 1977 preliminary study document. Drawing connections between emergent social discourses and the church’s promulgations on sexuality from the late 1970s, these well-known scholars reflected theologically on the world’s awakening to LGBTQIA+ concerns in a controversial issue of the Presbyterian journal, *Religion and Society*. The volume’s title effectively summarizes its argument, *Homophobia: The Overlooked Sin* (Larson and Langella 1982). In addition to revisiting the church’s policy statements in light of the events of the emergent ‘Gay Rights Movement’, this text continued the Presbyterian tradition of calling questions and practicing apologetic ministries of presence beyond the confines of the GA hall via publications and pamphlets.

Though the infamous journal issue situated the church’s growing concern over the treatment of LGBTQIA+ people within a broader social context, its approach was in line with that of previous assemblies in both the Northern and Southern churches. The 192nd General Assembly of the UPCUSA had reminded Presbyterians in 1980 that, while its definitive guidance barred openly LGBTQIA+ people from serving in the ordered ministries, it also “committed the church to actions relating to homophobia and justice issues” (Vermaak 2009, p. 106). Meanwhile, the 120th General Assembly of the PCUS, which also met in 1980, had adopted multiple working papers on matters of concern for the church. Among them were, *Marriage: A Theological Statement* and *The Nature and Purpose of Human Sexuality*. The first paper did not discuss the issue of same-sex marriage. Nevertheless, the document noted historic Presbyterian unease with the behavioralist ethics that often seemed to accompany celibacy requirements in other faith traditions. In words that would typify discussions over Amendments B and A (see Section 4.7) at the turn of the twenty-first century, the report stated, “the Reformation dignified marriage again as equal to celibacy” (in Vermaak 2009, p. 108).

The PCUS’s 1980 report, the *Nature and Purpose of Human Sexuality*, articulated a fundamentally heteronormative understanding of sexual expression. Consequently, references to homosexuality within the text are sparse and marginal. That said, the document reflected an evolving awareness among Southern Presbyterians that homosexual orientation, like heterosexual orientation, is not a matter of choice. Additionally, the report asserted that the church should “be open to more light on what goes into shaping one’s sexual preferences and reexamine its life and teaching in relation to people who are seeking affirmation and needing acceptance and who are apparently not free to change their orientations” (PCUS 1980, p. 213).

The Southern assembly had already emphasized its need for ‘more light’ on sexuality in its 1977 preliminary report, commissioners to the 1980 GA were undoubtedly aware that More Light congregations had been using the term to define their ecclesio-political acts of strategic disobedience. The church’s decision to employ a term that had become loaded with new ecclesio-political meaning may point toward the early impact of apologetic ministries of presence. Indeed, since 1974 Sindt, Glaser, and others had been publishing bi-monthly magazines that went by several names but were eventually called ‘More Light.’ In 1980, the PLGC professionalized the pamphleteering efforts of Sindt and Glaser by publishing a nationwide monthly newsletter called *The More Light Update*. Though the newsletter’s circulation never came close to rivaling that of the PLC’s *The Layman*, which approached the 100,000 mark, by 1996, more than 5000 copies of the More Light Update



were being printed and distributed each month (see Anderson 1997, p. 44). Thus, even as early as 1980, it is difficult to imagine that the advent of the More Light Movement had gone unnoticed by commissioners to the PCUS assembly.

While the fledgling intra-Presbyterian LGBTQIA+ inclusion movement was gaining ground at the turn of the twentieth century's eighth decade, the early 1980s included a genuinely momentous event for all mainline U.S. Presbyterians. On 10 June 1983, the jointly held UPCUSA and the PCUS assemblies approved the *Articles of Agreement of 1983*. After 122 years of division, the Northern and Southern churches came back together. The Articles of Agreement included the adoption of a new Book of Order (constitution), affirmed that the AIs of the UPCUSA and the PCUS would remain in effect until "rescinded, altered or supplanted" by the reunited assembly (PC(USA) 1996, Appendix B-3), modified and established the questions that the church would ask of its ordinands, reaffirmed majority rule in intra-ecclesial meetings, clarified the relationship between church councils (i.e., sessions, presbyteries, synods, and the General Assembly), elucidated the role of 'special organizations', and restructured the life of the church in many other ways. Much of the church's reflection in the lead-up to the 1983 reunion centered around a re-evaluation and reapplication of the Radical Principles of 1797, which the reunited church included in its constitution as "Principles of Presbyterian Government" (PC(USA) 2019, F-3.02).

As mentioned above, though the PGC had been denied standing as a 'special organization' under Chapter 28 (XXVIII) of the UPCUSA constitution at the 187th assembly of that church in 1975, advocates and allies had gained a proverbial seat at the table by 1979. Since 1902, 'special organizations' had been permitted to participate in the Northern church's life, though they were not officially recognized as ecclesial bodies; This development had carried over into the UPCUSA constitution when the UPCNA and the PCUSA reunited in 1958. In light of debates around the PGC in 1975 and ongoing difficulties with the conservative Presbyterian Lay Committee (PLC), which had been founded in 1965 in opposition to the ratification of the Confession of 1967, it was clear that "the existence of special organizations within [the church was polarizing] the denomination and intensified the battle over who controls the polity" (Vermaak 2009, p. 118). Fearing that special organizations were getting out of hand, multiple assemblies between 1967 and 1983 in both the Northern and Southern churches attempted to reign in the conduct of special organizations by requiring that they communicate with the appropriate ecclesial judicatories through annual reports. The church's acceptance of an annual report did not imply an endorsement of the organization's activities nor grant any special status to the group (see Vermaak 2009, pp. 118–21).

Though ongoing consternation would eventually prompt the church to abolish constitutional acknowledgements of special organizations, in 1983, the newly reunited PC(USA) addressed those bodies in G-9.0600 of its Book of Order. Advocacy groups from across the political spectrum thus gained constitutional recognition (though not 'status'), along with the right to attend assemblies and organize events between national gatherings. They also submitted to some level of control as they were thenceforth accountable to "the appropriate governing body" (PC(USA) 1996, G-9.0602), which included sessions for locally organized congregational associations, and higher bodies (presbyteries, synods, general assemblies) according to the scope of a special organization's work. Thus, while the PLGC and other LGBTQIA+ advocacy groups gained a place at the table in the lead-up to the 1983 reunion assembly, they also gave up certain direct-action methodologies.

In the years to come, informal advocacy groups would coalesce, and new organizations would arise. Unofficial groups on both sides of the ideological spectrum also arose or split from their more 'mainstream' counterparts to pursue change through comparatively radical means (e.g., civil disobedience at assemblies). Some groups eventually came to resist what they saw as denominational tyranny over their internal matters and failed to submit annual reports, but it may be helpful to note here that conservatives have historically engaged with the church through the previously referenced Presbyterian Lay Committee (PLC-1965),

Presbyterians for Renewal (PFR—informally founded in 1988), the Presbyterian Coalition (early 1990s), and other networks that will be mentioned below.

Though the relational dynamics between LGBTQIA+ advocacy groups are exceedingly complex, and while clear demarcation lines between various organizations would not form until the early 2000s, queer believers and their allies have engaged with their church through (among others) Presbyterians for Lesbian and Gay Concerns (PLGC-1980–1999), the More Light Churches Network (MLCN-1992–1999), That All May Freely Serve (TAMFS—1993–2020), and the Covenant Network (1997—see Section 4.7). LGBTQIA+ Presbyterians also received invaluable support from the socially progressive Witherspoon Society (1973), which was named in honor of John Witherspoon (1723–1794), signer of the U.S. Declaration of Independence, presbyterian minister, and Sixth President of the College of New Jersey (now Princeton University). The Witherspoon Society’s official mission was to work for “inclusiveness in church and society, social and economic justice, lifestyle concerns, and just international relations” (Eller 1992, p. 262 in Vermaak 2009). Though LGBTQIA+ concerns were but one of many ‘issues’ that drove the society’s work, Witherspoon initiatives provided opportunities for queer Presbyterians to locate their goals within an intersectional network of concerns for social justice and human rights.

Due to its recognition as a special organization, by “1980, the PLGC was allowed to rent a space in the exhibit hall”, and with the cooperation of the Witherspoon Society, to host “annual luncheons and rent . . . a hospitality suite” (Holmen 2013, p. 380). From the 1980s onward, it also became common practice that, during their examinations on the floor of the assembly, “candidates for moderator would be questioned regarding their attitudes toward homosexuality” (Holmen 2013, p. 380). Since those who sought the moderator’s gavel were expected to answer openly and honestly regarding their positions during the examination phase, and because delegates were empowered to vote in accordance with their conscience rather than in line with the wishes of their sending presbyteries, advocates for inclusion invested considerable energy in connecting with candidates who might support (or at least not vehemently oppose) their cause.

#### 4.4. *The Call to Hear New Questions and the Limits of Ecclesial Arguments for Equality under Civil Law*

In 1982 the 194th General Assembly of the UPCUSA produced a resource document titled *Biblical Authority and Interpretation*. In the lead-up to the 1983 Atlanta reunion assembly, the PCUS adopted the same document at its 123rd General Assembly under the title, *Presbyterian Understanding and Use of Holy Scripture*. The third section of the document outlined “guidelines concerning what the [biblical] text says” (PC(USA) 1999b, p. 6). The reports were approved and commended for the edification of Presbyterians across the country and at all levels of church life. However, they would play a special role in future debates at the General Assembly of the newly reunited PC(USA). Thenceforth, the guidelines would shape discourse about biblical, theological, ethical, and governmental concerns in the reunited church.

Consequently, it is necessary to introduce the way Presbyterians ‘gather around the word’ before addressing the specific issues that emerged in the next phase of the debate over LGBTQIA+ inclusion, ordination, and marriage in the church. First, the guidelines reminded all parties to intra-ecclesial debates and dialogues that “the biblical text in Hebrew and Greek is to be used in theological work. Translations are to be tested by these original languages. The church recognizes no official translation; all the current English versions are subject to evaluation in light of the original languages when being used for theological discussions in the church” (PC(USA) 1999b, pp. 6–7). Second, participants in church dialogues were instructed to use the best available manuscripts of disputed texts “as determined by textual criticism . . . as the basis for study and translation” (PC(USA) 1999b, p. 7).

The importance of analyzing texts in light of their original language and use of the best available manuscripts was applied not only to debates regarding the use of words like ‘homosexuality’ in modern translations of the Bible but also to interpretations of the church’s

confessions. For example, amid disputes over the ‘fidelity and chastity’ amendment in 1996 (see Section 4.6 below), Presbyterian scholars and their ecumenical partners in the Reformed Church in America (RCA) called ecclesiastical judicatories to correct their official translations of the *Heidelberg Catechism*. They argued, “recent scholarship has shown that in [1962]/1963 two Reformed Church in America translators [the PC(USA) version is based on the RCA/World Alliance (now Communion) of Reformed Churches (WARC/WCRC) version] made several unauthorized and theologically unwarranted changes to the Heidelberg Catechism” (Rogers 2008).<sup>36</sup> Based on mid-twentieth century debates over the proper translation of 1st Corinthians 6:9–10, which the catechism quotes, the clandestine redactors chose to insert a previously non-extant reference to homosexuality into the document.<sup>37</sup>

Upon review of pre-1963 versions of the catechism, including the 1586 Latin manuscript of Zacharius Ursinus (b. 1534) and a German version from 1765, no reference to homosexuality was found. Since clinical concepts of hetero and homosexuality had not existed before the late nineteenth century,<sup>38</sup> it was anachronistic to supply the word in translations of a German document from 1563 and even more so to uncritically impose said concept on a first-century Christian epistle (Davidson 2001, p. 182).<sup>39</sup> Outraged by this discourse analytical approach to the church’s confessions, conservatives like Robert A.J. Gagnon, who was then Associate Professor of New Testament at Pittsburg Theological Seminary and a leading voice in the Presbyterian Coalition, decried the attempts of what he called “homosexualist forces” to revise the translation. He then called for a “literal translation” of the biblical text referenced by the confession and argued from silence that “the only logical reason for sixteenth-century reformers to omit terms having to do with sexual immorality, especially homosexual practice, is that these behaviors were viewed as obscene and thus wholly inappropriate to mention, especially in a catechism that would be used to instruct children” (Gagnon 2008, p. 4).

The debate over the appropriate translation of the Heidelberg Catechism is instructive for historians of the LGBTQIA+ inclusion struggle in the PC(USA); It would be the subject of scholarly review until the majority of presbyteries adopted a new translation that corrected the mistake in 2014 (Wilton 2021, p. 43). Yet, perhaps ironically, given how much energy was expended in the debate, the church’s decision on this matter should never have been determinative for its ordination policies. The reports on homosexuality promulgated by the 1978 UPCUSA and the 1979 PCUS assemblies had noted the redacted Catechism’s brief mention of homosexuality. Nevertheless, the respective assemblies did not base their policy judgments upon that text because they agreed that, even if the confession referred to homosexuality, it did not do so in the context of ordination. Consequently, the UPCUSA and PCUS had declared “that article of the Catechism does not of itself presently act as a legal restriction on the power of the congregation to elect, and elders to ordain, ruling elders and deacons or of the presbytery to approve and ordain ministers of the word” (UPCUSA 1978, p. 47). Though the text did not function as an ecclesio-legal norm regarding LGBTQIA+ ordination, the fact that scholars on both sides of the debate expended considerable energy over the proper translation of a sixteenth-century text from Germany sheds additional light on the vital role played in this debate by the Adopting Act tradition and Presbyterian’s self-conception as ‘confessional Christians’.

The third guideline for interpreting and using scripture in church disputes prioritized the “plain sense of the text” (PC(USA) 1999b, p. 7). To ward off proof-texting, the church instructed its leaders to pay special attention to the literary contexts of specific quotations, including the passages, paragraphs, and pericopes in which they appear. Interpreters also needed to recognize the “cultural conditioning of language” (PC(USA) 1999b, p. 7).<sup>40</sup> Thus, the “right use of holy scripture” in church discussions, while not “prescribed by a set procedure,” can “be conducted and tested by a set of concerns, criteria, and responsibilities that belong to our tradition of interpreting Scripture” (PC(USA) 1999b, p. 8). To that end, “Holy Scripture is normative with respect to its theological subject”. Yet, “it is not an encyclopedia of information about every area of human knowledge and understanding” (PC(USA) 1999b, p. 8). Thus, the church must always approach scripture with its ultimate

purpose in mind, even as it affirms the Bible's precedence and priority "in matters of faith, life and salvation . . . over all other authorities" (PC(USA) 1999b, p. 8).

As they have affirmed since the adopting assembly in 1729, Presbyterians strive to order their life around what scripture leads them to believe and do, but they also use extra-biblical knowledge and experience to instruct their Christian conduct. Therefore, those who follow the guidelines respect the church's tradition and the findings of scientific research in its various forms because "scripture as norm does not exhaust or limit what faith needs to know in seeking the most faithful course of obedience and confession" (PC(USA) 1999b, p. 9). Striking an ecumenical tone, in line with Methodism's (Wesleyan) Quadrilateral, the guidelines affirm scripture as the church's norm, but also recognize other sources of knowledge as hermeneutically illuminative; Namely, reason (and the scientific knowledge that flows from its use), tradition/confessions, and an appreciation for the Spirit's witness through the experiences of all members of the community. Presbyterians thus believe that whatever the distinctives of their identity, all believers are "both a resource and a participant in the [interpretive] process" (PC(USA) 1999b, p. 9). Consequently, while employing a Christocentric hermeneutic, "the church in its institutional life must not discount the experience of its members but hear their questions and receive their insights as opportunities to read scripture again in the continuing search for positions and patterns of contemporary faithfulness" (PC(USA) 1999b, p. 10).

In the years to come, LGBTQIA+ Presbyterians and their allies would call the church and its judicatories to "hear their questions" and receive their contributions to the life of the church as a resource in the interpretive process (PC(USA) 1999b, p. 10). In their efforts, they claimed their inheritance as heirs to the Reformed tradition and asserted that "no understanding of what Scripture teaches us to believe and do can be correct that ignores or contradicts the central and primary revelation of God and God's will through Jesus Christ made known through the witness of Scripture" (PC(USA) 1999b, p. 11). As advocates for LGBTQIA+ inclusion, ordination, and marriage would argue for decades to come, affirming biblical authority did not imply the rejection of other sources of knowledge, nor did it demand the literal reading of scripture and dogmatic conformity to the very words of the church's confessions. Thus, according to queer members and their allies, while Presbyterians relied on the extra-biblical traditions passed down to them as resources that inform Christian conduct, their arguments about sexual and gender diversity were guided by an affirmation of the efficacy of Christ's reconciliation of the world unto God as attested in scripture.

While maintaining the historic Reformed commitment to "the interpretation of scripture by scripture," as enshrined in various confessions, the guidelines also gave pride of place to the Augustinian rule of love (PC(USA) 1999b, pp. 12–13). In language that advocates for full inclusion would strategically employ in the years to come, the guidelines stated, "any interpretation of Scripture is wrong that separates or sets in opposition love for God and love for fellow human beings, including both love expressed in individual relations and in human community (social justice). No interpretation of Scripture is correct that leads to or supports contempt for any individual or group of persons either within or outside the church" (PC(USA) 1999b, pp. 12–13). The guidelines noted the church's reliance upon God's tendency to shed more light upon scripture when they stated, "no doctrinal or ethical interpretation of Scripture whether long-established or new, is to be accepted as a final word, but is always subject to possible revision and correction as a result of further study of scripture" (PC(USA) 1999b, p. 15). It was because of their close reading of the biblical text through the lens of the doctrinal system enshrined in their church's confessions, not in spite of it, that many Presbyterians responded passionately to the unequal treatment of LGBTQIA+ persons in society.

The 197th General Assembly (1985) condemned More Light churches that "continued to exercise congregational autonomy by ordaining gay elders and deacons" (Koch and Curry 2000, p. 206). That assembly's action triggered "heated debate over the next several years" (Koch and Curry 2000, p. 206). At the same time, the church's commitment to *civil*

rights for all people, regardless of sexual orientation or gender identity, remained constant. The majority of commissioners at the 199th General Assembly in 1987 made the social policy elaborated at previous church gatherings more explicit when they again declared their support for “the elimination . . . of laws governing private sexual behavior between consenting adults [and the passage] of laws forbidding discrimination based on sexual orientation in employment, housing, and public accommodations . . . ”. (PC(USA) 1987, p. 776). Though the church would affirm this conviction at future assemblies, the statement did not prevent many church leaders from supporting both civil and ecclesial bans on same-sex marriage and LGBTQIA+ ordination. That said, the 1987 assembly’s decision constituted an implicit endorsement of Presbyterians who had responded compassionately to the HIV/AIDS epidemic. It also fit well within the broader social discourse of human rights and equal protection under secular law, but it proved impotent as a tool in the fight over ordination standards.

Though the phrase ‘ordination rights’ is commonly used, ultimately, ordination is not a right granted to all but a privilege and responsibility conferred upon some.<sup>41</sup> Ordination takes center stage in ecclesiastical disputes over sexual orientation and gender identity across most denominational traditions because churches ordain those whom they believe God has called and equipped for leadership. Whether churches consider ordination a sacrament or, as in the case of Presbyterians, embrace a functionalist view of the rite, ordination is one of the ways churches affirm their beliefs and insure their community’s faithfulness to the Christian tradition. Advocates for full inclusion knew they could not rely simply on the church’s commitment to social justice as a basis for LGBTQIA+ ordination; Their cause had to be built upon theological foundations that honored the church’s distinct history and polity.<sup>42</sup>

#### 4.5. *Hearing the Voices of Peoples Long Silenced*

Following the 1987 GA’s endorsement of the church’s duty to uphold the fundamental human rights of all people, regardless of sexual orientation, gender identity, or sex characteristics, many Presbyterians believed it was time for the church to revisit the ‘topic’ of human sexuality in general. To that end, the 1987 assembly also approved an overture from the Presbytery of Cayuga-Syracuse and a resolution from the assembly’s Committee on Justice and Rights of Persons to “engage in a comprehensive study of human sexuality” (PC(USA) 1991, P). Pursuant to this resolution, the assembly created the Human Sexuality Committee (HSC) and tasked it with addressing broad questions about human sexuality.

After three years of intra-ecclesial discernment, the committee presented a lengthy report to the 203rd General Assembly in 1991. The majority report was titled *Keeping Body and Soul Together: Sexuality, Spirituality, and Social Justice*. It was published along with a minority report as *Presbyterians and Human Sexuality* (PC(USA) 1991). The report quickly “became the most widely read (at least the most widely purchased) report ever issued by a General Assembly task force” (Anderson 1997, p. 49). As evidenced by the document’s content, PLGC and their allies were well represented on the HSC (Holmen 2013, p. 280), but its membership reflected the broad spectrum of opinion within the church on sexual orientation and ethics.

Since its first official meeting in 1988, the HSC took its mandate seriously. Building on feminist critiques of contemporary sexual ethics, the majority report asserted, “in a patriarchal culture, permission is granted only for sex between a man and a woman within the institution of male-dominant marriage . . . It is our conviction that this patriarchal code, not the persons questioning and deviating from it, is what is morally deficient and unjust. Far from being natural, much less divinely decreed . . . Feminists and gay persons, in particular, are pressing the church to acknowledge that its traditional moral code about sex is patriarchal . . . Any model of sexuality and sexual relations which serves to keep heterosexual women, lesbians, and gay men subordinate is fundamentally unjust. It deserves not our allegiance but our strongest critique” (PC(USA) 1991, pp. 16–17). The committee’s findings reflected the multi-vectored impact of apologetic ministries of presence on church



leaders. Throughout their years of discernment, HSC members from across the theological spectrum encountered one another in a spirit of openness and dialogue.

The *Brief Statement of Faith of the PC(USA)*, also formally adopted at the 1991 assembly, was designed to support the church's efforts to find unity amid diversity. As the confessional culmination of the efforts that led to and sustained the 1983 reunion of the major Northern and Southern churches, the Brief Statement celebrates the church's "rediscovery that for all our undoubted diversity, we are bound together by a common faith and a common task" (PC(USA) 2019, p. 309). The church's then-newest confession summarized and restated the assertions of the other historic confessional texts, alongside which it would soon be included in the Book of Confessions. Drawing upon the insights of Native American Presbyterians and the work of scholars like George E. 'Tink' Tinker, the new document called Presbyterians to "hear the voices of peoples long silenced" (PC(USA) 2019, 11.3-6/70). In that same spirit, the HSC stated, "by decentering the 'patriarchal' voices of our culture and by inviting the voices of the marginalized to be heard, we believe we heard the cries of God's spirit of love and justice and hope" (PC(USA) 1991, p. 55). The report then recounted stories of gay and lesbian Presbyterians who spoke to the committee about their experiences in life and faith (PC(USA) 1991, pp. 55–56).

Echoing the Christological focus of the Confession of 1967 and the UPCUSA Task Force to Study Homosexuality's 1978 majority report, the 1991 HSC's majority implored the church to view debates about human sexuality through the lens of an "ethic of justice and love" founded upon Christ's reconciling work in the world (Smith 2022, 1.1). Drawing on the Adopting Act tradition, its 1788 codification in the constitution, debates over the Auburn Affirmation, the 1927 report of the Swearingen Commission, and other developments, supporters of the HSC's policy recommendations asserted that ordaining judicatories (sessions for ruling elders and deacons, presbyteries for teaching elders/ministers), not the General Assembly, maintain the right and responsibility to ordain candidates to the ordered ministries. Thus, as advocates for full inclusion had argued since the early 1970s, the HSC's majority concluded that rather than proscribing the ordination of LGBTQIA+ people who otherwise conformed to the church's historical expectations of candidates, responsible judicatories should again be trusted to faithfully examine potential entrants to the ordered ministries.

While GA sponsored working groups that had studied issues closely often called the church to reevaluate long-held beliefs on any number of issues, in the words of one scholar, the HSC issued a powerful declaration that was "true, perhaps. Honest, perhaps. Forward thinking, perhaps. But it was all too much" (Holmen 2013, p. 385). The HSC had taken seriously its task of revisiting the church's entire conception of human sexuality. However, by challenging basic assumptions on almost every page without reflecting on the relationship between debates over human sexuality and the church's historic polity principles in detail, they asked too much of commissioners and delegates to the 1991 assembly. Unfortunately for LGBTQIA+ Presbyterians and their allies, the HSC's "recommendations were not even considered" by the assembly (Anderson 1997, p. 49). Instead, the majority of commissioners endorsed the HSC's *minority report* and thus maintained a ban on the ordination of openly non-celibate LGBTQIA+ officers. Furthermore, though it was not yet legal in many U.S. states, the 1991 assembly followed previous GAs when it rejected *Christian* (i.e., church-sanctioned/blessed) same-sex marriage in principle.

In 1992, the decision against adopting the HSC's majority proposal compelled leaders connected to PLGC and the broader More Light Churches Movement (which often functioned as a catch-all referent for LGBTQIA+ advocacy in the church) to form the More Light Churches Network (MLCN). The goal of the organization was "to strengthen their joint witness to the inclusive nature of the gospel and to work more effectively to change denominational policies that are a scandal to the gospel, and that continue to oppress and exclude people on the basis of sexual orientation" (LPPC/MLCN 1999, p. 1). Queer Presbyterians and their allies also performed another apologetic ministry of presence on the General Assembly floor; This time, no one was expected to stand atop a chair and call



their question alone. The group that organized the protest called themselves ‘Presbyterian Act-Up.’ Both supporters of the PLGC and the loosely connected More Light Movement had been strategic in their decisions to break church laws by ordaining LGBTQIA+ persons as elders and deacons. Though members of Act-Up were associated with the PLGC and the More Light Churches Movement, amidst the political maneuvering that led to the creation of the MLCN, the informal group felt compelled to perform a comparatively forceful ministry of presence at the church’s national gathering. A leader in Act-Up declared, “PLGC is the ‘decency and order’ organization, and in indelible times, the Holy Spirit may not always have the time or patience for orderly procedures” (Anderson in Holmen 2013, p. 384).

Despite the radical ethos of Act-Up, protests at the 1991 assembly were, in fact, conducted with both decency and order. Moved by his encounters with LGBTQIA+ people, Moderator Herbert Valantine permitted demonstrators to occupy the assembly hall. Somewhere between 500 and 1000 Presbyterians took to the convention center floor (see Anderson 1997, p. 50). Some protestors wore pink triangles as a reclaimed symbol that evoked memories of the NAZI regime’s confinement of gay people to concentration camps; Others wore symbols of their ecclesial office (Settingington 2013). Protestors formed a procession, carried a large wooden cross above their heads to the front of the assembly hall, hammered nails into its cruciform beams, and began singing hymns in affirmation of their identity as LGBTQIA+ Presbyterians and allies. The sound of iron crashing against iron echoed throughout the space as protestors drove nails into the dry arms of the makeshift cross. The most widely recognized symbol of the Christian faith took on new meaning in that place as queer people and their allies bore gruesome witness to the violent reality of their exclusion (PMA 1991, video time stamp 17:37).

LGBTQIA+ groups refined their efforts following the 1991 assembly, but they were not the only ones to recognize the critical phase of discernment through which the church was moving. In the lead-up to the 205th General Assembly, which was scheduled to meet in Orlando in 1993, five conservative students at Princeton Theological Seminary considered an overture from the Presbytery of New Brunswick (Princeton is located within its geographic bounds) that would have removed the ban on LGBTQIA+ ordination. In consultation with Ulrich W. Mauser (1926–2008), Professor of New Testament at the seminary, they produced and widely circulated a document known as the “Princeton Declaration.” The text sounded a humanitarian tone when compared to the denunciations issued by the ‘Princeton Theologians’ in past generations (see Section 3.5 above). Nevertheless, this new group of conservative Princetonians asserted, “the Bible is unambiguous in its affirmation of male-female covenantal sexual relationship and its condemnation of homosexual practice” (Reformed Fellowship 2020). The students, and those who subsequently signed the document, then affirmed their support of the denomination’s exclusionary stance toward LGBTQIA+ ordination.

When commissioners met in Orlando that year, the New Brunswick and accompanying overtures failed to garner enough support, and the ban on the ordination of ‘practicing’ LGBTQIA+ candidates was upheld by a 72% majority of assembly commissioners (OCRT 2001). Before and after the 1993 meeting, important cases about the ordination of gays and lesbians as deacons, ruling elders, and ministers were also heard by the GA-PJC.<sup>43</sup> These cases centered not only around ‘illegal ordinations,’ but also around those ordinations and installations which had been sustained under the ‘grandparent clause’ (Paragraph 14) of the 1978/1979 definitive guidance. Contradicting both the letter and the spirit of Paragraph 14, the church set up a “catch-22” for those queer Presbyterians who had already been ordained. According to the GA-PJC, pre-1978/1979 “Ordinations were ‘safe’ but not call to serve in a position requiring ordination is permitted” (Anderson 1997, p. 53).

Recognizing that the church was at an impasse, the assembly called for a three-year intra-ecclesial dialogue on the ordination question, which was set to conclude at the 1996 assembly. Over the course of the next three years, special organizations and assembly commissioners from across the theological spectrum engaged one another with varying degrees of cordiality and articulated their competing visions for the church’s future. With

trepidation, the commissioners and advisory delegates packed their bags in the summer of 1996 and set out for the 208th GA in Albuquerque, where overtures on LGBTQIA+ ordination awaited adjudication. Many feared the debates to come would be “apocalyptic” and even asserted, “nothing less than the survival of the faith is at stake” (in Holmen 2013, p. 396). Thus, the stage was set for a decade and a half of vitriol over amendments to the church’s constitution regarding ordination standards.

#### 4.6. Fidelity, Chastity, and the Stole

As LGBTQIA+ Presbyterians and their allies feared, U.S. President Bill Clinton’s decision to sign the Defense of Marriage Act (DOMA) into law in 1996 was paralleled by the passage of an amendment to the PC(USA)’s *Book of Order* (BOO). The amendment passed at the Albuquerque assembly in 1996 and was ratified by the majority of presbyteries in 1997. Commonly referred to as the ‘fidelity and chastity’ amendment, G-6.0106B (often called simply ‘Amendment B’) codified a prohibition of LGBTQIA+ ordination in the church’s constitution for the first time in its history.

Dismayed, LGBTQIA+ advocates and allies again took to the floor of the assembly in an act of solemn protest. They believed the GA’s decision to codify the exclusion of openly queer Presbyterians from the ordered ministries in the church’s constitution was a denial of their baptismal identity in Christ that had deadly consequences for LGBTQIA+ people. Recognizing the gravity of the moment, they refused to yield the symbols of their office to those who might use them as instruments of domination and exclusion in the name of Christ. The Pittsburgh Post-Gazette reported about the protest as follows “After the vote on the ordination amendment, six gay ordination activists, mimicking pallbearers carrying a casket, silently carried in a prone cross draped with white clerical stoles. They were followed by hundreds of mourners who stood silently in front of the assembly, some men with arms around men, some women hand in hand, many weeping openly. After several minutes of silence, they left singing a song whose only lyric was ‘we are marching in the light of God’” (in Anderson 1996a).

As we will see below, Amendment B did not explicitly mention homosexuality, but its intent to exclude ‘practicing’ gays and lesbians from office was clear. Amending the constitution for the purpose of excluding a group of people from ordained office was, indeed, a drastic move that was out of step with the church’s historic polity principles. As early as 1978, the UPCUSA’s Task Force to Study Homosexuality, which included Presbyterians from across the ideological spectrum, had asserted, “the General Assembly may initiate an amendment to the Constitution to prohibit the ordination of a self-affirming, practicing homosexual person. However, the task force *unanimously opposes* such an action” (Emphasis added, UPCUSA 1978, p. 47). The task force further noted the blatant inconsistency of such an amendment with the church’s historic affirmation of freedom of conscience on non-essentials and warned of the dangers that might proceed from such an unabashed ecclesio-political maneuver. The report stated, “in no other case does the Constitution bar from ordination a specific type of person. In no other case does the Constitution single out a specific category of behavior as an automatic bar to ordination . . . Such a constitutional amendment would violate legitimate individual Christian conscience within the church, forcing some . . . Presbyterians . . . to deny what they believe, to believe what they deny, or to withdraw from the church” (UPCUSA 1978, p. 47).

The passage of Amendment B was celebrated by conservatives, but it shocked the consciences of many ‘moderate’ Presbyterians who had sought to avoid conflict and feared that the emphasis on sexuality (on both ‘poles’ of the ideological spectrum) was distracting the church from its mission. Thus, like Old Side/School policies in the eighteenth and nineteenth centuries, the Portland Deliverance of 1892, and the Doctrinal Deliverance of 1910, if Amendment B was a victory for opponents of full inclusion, it was a costly and temporary one. Though the text that became G-6.0106B added a legally enforceable clause to the constitution in accordance with the church’s procedural mechanisms, it undermined historic Presbyterian polity principles and was discordant with the tone and tenor of the

constitution itself. As Gillespie predicted decades earlier, the debates that followed the passage of ‘Amendment B’ galvanized the support of many moderates for the removal of the church’s new constitutional ban on ordination because they believed Amendment B supplanted the power of presbyteries, disturbed the church’s peace, and threatened denominational cohesion.

Reflecting on the growing number of LGBTQIA+ advocates and allies present at the church’s annual (soon to be bi-annual) assemblies, a contributor to the *More Light Update* wrote, “I want us to keep remembering, to not forget what happened in Albuquerque. Because I think in many ways we won. We won because so many of us came. We won because so many of us learned and had our eyes opened to what it is we need to do on the local level to get our people behind pulpits . . . We won because we came together as a faith community and witnessed to the entire Assembly what it is to be gay and lesbian Christians . . . We won because we had heterosexual allies in larger numbers than ever before speaking out for us and joining us as members of our family . . . We won because we never stopped singing and dancing and believing that justice will come” (in Anderson 1996b).

In anticipation of Amendment B’s passage, Martha Juillerat and Tammy Lindahl launched the ‘Shower of Stoles Project’ (SOSP). Juillerat decided to set aside her ordination to live openly with her partner and “protest institutionalized homophobia within the church” (Juillerat and Lindahl 2014, video time stamp 9:41). While embodying the principles that compelled Sindt and his cohort to perform an apologetic ministry of presence, Juillerat made her presence felt through strategic withdrawal.

After readying herself for the last presbytery meeting she would attend as a presbyter, Juillerat went to the 207th GA in 1995 and invited LGBTQIA+ faith leaders to send in their stoles as a reminder that “it wasn’t just us [Juillerat and Lindahl] . . . that if we left, this problem wouldn’t just go away” (Juillerat and Lindahl 2014). In a reflection on the discernment process that led to the project, Juillerat explained, “we sat around trying to think of a symbol. A friend of ours came up with the symbol of a stole, and she said, why don’t you ask people to just send you stoles with their stories on them” (Juillerat and Lindahl 2014)? The project started small but grew to include “over a thousand liturgical stoles and other sacred items from lesbian, gay, bisexual, and transgender . . . people from twenty-six denominations in six countries” (Juillerat and Lindahl 2014). LGBTQIA+ Presbyterians and allies had sojournered to Albuquerque in droves. Indeed, the pallbearing protest was possible because queer Presbyterians and allies had brought their stoles with them and wore them throughout the assembly. In the days before and after the passage of Amendment B, hundreds performed a ministry of presence by “wearing stoles, their own, their friend’s, their children’s, or a stranger’s” (in Holmen 2013, p. 399).

Following the 1996 assembly and the ratification of G-6.0106B by the majority of presbyteries in 1997, conservatives celebrated while LGBTQIA+ Presbyterians regrouped and strategically mobilized the army of moderate allies who had now rallied to their cause. The SOSP exhibit made its way through Presbyterian churches around the country and was featured in the exhibition hall at subsequent GAs. The project celebrated “the gifts of LGBT+ people of faith while also lifting up those who have been excluded from service” (Juillerat and Lindahl 2014).

#### 4.7. Fidelity, Integrity, and Covenant

In 1997, the 209th General Assembly met in Syracuse. Though they were not permitted to protest on the assembly floor, advocates for inclusion filled the hallways and exhibit areas singing, shouting, and waving signs. That same year, a group of mostly allies formed the Covenant Network of Presbyterians, which sought to further the cause of full inclusion while moderating the seemingly radical elements within *More Light* and other groups. Founders of the network included recent GA Moderators like Bob Bohl (206th Assembly in 1994) and John Buchanan (208th Assembly in 1996), along with other prominent leaders in the denomination.<sup>44</sup> They employed the biblical language of ‘covenant’ not only as a reminder that many queer Presbyterians lived in life-giving covenantal relationships but

also that the church itself is a covenantal community. In a press release on 15 August 1997, Bohl and Buchanan asserted, “John Calvin’s great vision ‘that we may dwell in perfect unity’ seems more critical than ever for our beloved church” (PHS 2022a, RG-531 B1/F1). They then pledged “to seek the common ground that will allow us to move beyond differences on specific issues to the vital mission the Spirit has in store for us (PHS 2022a, RG-531 B1/F1).

The leaders of the Covenant Network recognized that, though the GA was the epicenter of national church life, that body could only speak *to* the church in accordance with the powers enumerated to it. Real authority rested in Presbyteries. Based upon this recognition, the Covenant Network buttressed the longstanding mid-council efforts of the PLGC by organizing among presbyteries to nominate pro-inclusion commissioners and help draft overtures that called for the repeal of the ‘fidelity and chastity’ clause (G-6.0106B) in favor of what they called the ‘fidelity and integrity’ amendment (97-A).

In an affirmation of both the impact of queer Presbyterian ministries of presence at GAs and the efficacy of intra-ecclesial politicking at the mid-council level, a version of the revised ordination standard passed in the 1997 assembly. Unfortunately for pro-inclusion groups, the amendment was voted down by the majority of presbyteries in 1998. If ‘Amendment A’, as it was also known, had been ratified by the presbyteries, it would have modified the language Amendment B had added to the Book of Order a year earlier. The amended version of the new constitutional ordination standard would have replaced the prescription of “chastity and singleness” for all people living outside of heterosexual marriage with an admonition that called all candidates “to demonstrate fidelity and integrity in marriage and singleness, and in all relationships of life . . . ” (PHS 2022a, RG-531).

Advocates for full inclusion believed replacement of G-6.0106B with the text of Amendment 97-A would have both removed the most formidable barrier to LGBTQIA+ ordination and brought the church’s constitution back into alignment with historic Presbyterian polity principles. Since the differences between G-6.0106B and Amendment A are subtle, a detailed comparison of the respective clauses is necessary. Table 1 tracks the textual differences between the two clauses.

**Table 1.** Interlinear Comparison of Amendments B and A.

<p><b>G-6.0106B (Amendment B-1996):</b>                  “Those who are called to office in the church are to lead a life of obedience to Scripture and in conformity to the historic confessional standards of the church. Among these standards is the requirement to live either in fidelity within the covenant of marriage between a man and a woman, or chastity in singleness. Persons refusing to repent of any self-acknowledged practice which the confessions call sin shall not be ordained and/or installed as deacons, elders, or ministers of the Word and Sacrament” (PC(USA) 2001, G-6.0106B).</p>	<p><b>Amendment A (Proposed Text-1997):</b>                  “Those who are called to office in the church are to lead a life in obedience to Jesus Christ, under the authority of Scripture and instructed by the historic confessional standards of the church. Among these standards is the requirement to demonstrate fidelity and integrity in marriage and singleness, and in all relationships of life.” (PHS 2022a).</p>
<p><b>Obedience:</b>                  “Those who are called to office in the church are to lead a life of <i>obedience to scripture . . .</i>”</p>	<p><b>Obedience:</b>                  “Those who are called to office in the church are to lead a life in <i>obedience to Jesus Christ, under the Authority of Scripture . . .</i>”</p>
<p><b>Confessional Standards:</b>                  “. . . and <i>in conformity to</i> the historic confessional standards of the church.”</p>	<p><b>Confessional Standards:</b>                  “. . . and <i>instructed by</i> the historic confessional standards of the church.”</p>
<p><b>Relationship Standards:</b>                  “. . . Among these standards is the requirement to <i>live either in fidelity within the covenant of marriage between a man and a woman, or chastity and singleness.</i>”</p>	<p><b>Relationship Standards:</b>                  “Among these standards is the requirement to <i>demonstrate fidelity and integrity in marriage and singleness, and in all relationships of life.</i>”</p>
<p><b>Proscription of ordination/installation Based Upon Sexual Activity/Relationship Status:</b>                  “. . . <i>Persons refusing to repent of any self-acknowledged practice which the confessions call sin shall not be ordained and/or installed as deacons, elders, or ministers of Word and Sacrament.</i>”</p>	<p><b>Proscription of ordination/installation Based Upon Sexual Activity/Relationship Status:</b></p>

The differences between Amendments B and A become apparent upon comparison. Amendment B called for ‘obedience to scripture’, while Amendment A would have mandated that the church’s officers must ‘lead a life in obedience to Jesus Christ under the authority of scripture.’ Many Presbyterians glimpsed the specter of the Portland Deliverance of 1892 and the Doctrinal Deliverance of 1910 lurking behind the wording of Amendment B’s first sub-clause and feared it was another attempt to “write biblical literalism into the constitution” (Holmen 2013, p. 404). Amendment A, in contrast, bore witness to the Christocentric nature of biblical authority as enshrined most visibly in the 1934 Barmen Declaration, Confession of 1967, Brief Statement of Faith of 1991, and the guidelines for the interpretation of scripture, respectively, affirmed by the Northern and Southern assemblies in 1982 and 1983.

Whereas Amendment B required Presbyterian ordinands to live ‘in conformity to’ the church’s confessional standards, Amendment A challenged ordinands to be ‘instructed’ by them. In the eighteenth century, Old Side Presbyterians had argued for conformity (i.e., absolute subscription) to the so-called ‘Westminster Standards’, outlined in the Confession and the 1644 Directory for Worship. However, their perspective was one that, at least among mainline Presbyterians, had become a minority in the intervening centuries. As U.S. Presbyterians on all ‘sides’ and in every ‘school’ had affirmed since 1729, Reformed confessions are ‘subordinate standards’ to scripture. While the church’s historic affirmations bear witness to the timeless truth of the gospel to which the Bible testifies, they are directed at particular concerns within a specific time and locality. Indeed, the 209th Assembly asserted in its 1997 report on the *Confessional Nature of the Church*, “even when their writers have believed they were formulating Christian truth valid for all time and places, their work has been directed not only to but limited by their particular time and place” (PC(USA) 2019, p. ix). Therefore, “the confessions are not honored if they are robbed of historical particularity by imagining that they are timeless expressions of truth” (PC(USA) 2019, p. iv).

In light of the numerous inconsistencies between the documents included within the Book of Confessions, it is clear that the first volume of the church’s constitution is meant to be read as a synoptic compilation. As the 1997 assembly stated, “this multiplicity of confessions, written by many people in many places over such a great span of time, obviously means that the Reformed tradition has never been content to recognize any one confession or collection of confessions as an absolute, infallible statement of the faith of Reformed Christians for all time” (PC(USA) 2019, p. xii). Consequently, in the words of the preamble to the Confession of 1967, “no one confession is exclusively valid, no one statement is irrefragable. Obedience to Jesus Christ alone identifies the one universal church and supplies the continuity of its tradition” (PC(USA) 2019, 9.03).

Advocates and allies of inclusion may have wondered, if the wording of Amendment B were followed to its logical conclusion, would Presbyterians be expected to ‘conform’ to the anti-Roman Catholic polemics contained in the church’s sixteenth and seventeenth-century documents? Would they be forced to endorse the misogynistic declarations against women’s civil authority in the Scots (XXV) and Second Helvetic Confessions (XX)? How should believers judge between confessions when those documents interpret scripture in ways that place them in tension with one another, as is evidenced by their inconsistent treatment of the doctrine of double predestination?<sup>45</sup> As these rhetorical questions make clear, the PC(USA)’s confessions are used in accordance with that church’s tradition when they are empowered to instruct the reading of scripture upon which Presbyterians believe God’s Spirit is continually shedding new light. Conversely, they are misused when set up as timeless dogmatic adjudications or infallible encyclicals that limit debate and demand uncritical obedience. Additionally, if Presbyterians are not free to engage earnestly and in good conscience with historic confessional standards, how can they be expected to act according to the church’s historic principles of government as codified in the Radical Principles of 1797 and again in the post-1983 Form of Government?



In contrast to Amendment B's call for all ordinands to 'live in fidelity within the covenant of marriage between a man and a woman, or in chastity and singleness', Amendment A asserted that candidates must 'demonstrate fidelity and integrity in marriage and singleness, and in all relationships of life.' Far from rejecting the church's historic concerns for sexual ethics, marriage, and family life, supporters of Amendment A often expressed their hope that those bonds might be strengthened by repealing G-6.0106B. While the notion of clerical celibacy was considered out of step with the Reformed tradition, the call to live with 'fidelity and integrity in all areas of life' is a commandment that all Christians can affirm.

Some overtures to the 1994 assembly, which had called for the changes subsequently codified in Amendment B, used the phrase 'fidelity and celibacy' rather than 'chastity and singleness.' However, the final version of Amendment B, which emerged from the appropriately tasked constitutional advisory committees, included the modified wording, which obscured the earlier version's more obvious focus on the sex lives of clerics. Furthermore, the committees also presumably thought the requirement of 'chastity' for clergy might be easier for Reformed Christians from across the theological spectrum to stomach. Yet, the adjusted wording problematically limited the scope of 'chastity', which can include sexual abstinence, but also embraces a range of 'Christian' behaviors such as moral purity, innocence, goodness, decency, decorum, and modesty. Thus, many Presbyterians from across the theological spectrum believed that consigning 'chastity' to either abstinence or heteronormative marital intercourse "wholly skewed the traditional meaning of chastity and assigned a new meaning of single persons not having sex" (Vermaak 2009, p. 240). Thus, advocates for full inclusion argued that "whether 'celibacy' or 'chastity' (which essentially meant celibacy in this context) is used as a requirement for candidates of office to be ordained and/or installed, it runs counter to the Reformed tradition" (Vermaak 2009, p. 241).

Additionally, Reformed believers have long confessed that 'Godly' behavior is a response to faith rather than its precedent. Therefore, in words that recalled both Ephesians 2:3 and the Confession of 1967, supporters of Amendment A argued that G-6.0106B had established a dangerous precedent not only for LGBTQIA+ people but for the entire church. In the words of one advocate for repeal, Amendment B "moves us from the faith-based criteria of the Reformed tradition to a behavior-based criteria that places us in judgement of one another". Thus, "new dividing walls of hostility are built, and reconciliation is abandoned" (in Holmen 2013, p. 403).

Finally, Amendment B also asserted that 'persons refusing to repent of any self-acknowledged practice which the confessions call sin shall not be ordained and/or installed as deacons, elders, or ministers of Word and Sacrament'. The version of Amendment A proposed in 1997 would have deleted that clause from the constitution entirely. In addition to prohibiting the ordination of openly LGBTQIA+ candidates, Amendment B targeted openly queer ministers who had already been ordained and were currently *installed* in church offices. As the records of the GA-PJC reveal, G-6.0106B contributed to the development of anti-gay witch hunts or "inquisition[s]" that the 1978/1979 assemblies had tried to avoid (see Anderson 1997, pp. 57–58). It also prompted an existential crisis among many queer clergy who were now more at risk than ever of losing opportunities for gainful employment and the ability to house, clothe, and feed themselves or their families.

Amendment B's wording also implied that the Book of Confessions is replete with condemnations of specific sinful behaviors. However, upon review of the first volume of the church's constitution, advocates for inclusion found only two clauses that seemed to affirm the second volume's newly ratified admonition. First, one's attention must turn toward the previously referenced erroneous translation of 1st Corinthians 6:9 that was added to the Heidelberg Catechism in 1962. Adding fuel to the fires of efforts to repeal Amendment B, the UPCUSA's 1978 report and the PCUS's 1979 position paper had already shown that, even if the term 'homosexual' was rightly added into the Heidelberg (see Section 4.4 above), the Catechism's inclusion of sexual immorality on a list of condemned behaviors did not constitute an ecclesio-legal ban on LGBTQIA+ ordination or marriage.



Second, the 139th question of the Westminster Larger Catechism lists ‘sodomy’ in a compendium of sins that were thought to be condemned by the seventh commandment.<sup>46</sup> However, the Book of Confessions makes clear in its general notation on the Larger Catechism’s use of scripture in the 139th and other questions, “at several points the Larger Catechism is more specific in its statements than in Scriptures. These statements are inferences from the Scriptures [i.e., deductions that are subject to further scrutiny], or from statements based on the Scriptures, or from the experience and observation of the church” (PC(USA) 2016, 7.249. 7).<sup>47</sup> If the 139th question of the Westminster Larger Catechism was raised in a particular debate over human sexuality and ordination standards, advocates for inclusion might have been excused for asking sarcastically whether or not their interlocutors planned to apply the same standards to *all* the other ‘sins’ listed in the answer given by the Westminster Assembly. Indeed, several of the behaviors listed in the catechism remain unacceptable to Christians from across the ideological spectrum. That said, advocates for inclusion may have wondered, did their interlocutors plan to desist in the practice of listening to comedians, cracking ‘impudent’ jokes, dressing in ways that a seventeenth century cleric might consider ‘immodest’, (perhaps ironically) taking too long to get married, listening to rowdy songs, dancing, or going to the theater? More poignantly, since the 139th question condemns the ‘entangling vows of [celibate] single life’ taken by Roman Catholic clergy alongside ‘sodomy’, had advocates for Amendment B no shame when they used that catechetical question as a justification for imposing similar ‘vows’ (though Presbyterian ordinands do not technically take ‘vows’) on LGBTQIA+ ordinands?

Upon review of the Heidelberg Catechism’s 87th and the Larger Catechism’s 139th questions, we have now exhausted the Book of Confession’s supposed references to homosexuality. Before the passage of Amendment B, Presbyterians from across the ideological spectrum had recognized that neither of the confession’s clauses could function as a ban on openly LGBTQIA+ ordination. Consequently, the reader will not be surprised that more than one scholar has deduced, “for all the bluster about conforming to confessions and denouncing that which the confessions call sin, there really was nothing in any of the confessions that pertained to LGBTQ relationships” (Holmen 2013, p. 402).

Neither the differences between Amendments B or A nor the respective precedents upon which they drew were lost on those Presbyterians who were deeply involved with the church’s life. In the previously referenced pamphlet that advertised Amendment A prior to the 1997 assembly, the Covenant Network also quoted a section of the 1788 codification of the Adopting Act. The flier asserted, “since 1788 when faced with disagreement, we Presbyterians have said, ‘we think it the duty both of private Christians and societies to exercise mutual forbearance toward each other’ [quoting PC(USA) 1996, G-1.0305]. That means getting along. Staying together. Even when we don’t see eye to eye on everything. We agree on essentials and trust each other to interpret them faithfully” (PHS 2022a, RG-531 B1/F1). In an earlier text, Bohl and Buchanan had also criticized Amendment B on the grounds that a prescription of chastity for LGBTQIA+ persons constitutes a departure from the historic Reformed understanding of ordination. Members of the newly formed Covenant Network, who sought to hold their desire for inclusion and commitment to unity in creative tension, believed that Amendment A would clarify “that our obedience is to Jesus Christ. It restores the Reformed understanding of vocation by acknowledging that service in ordained office is possible only because of God’s grace—not because of our human efforts” (PHS 2022a, RG-531 B1/F1). Yet, far from endorsing sexual licentiousness, Amendment A would “require moral sexual behaviour” within the bounds of covenantal relationships (same-sex marriage was not yet legal in many U.S. states) and remind all ordinands of their charge to live with integrity in all areas of life (PHS 2022a, RG-531 B1/F1).

As the de facto leaders of the Covenant Network in its early days, Bohl and Buchanan also moved beyond exegetical and confessional arguments to demonstrate their belief that Amendment A “offers a real opportunity for unity and expresses the feeling of the broad middle of the church” (PHS 2022a, RG-531 B1/F1). They sought to reframe the debate around LGBTQIA+ ordination as a side issue that was distracting the church from its

larger mission. Since its founding in 1965, groups like the Presbyterian Lay Committee had criticized the denomination for being ‘distracted’ by social justice concerns (PLC, History). By arguing that the church’s collective neurosis about gay sex was a distraction from its broader mission, the Covenant Network reversed conservative critiques of inclusive arguments. They suggested that the church’s unhealthy fixation on sexuality hindered its mission and ministry. Thus, in spite of their diversity viewpoint on specific issues related to human sexuality, members of the Covenant Network claimed to support Amendment A and subsequent overtures because they believed doing so would “allow us the grace and the space to grow toward rebirth as a community of God’s people. It will allow us to concentrate on our call to the Great Ends of the Church” (PHS 2022a, RG-531 B1/F1).

By itself, Amendment A would not have abolished the ban on LGBTQIA+ ordination; various AIs and GA-PJC precedents would have remained in effect. However, if it had been ratified by the majority of presbyteries, it would have removed the recently added *constitutional* ban and opened the door for other assemblies to supplant GA-PJC AIs that had been adjudicated based upon either G-6.0106B or the 1978/1979 ‘definitive guidance’ in future cases. Prior to the rejection of Amendment A by the majority of presbyteries, a rare joint press conference was held with representatives of the PLGC and a member of the board of the conservative group Presbyterians for Renewal (PFR). PLGC representatives celebrated Amendment A’s passage as a “mid-course correction, not a stunning reversal” (OCRT 2001). Scott Anderson,<sup>48</sup> who would become the first openly gay minister to be ordained in 2011, said the amendment was “a nuance, not so hard, more gracious” (in OCRT 2001). In contrast, the PFR representative lamented that it would “water down the historical standards of the church” and send “a fuzzy message to young people” (in OCRT 2001).<sup>49</sup>

#### 4.8. Pragmatism, Purity, and “Getting This Question Answered”

Like participants in other organic movements, those who debated the church’s policies on human sexuality never coalesced into a monolithic organizational structure; Multiple cohorts arose on all sides of the dispute. Nevertheless, as with the developments following the 1991 General Assembly’s rejection of the HSC report, a degree of consolidation did occur within the ranks of those calling for more inclusive policies following the passage of Amendment B. Building upon relationships established since the 1991 restructuring of special organizations and informal advocacy groups, in 1999, some members of the PLGC formally united with the More Light Churches Network (MLCN) to form More Light Presbyterians (MLP). Others who had supported the work of the PLGC but found the pragmatic impulses of the Covenant Network more appealing joined that organization. Moving forward, people from across the theological spectrum would coalesce into the Covenant Network based on their pragmatic concerns for the church’s unity and the fact that membership in that body did not imply an endorsement of the inclusion movement’s more radical MLP wing.

Regarding real and perceived tensions between the two major pro-LGBTQIA+ organizations, Tricia Dykers-Koenig reported in a 2022 interview conducted for this project, “More Light and Covenant Network worked together in some things but had tension in other things. It was not, generally speaking, about goals; differences were strategic and tactical” (Smith 2022, 3.4). Dykers-Koenig, who had worked with the PLGC and served as the National Organizer of the Covenant Network from 2000 to 2017, spoke openly of the conflict between pragmatism and purity that often shaped relations between the Covenant Network and MLP. She said, “purity on the left is different than on the right, but there is definitely a purity party on the left” (Smith 2022, 3.5). She associated purity with MLP and pragmatism with the Covenant Network. Dykers-Koenig also implied that MLP created spaces where openly LGBTQIA+ people could organize and advocate for their interests while the Covenant Network funneled much-needed institutional power into the movement. She confirmed the broadly pragmatic and centrist vision of the organization whose agenda she shaped for a decade-and-a-half when she explained, “the Covenant

Network was more center-left. It was founded by people based on their understanding of scripture. They recognized that they could use the power that they had in the church, which was considerable in some cases (lots of leaders in big churches and seminaries).<sup>50</sup> Institutional power needed to be turned toward change; it needed to be used to help the church by getting this question answered in the way the gospel would have it answered” (Smith 2022, 3.6).

On the one hand, the Covenant Network’s concerted efforts and pragmatic approach mobilized the ‘vast middle’ of the church by helping Presbyterians from across the theological spectrum see LGBTQIA+ ordination and marriage through the lens of their faith community’s historic polity principles. On the other, it is difficult to imagine that Presbyterian leaders would have pushed so forcefully if ‘radical’ elements that coalesced into the MLP had not repeatedly performed ministries of presence that called the question on LGBTQIA+ concerns before the church. Though they often disagreed about best practices, both organizations along with the methodologies and dispositions they represent were indispensable to the movement toward full inclusion in the PC(USA).

#### 4.9. *A Call to Sabbatical, Conversion Therapy, Same-Sex Unions, and ‘PUP’*

Exhausted and fearful that ongoing disputes over G-6.0106B would lead to schism, in 1998, “leaders from both sides of the debate over ordination came together to issue a ‘Call to Sabbatical’” (PHS 2018). In the meantime, the question of same-sex unions rose to the fore. At the 212th General Assembly in Long Beach in 2000, three overtures called “for constitutional amendments prohibiting Presbyterian ministers from conducting same-sex unions and forbidding the use of Presbyterian church facilities for the ceremonies” (Adams 2000a). The assembly combined and approved these measures as ‘Amendment 00-O’, but the majority of Presbyteries rejected it in 2001 (PC(USA) 2001). Despite the call to sabbatical, some advocates for inclusion also supported ‘Amendment 01-A’, a descendent of Amendment 97-A (numbers before ‘letter’ indicate the year in which the assembly acted on the proposed amendment), which would have removed the ‘fidelity and chastity’ clause (PC(USA) 2001).

The Presbyteries of Detroit and New York City also sent overtures to the 211th Assembly in 1999 that called the church to move beyond abstract condemnations of homophobia and repent for its complicity in that sin. Some presbyteries also called the church to condemn conversion therapy, which some of its earlier statements implied was a viable ‘treatment’ for homosexual orientation (see Section 4.2 above). The Advisory Committee on Social Witness Policy (ACSWP) adjusted the language to bring the overtures into accordance with the church’s constitution, and the assembly, remarkably, approved the modified overture. The GA reaffirmed its now long-standing policy of welcoming all people, regardless of their sexual orientation, into its membership and issued a non-binding resolution on pastoral care of LGBTQIA+ individuals. The assembly stated clearly, “no church should insist that gay and lesbian people need therapy to change to a heterosexual orientation, nor should it inhibit or discourage those individuals who are unhappy with or confused by their sexual orientation from seeking therapy they believe would be helpful” (PC(USA) 1999a, p. 80). Building upon its long history of affirming the validity of scientific methods and drawing insights from biopsychosocial research, the assembly also declared “the [PC(USA)] affirms that medical treatment, psychological therapy, and pastoral counseling should be in conformity with recognized professional standards” (PC(USA) 1999a, p. 80). The modified overture’s use of the term ‘should’ meant that the assembly’s statement on conversion therapy *strongly advised* ministers not to employ or recommend such practices. Yet, since the statement did not use the term ‘shall’, officers or congregations could not be punished for disregarding this statement.<sup>51</sup>

During the sabbatical on ordination standards, conservatives relentlessly argued their position and unleashed a broadside against the consistent use of the Adopting Act by pro-inclusion groups. They suggested that a review of Baird’s highly regarded 1856 account of the 1729 synod meeting and the structure of the clause as codified after the first meeting

of the General Assembly in 1788 ought to prevent the historic principle from being applied to challenge the church's exclusive ordination clause. Ignoring both the long history of application, the precedents established by the Swearingen Commission, and the plain sense of the Adopting Act itself, they asserted that it pertained exclusively to the role of the civil magistrate in handling intra-ecclesial disputes (Adams 2000b). Conveniently, this restrictive reading gave rise to critiques of the perceived influence of secular law on the church in cases where pastors had blessed same-sex civil unions or marriages in states where it was legal. It also fit into broader critiques of inclusive arguments as being unduly influenced by secular forces.

Indeed, as previously noted, the scruples declared amid the 1729 debate pertained to the twentieth and twenty-third chapters of the Confession and had to do with the power of the civil magistrate. Concerning the twentieth and twenty-third chapters, American Presbyterians of previous generations had declared that regarding those "clauses the Synod do unanimously declare, that they do not receive those articles in any such sense as to suppose the civil magistrate hath a controlling power over Synods with respect to the exercise of their ministerial authority; or power to persecute any for their religion, or in any sense contrary to the Protestant succession to the throne of Great Britain" (in Baird 1856, p. 5). Obviously, early disputes over the scope of the Adopting Act centered around the immediate challenges of early eighteenth century British colonial life and reflected a concern for the church's freedom from civil constraint that would accompany it throughout its history. Yet, as members of the Covenant Network and other groups knew well, the Act also explicitly states that candidates can declare "any scruple with respect to any article or articles of said Confession or Catechisms" (Emphasis added, in Baird 1856, p. 5). In the centuries following the Act's promulgation, it has been evoked upon the declaration of manifold scruples. Its scope has always included the relationship between church and state, but its application has never been limited to concerns over the civil establishment of religion.

The scope of the Adopting Act and the purpose of the ecclesial bodies that have repeatedly codified it has long been to maintain a healthy tension between the peace, unity, and purity of the church. Since the publication of the Swearingen Commission's report in 1927, Presbyterians have remained acutely aware of their responsibility to further those three essential characteristics of ecclesial life (JPH 2001). Today, at Presbyterian ordination/installation services, deacons, ruling elders, and ministers are asked eight questions, including, "do you promise to further the peace, unity, and purity of the church" (PC(USA) 2019, W-4.0404g)?

In light of this three-fold concern for ecclesial health and wellbeing, it is understandable that, in 2001, the 213th General Assembly created the Theological Task Force on Peace, Unity, and Purity of the Church (PUP). The assembly charged the group "to lead the [church] in spiritual discernment of our Christian identity in and for the 21st Century" (PC(USA) 2001, p. 29). Moderator of the 213th General Assembly, Jack Rogers (1934–2016), who would become a passionate advocate for LGBTQIA+ ordination and marriage, appointed twenty members to the committee.

After more than four years of discernment, the task force submitted its final report to the 217th General Assembly in 2006. The group was not expected to take a position on the constitutionality of the 'fidelity and chastity' clause, and it did not do so (PC(USA) 2006, p. 20). Yet, the majority of its members buttressed the church's long-standing position on LGBTQIA+ membership when it asserted, "it is a grave error to deny baptism or church membership to gay and lesbian persons or to withhold pastoral care to them and their families" (PC(USA) 2006, p. 20). Furthermore, in line with the church's 1978 and 1979 adjudications, the group also agreed that "sexual orientation is, in itself, no barrier to ordination" (PC(USA) 2006, p. 20). While remaining within the bounds of its mandate, the report called for "Christ-like alternatives to the 'yes/no' forms in which questions about sexuality, ordination, and same-gender covenantal relationships have been put to the church in recent decades" (PC(USA) 2006, p. 21). The cohort also commended the

church's historic guidelines for the faithful study of scripture and evoked the Adopting Act tradition as a resource in the struggle to balance the mandates of peace, unity, and purity (PC(USA) 2006, p. 24). Consequently, "a critical insight of the . . . report was the reaffirmation of the legacy of the scruple applicable to the fidelity and chastity requirement for ordination" (Holmen 2013, p. 436).

While its members recognized the right of ministers and members to scruple, the PUP task force reflected the extra-judicial influence of the Presbytery of New Brunswick's Apology, the Auburn Affirmation, and other important works upon the church's development. It asserted that the PC(USA) and its predecessor denominations have always recognized the theological and practical necessities of defining certain doctrines, polity, and practices as essential and "indispensable for ordained service" (PC(USA) 2006, p. 37). Thus, in the tradition of the Swearingen Commission, the group proposed an AI of the constitution. The AI placed the authority to decide on questions about ordination firmly back into the proverbial hands of the ordaining judicatory (congregations, through sessions, for ruling elders and deacons, presbyteries for teaching elders/ministers) but emphasized: "as well the power of higher governing bodies to review ordination and installation decisions *if they are challenged*" (Emphasis added, PC(USA) 2006, p. 38). Thus, higher church organs would retain appellate jurisdiction over *specific cases* in which ordinations or installations had been challenged. Though the church could not preemptively ban LGBTQIA+ people from ordination or installation *as a class*, when examining candidates and reviewing judicial matters, higher bodies were required to apply the church's law as it is stated in the constitution. Since Amendment B functioned as a ban on the ordination of 'practicing' homosexuals, sessions, presbyteries, synods, the GA, and their judicial commissions had to enforce it in specific cases.

After the 217th General Assembly approved the PUP Task Force's recommended AI in 2006, advocates for inclusion in progressive presbyteries and congregations professed a willingness to ordain individuals on a 'don't ask, don't tell' basis. Yet, so long as the 'fidelity and chastity' clause remained in effect, any LGBTQIA+ person who was not either celibate or dishonest about their relationship status was effectively barred from ordination. Consequently, though the task force's report formally "linked the time-honored concept of scruple with LGBT ordination under Amendment B" and reemphasized the possibility for "disagreement" with the church's policy, it did not leave room for "disobedience" of the constitution (Holmen 2013, pp. 436–37). Presbyterians were free to express their conscientious objections to the church's policy, but they were not free to disobey its rulings: As had been recognized since the eighteenth century and has been noted multiple times above, freedom of conscience and the right to scruple as then enshrined in G-6.0108 of the constitution did not imply freedom of *action* (i.e., the freedom to disregard G-6.0106B).<sup>52</sup> So long as Amendment B remained in the constitution, responsible bodies were not permitted to ordain non-celibate officers. If they did, and a case was brought that challenged the action, said ordinations would be overturned.

At the 218th Assembly in 2008,<sup>53</sup> advocates for inclusion again managed to pass an overture known as "Amendment 08-A," which would have modified the language of the church's ordination standards and allowed for LGBTQIA+ clergy, but it failed by a mere 51/49 percent margin to gain the support of a majority of presbyteries when it was sent to them for ratification in 2009. The 2008 assembly also issued what some have called the '*Knox AI*.' This Authoritative Interpretation of the Constitution resulted from an overture from the John Knox Presbytery (South-West Wisconsin and North-East Iowa) that followed debates in that body over the candidacy of Scott Anderson for ordination. The Knox AI essentially reiterated the previous assembly's AI, which was based upon the recommendation of the Task Force on the Peace, Unity, and Purity of the Church. It asserted, "examining bodies [are required] to give prayerful and careful consideration, on an individual, case-by-case basis, to any departure from the ordination standard in matters of belief or practice that a candidate may declare during an examination. However, the examining body is not required to accept a departure from standards" (in Holmen 2013, p. 438). Thus, while



all candidates have the right to declare scruples with the church's constitution, ordaining bodies are not automatically required to accept them.

Despite the Knox AI's appeal to the previous assembly's decision, and in hopes that Amendment 08-A would be ratified, Anderson followed in the Presbyterian tradition of issuing a written 'apology.' He submitted a document to the John Knox Presbytery's Committee on Preparation for Ministry (CPM), which he called an "Affirmation of Conscience". Another LGBTQIA+ candidate for ordination looked back to the Protestant Reformation for inspiration and evoked the tone and tenor of Martin Luther's alleged statement before the Diet of Worms in 1521. Recalling the sixteenth-century reformer's brave stand, Lisa Larges denounced the fidelity and chastity requirement and declared her scruple; "by my conscience, faith and theology, I cannot and will not accept the terms of this standard" (PC(USA) 2009). Yet, because the church's understanding of the Adopting Act tradition allowed for freedom of *conscience* but not freedom of *action*, in so doing, she gave up her right to be ordained, at least for a time.

At the 2008 assembly, the Shower of Stoles project was complemented by an MLP ministry of presence that provided hand-knit or crocheted rainbow scarves to any commissioner or advisory delegate who supported full inclusion and wished to wear one.<sup>54</sup> As a result, one thousand scarves were knit for the 2008 assembly by people from around the world; Thousands more were created for successive gatherings. When delegates approached the More Light booth, they were confronted by a massive pile of rainbow scarves. After digging through and selecting the scarf they most appreciated, a More Light representative approached them. The More Light team clarified the meaning of the scarf and then offered a 'charge', which was not unlike the charge given in Presbyterian ordination services (Engardio 2010). Thus, despite continual setbacks, LGBTQIA+ Presbyterians and allies from across backgrounds continued employing historic symbols of Christian ordination as a ministry of presence at national church gatherings to confront the myth of Queer-Christian non-existence. Clearly, the 'problem' of LGBTQIA+ ordination was not going away.

## 5. The Question Finally Answered

### 5.1. nFOG, Ordination, and Amendment 10A

After decades of tension, the church recognized that it needed to reform its constitution from the ground up. To that end, a pared-down version of the Book of Order, known then as the New Form of Government (nFOG), was affirmed by the 219th General Assembly in 2010 and ratified by the majority of presbyteries in 2011. Many saw the new structure as a return to core principles of Presbyterian polity and theology. Most also realized that it could open the doors for the full inclusion of LGBTQIA+ people in the church.

The commissioners and advisory delegates to the 2010 GA again passed an overture calling for an amendment that would remove the fidelity and chastity clause from the constitution. If passed, LGBTQIA+ Presbyterians and their allies hoped against hope that the revised standard would finally bring the church's law back into conformity with their reading of the Adopting Act tradition and remove exclusive ordination policies. In a shocking affirmation of the notion that historical change arrives slowly but happens fast, 'Amendment 10-A' was ratified by the majority of presbyteries in 2011 and became G-2.0104b of the new Book of Order. The amendment reasserted a critical provision of the Adopting Act tradition when it confirmed that the decision of whether to ordain openly LGBTQIA+ persons to ministry rests with "the governing body responsible for ordination or installation [sessions for ruling elders/deacons, presbyteries for teaching elders]" (PC(USA) 2019, G.14.0240 & G-14.0450).<sup>55</sup>

Predictably, conservatives were outraged by the decision. Though many in the church saw the new amendment as a return to historic policy principles, contributors to *The Layman* denounced the action and continued sounding the horn for schism. One author saw fit to quote Joshua 24 in an ominous article titled, *Choose this Day Whom you will Serve*. He asserted, "in rejecting the concept that the Bible means what it says, the current ruling



majority in the PC(USA) has departed from the founding principles of both the PC(USA) and historic Presbyterianism . . . the question is what will you do? . . . How you respond to 10A will communicate a lot about where you stand regarding the nature of God, sin, the authority of the Scriptures, the Lordship of Jesus Christ, and the nature of Christian doctrine” (Presbyterian Layman 2011).

After years of organizing, in 2014, the conservative members of the Fellowship of Presbyterians and Presbyterians for Renewal (PFR) finally declared their intent to separate from the PC(USA) and found the Evangelical Covenant Order of Presbyterians (ECO). In response to the church’s movement toward greater inclusion of LGBTQIA+ people and general dissatisfaction with the denomination, the New Wineskins Association of Churches (NWAC), which was often referred to as the non-geographic ‘New Wineskins Presbytery’, also organized multi-year exodus plans for ministers and congregations of the PC(USA) who wanted to leave for the more conservative Evangelical Presbyterian Church (EPC). In conjunction with the efforts of the ‘Confessing Church Movement’, which co-opted the German church struggle against the NAZI régime to defend its anti-LGBTQIA+ views, the work of the NWAC was supported by the Presbyterian Lay Committee. In the ensuing debates, intra-ecclesial disagreement frequently escalated to civil/legal disputes following the decision of congregations and ministers to leave the PC(USA).<sup>56</sup>

Though conservatives believed 10A had forced a decision upon them, in her announcement of its ratification, GA Moderator Cynthia Bolbach (1947–2012) clearly articulated the church’s revised policy. Per the Adopting Act tradition, she announced, “this amendment does not require any session or presbytery to ordain a gay and lesbian person. It leaves it up to the discretion of the local body which knows the person best” (in Sepic 2011). Therefore, though the 2010 GA would be accused of provoking conservatives to leave and either join or form other denominations in the years to come, the consciences of all Presbyterians, regardless of their ideological persuasion or identity, remained protected within the church. The only difference was that now, conservative Presbyterian’s could no longer (mis)use the church’s polity to impose their beliefs about sexuality and gender identity on the national level. Though conservatives vented their outrage over this reversal of fortunes, for LGBTQIA+ Presbyterians and their allies, the long wait was over. The church had finally answered Sindt’s question in the affirmative. Yes, there were many more Presbyterians out there who identified as LGBTQIA+. Thenceforth one would have to look no farther than the pulpit to witness that truth. Now it was time for marriage equality.

### 5.2. *Belhar, Same-Sex Marriage, and Amendment 14-F*

In the lead-up to the 221st Assembly in 2014, the church prepared itself for a rancorous debate over the addition of the *Confession of Belhar* (1986) to the Book of Confessions. The Belhar had been commended to the global Reformed family by the Uniting Reformed Church of Southern Africa (URCSA) after the formal collapse of racial apartheid in South Africa. Supporters of Belhar’s ratification believed it would further codify the PC(USA)’s commitment to the global struggle against racism and injustice. Many also celebrated the inclusion of the first post-Reformation confession from outside Europe or the United States in the first volume of the church’s constitution. Despite broad optimism about the document, some conservatives wondered, “is the Belhar just another way to promote church acceptance of homosexual ordination and marriage?” (PC(USA) 2014b, p. 2). Their concerns were based upon the confession’s rejection of, among other things, any doctrine “which professes that . . . spiritual unity is truly being maintained in the bond of peace while believers of the same confession are in effect alienated from one another for the sake of diversity and in despair of reconciliation” (PC(USA) 2016, 10.3).

This clause of Belhar may have reminded LGBTQIA+ Presbyterians, who claimed the same confession (i.e., faith tradition) as their coreligionists, of their class-based exclusion from marriage in the church. As previously noted, some Presbyterians had called the church’s post 1978/1979 exclusionary ordination policies, “a kind of ecclesiastical apartheid” (Anderson 1997, p. 43). From its early years, some had also understood the More Light

Movement as “a local response to apartheid and oppression” (Anderson 1997, p. 44). Acknowledging the fears of conservatives, the Working Group that proposed the new confession for ratification stated, “Belhar makes no mention of sexuality or marriage issues. Once a confession is adopted, the church may find that confession to shed light on a wide variety of issues; however, Belhar is focused on unity, reconciliation, and justice within a context of forced separation of races” (PC(USA) 2014b, p. 2). The 221st GA approved Belhar’s inclusion in the Book of Confessions, and in April 2015, the majority of presbyteries ratified the assembly’s decision.

The stage was also set at the 2014 assembly for a vitriolic debate over requests for new AIs, which would have reinterpreted the church’s constitutional definition of marriage. When the UPCUSA and the PCUS reunited in 1983 to form the PC(USA), a new statement was added to the united church’s Directory for Worship, which is included in the Book of Order. The document distinguished between marriage as a civil ‘contract’ and as a Christian ‘covenant.’ It asserted, “marriage is a gift God has given to all humankind for the wellbeing of the entire human family. Marriage is a civil contract between a woman and a man. For Christians, marriage is a covenant through which a man and a woman are called to live out together before God their lives of discipleship. In service to Christian marriage a lifelong commitment is made by a woman and a man to each other, publicly witnessed and acknowledged by the community of faith” (PC(USA) 2022).

Amid debates over the report of the Human Sexuality Committee, the 1991 GA also accepted a report from its Advisory Committee on the Constitution (ACC). In light of societal discussions about same-sex unions, the ACC argued that, while the constitution makes no mention of the subject, “[i]f a same-sex ceremony were considered to be the equivalent of a marriage ceremony between two persons of the same sex, it would not be sanctioned under the Book of Order (in Vermaak 2010b, p. 2). In addition to adopting the minority report of the HSC, the 1991 assembly followed the ACC’s recommendation and issued an AI that forbade the blessing of same-sex unions that were considered the equivalent of marriages.

Building upon the precedent established by the 1991 AI and following the ratification of G-6.0106B, multiple GA-PJC cases dealing with same-sex unions were adjudicated. Though the deliberations of the GA-PJC are not the primary subject of this article, a brief reference to that derivative body’s work is again necessary here. In 2000, the GA-PJCs landmark ruling in *Benten et al. v. Presbytery of Hudson River* asserted, “same-gender unions were permissible, as long as they are not considered the same as marriage ceremonies” (Vermaak 2010b, p. 2). The GA-PJC decided, “[it] would not be proper for a minister . . . to perform a same-sex union ceremony that the minister determines to be the same as a marriage ceremony” (in Vermaak 2010b, p. 2). While no formal liturgical guidelines for the blessing of same-sex unions were ever included in the Directory for Worship, ministers were told that they “should . . . instruct same-gender couples that the service to be conducted does not constitute a marriage ceremony and should not be perceived as such” (Emphasis added, Vermaak 2010b, p. 2).

Ministers and sessions were instructed that they ‘should’ clarify the distinction between the blessing of a same-sex civil union and a marriage, but the GA-PJC did not assert that they “shall” clearly distinguish between the two ceremonies. The former advises as to what is or is not ‘strongly recommended’ while the latter constitutes a binding mandate. Thus, in accordance with the Adopting Act tradition, “the GAPJC’s use of ‘should’” allowed “governing bodies to exercise freedom of Conscience” regarding the liturgies and pastoral practices used when conducting same-sex unions. Unfortunately, it also generated confusion over the church’s policy and “created a climate which was rife for judicial complaints” (Vermaak 2010b, p. 2).

Despite its complexities and the adjudications that would follow in various GA-PJC cases, the *Benten v. Hudson River* decision was considered a step forward for marriage equality within the church. In addition to affirming the church’s witness to life-giving relationships between same-sex couples, the decision also made clear that, while G-6.0106B

provided clear guidelines for the ordination of ministers prior to its repeal in 2011, it did not pertain to the blessing of same-sex unions of non-ordained persons. The GA-PJC argued that a “determinative distinction between a permissible same-gender ceremony and a marriage ceremony is that the latter confers a new status whereas the former blesses an existing relationship” (in Vermaak 2010b, p. 2). Based upon *Benten v. Hudson River* and subsequent GA-PJC cases, it was clear that Presbyterian ministers could participate in same-sex union blessings so long as those ceremonies were not viewed as liturgical acts that were essentially equivalent to marriage, which both the PC(USA) and the U.S. federal government then still reserved as a privilege for heterosexual couples.

In light of ongoing litigation over same-sex unions, the 218th assembly established a Special Committee to Study Issues of Civil Union and Christian Marriage in 2008. The 219th Assembly approved the report in 2010. The report advocated for the equal treatment of LGBTQIA+ people under civil marriage law, but it did not recommend any changes to the Book of Order’s definition of marriage (PC(USA) 2010b). This seemingly incongruous ruling was based upon the constitutional distinction between marriage as a civil *contract* and as a Christian *covenant*. Thus, no policy change was possible. Though the committee felt that its limited mandate did not permit further re-evaluation of the church’s policy (Vermaak 2010b, p. 4), following the ratification of Amendment 10A, LGBTQIA+ advocates and allies continued to call the church to refine its definition of marriage.

In response to pervasive uncertainty about the implications of the Book of Order’s definition of marriage for same-sex couples, new overtures requesting yet another AI of the constitution were sent to the 221st General Assembly in 2014. The proposal called for “an authoritative interpretation which would allow the exercise of pastoral discretion and freedom of conscience in conducting a marriage service for any couple as permitted” in states where same-sex marriage was legal (in Fowler-LaBerge 2014). The Advisory Committee on the Constitution (ACC) asserted that the constitutional definition of marriage clearly prohibited *Christian* same-sex marriages. It then recommended that the assembly vote down the overture.<sup>57</sup>

Contrary to the ACC’s recommendation, advocates for inclusion asserted that while the church’s officers were expected to abide by its constitution, the BOO’s definition of marriage was, indeed, ambiguous and in need of clarification. The constitution defined marriage as being ‘between a man and a woman.’ However, by using that phrase, the drafters of the 1983 Formula of Agreement attempted to make clear that the Westminster’s call for marriage to be between “one man and one woman” (BPC 1938a, XXIV-I) was no longer understood as a limitation on the rights of divorce and remarriage between “a man and a woman”. Thus, the 1983 constitutional definition of marriage codified the church’s mid-twentieth century rejection of the exclusive affirmation of “the idea of a lifelong marriage, which could only be ended through the death of a spouse or divorce on the grounds of adultery” (Vermaak 2010b, p. 1). It also drew wisdom from the Confession of 1967’s location of marriage and divorce within a broader pastoral awareness that broken relationships must be viewed through the theological and pastoral lens of Christ’s reconciliation of the world to God. The original aim of the constitution’s drafters was to broaden the definition of marriage to protect divorced people from being excluded from service in the church’s ordered ministries. It was not written as an attempt to exclude same-sex couples from Christian marriage. In light of the clause’s provenance, advocates for inclusion argued that the church did, indeed, need to problematize the constitutional basis on which same-sex couples had been excluded from Christian marriage.

To the surprise of more than a few interlocutors on both sides of the intra-ecclesial debate, the assembly decided against the ACC’s recommendation. A sixty-one to thirty-nine percent majority voted to issue an AI of the constitution which located the authority to decide whether or not to perform same-sex marriages in states where it was legal in the hands (and consciences) of ministers and sessions (Fowler-LaBerge 2014). The GA then issued an AI that permitted same-sex marriages via its authority to clarify the application of the constitution to a question raised by a presbytery. Though the AI opened the door to

full inclusion, it did so on similar grounds to that of the exclusionary 1978/1979 ‘definitive guidance’ on LGBTQIA+ ordination, which advocates and allies had decried for its lack of constitutional basis. Thus, members of the Covenant Network and other groups knew the right to Christian marriage for queer couples had been built on unstable ground. They still had work to do if they wanted to build a solid foundation for marriage equality in the church.

To that end, the partial victory that came with the passage of the same-sex marriage AI was soon made irrelevant by yet another momentous event. In 2015, debates within the PC(USA) over the definition of marriage were finally confined to the history books. Anticipating that the AI allowing for marriage of same-sex couples would be challenged and possibly reversed at future assemblies, advocates for inclusion also supported overtures from presbyteries that would amend the Book of Order’s definition of marriage. Amid great apprehension, the majority of commissioners followed the assembly’s advisory delegates when they voted to pass ‘Amendment 14-F.’ If ratified by the majority of presbyteries during the following year, the new amendment would remove gendered references in the Book of Order’s definition of marriage and describe the institution as “a unique commitment between two people” (PC(USA) 2019, G-4.0240).

In a nod to conservatives, members of the Covenant Network offered a revision to 14-F from the assembly floor. With the revision, which was also affirmed by the GA and is noted in italics below, the amendment was sent to the presbyteries for ratification. It would modify the previous definition of marriage to “[m]arriage is a gift God has given to all humankind for the wellbeing of the entire human family. Marriage involves a unique commitment between two people, *traditionally a man and a woman*, to love and support each other for the rest of their lives” (emphasis added, (PC(USA) 2019, W-4.0601)). While enshrining language that may have helped the amendment slip under the proverbial noses of some non-allied commissioners to the impending presbytery meetings, the amendment also removed the exclusivity of gendered language. Amendment 14-F thereby empowered ministers and congregations (through sessions) to bless same-sex marriages.

Though many in the assembly hall applauded 14-F’s passage, the celebration was subdued. LGBTQIA+ Presbyterians and their allies had been disappointed before when presbyteries failed to ratify the actions of previous assemblies on ordination standards. Additionally, advocates and allies knew well that many of their conservative coreligionists lamented what felt like a loss. Showing pastoral awareness of these complexities, Moderator Heath Rada led the assembly in an impromptu rendition of the 1551 Genevan Psalter’s ‘Old Hundredth’ (author’s eye-witness account and (PC(USA) 2014c, pp. 777–820)). The congregation needed no prompting as the tune is used weekly in almost every Presbyterian church. Thousands of Presbyterians sang a prayer of praise and plea for unity together with the words, “Praise God from whom all blessings flow. Praise God all creatures here below. Praise God above ye heavenly host. Praise Father, Son, and Holy Ghost. Amen” (Eicher 2013, p. 606).

On 17 March 2015, Palisades Presbytery “became the 86th presbytery to approve amendment [14-F],” which then became W-4.9000 of the Book of Order (W-4.0600 in the 2019–2023 BOO). Thus, the Office of the General Assembly could proclaim, “it appears that a majority of the 171 presbyteries of the Presbyterian Church U.S.A. have approved a change to the current description of marriage” (Smith 2015). The policy change would not take effect until 21 June 2015. However, as of that day, ecclesial bans on ordination and same-sex marriage had come to an end in America’s largest Presbyterian communion.<sup>58</sup> Per the tradition of the Adopting Act, the new clarification allowed teaching elders and sessions to decide if they felt called to perform LGBTQIA+ weddings in states where it was legal (PC(USA) 2014a, p. 16). Today, no minister or congregation can be forced to perform or host a wedding to which they object, but since 2015, those who wish to bless same-sex marriages can do so without fear of rebuke from a higher ecclesial judicatory. Perhaps more importantly, LGBTQIA+ Presbyterians who have been baptized, confirmed, nurtured, and called as members of the ‘priesthood of all believers’ can be blessed by God

through the presence of their pastors and faith communities during one of their life's most formative moments.

### 5.3. Adopting a Wounded Conscience & Moving Beyond Apologetics to Re-de-Normalization

An overture from the Presbytery of New York City to the 222nd General Assembly in 2016 challenged the PC(USA) to apologize for the harm it had inflicted on LGBTQIA+ persons in the decades-long debate over their full inclusion. By a margin of 463 to 51, the majority of assembly commissioners approved an adapted version of what was commonly called the 'Apology Overture' (11-05). The final version expressed 'deep sorrow' about disunity. Though the language of the apology had been clarified to prevent impositions upon the consciences of individual Presbyterians, the majority of the assembly's commissioners saw fit to adopt a wounded conscience in the name of their church's highest judicatory. In addition to recognizing the pain and suffering caused by disunity, the overture also quoted Romans 15:7 and acknowledged that "actions we and our members have taken over the years have at times led God's beloved children who are lesbian, gay, bisexual, transgender, queer, and questioning to feel that they are standing outside the grace of God and are unwelcome in the PC(USA). We deeply regret that, due to human failings, any person might find cause to doubt being loved by God. We affirm the God-given dignity and worth of every human being, and renew our commitment to 'welcome one another, as Christ has welcomed {us}, for the glory of God'" (PC-Biz 2016).<sup>59</sup> Affirming that apologies are often, perhaps surprisingly, a first step in discovering new truths and working toward reconciliation, the concurring presbyteries offered a clear rationale for the 'Apology Overture.' They stated, "we believe there will be no chance for healing and reconciliation until the PC(USA) admits its mistakes and makes a statement of apology. There are many faithful sisters and brothers [*sic*] who have been estranged by the church because of its teachings, practices, and disciplinary actions towards ministers and others who identify as LGBTQ/Q" (PC-Biz 2016).

Some advocates for inclusion in the Covenant Network and MLP feared that the 2016 'Apology Overture', was performative and served only to humiliate conservatives who remained in the denomination; others saw it as an essential step in the process of transitional justice. According to Dykers Koenig, who viewed initial discussions over the Apology Overture as problematic, some measures employed by advocates for inclusion went too far. Regarding vocal supporters of the Apology Overture and other similar ecclesio-political moves, she said, "there were times when it helped, but then there were those . . . that I thought were completely ineffective" (Smith 2022, 5.5). She went on to recall that some LGBTQIA+ advocates and allies "wanted to move more toward, 'you have to agree with us.' They wanted the so-called 'Apology Overture.' The assembly needs to apologize, they said. I agree that the church owes an apology, but I didn't think it was worth the humiliation of the conservatives who were still in the PC(USA) at that point. More Light couldn't be as oppositional to the Apology Overture as Covenant Network, but they also thought it wasn't a good idea" (Smith 2022, 7.3).

Given the temporal proximity between the passage of the 'Apology Overture' and this article's publication, it is impossible to pass judgment on the historical significance of the assembly's provocative statement. Yet, from a theological and pastoral perspective, one might ask, is the church finally ready to move 'beyond' the now historical debates over LGBTQIA+ inclusion, ordination, and marriage to a more profound realization of what it means to be a church that welcomes and *unapologetically* affirms all people, regardless of their sexual orientation, gender identity, and sex characteristics? Though theologians, ministers, and church members will have to answer this question in future generations, it appears that the denomination is committed to a path toward an ever-widening understanding of divine embrace.

In 2018 at the 223rd General Assembly in St. Louis, the church voted unanimously to pass three overtures (11-04, 11-12, and 11-13), which firmly established non-discrimination policies for LGBTQIA+ people. The assembly also sought to clarify Presbyterian's his-



toric commitment to religious liberty and freedom of conscience through the Adopting Act tradition by acknowledging “the misuse of the term ‘religious freedom’ in denying fundamental human rights and reaffirms that faith and religious liberty cannot be used to discriminate against anyone simply because of who they are” (PMA 2019). Stating its regret about its past mistreatment of transgender and non-binary individuals, the GA finally passed an overture “affirming and celebrating the full dignity and humanity of people of all gender identities”. It celebrated “the gifts of people of diverse sexual orientations and gender identities in the life of the church” (PMA 2019). Furthermore, in 2018, the assembly appointed a task force to explore the potential need for a permanent LGBTQIA+ Advocacy Committee, which would operate alongside similar bodies dedicated to gender equality and racial justice.

The 224th General Assembly in 2020 was scheduled to debate the proposal for an LGBTQIA+ Advocacy Committee, but since that gathering was held online due to the pandemic, action on non-essential business was postponed until the 225th Assembly in 2022. Shortly before the submission of this article for publication, the GA’s Ministry Coordination Committee (MCC) responded in favor of the overture to create a permanent committee to ensure the protection of LGBTQIA+ members and ministers. While some commissioners hotly contested the decision, Heather Macintyre of Charlotte Presbytery summarized the majority’s belief when she applauded the denomination’s recent steps to ensure equality “on paper”. At the same time, she asserted, “the fact of the matter is, the work is not done. There are micro- and macro-aggressions against LGBTQIA siblings in Christ every day, in different levels of our denomination’ and it’s not always clear who to go to for help” (in Carter 2022). Indeed, reversing exclusionary policies at a national level does not mean that LGBTQIA+ Presbyterians are free from repression either in the church or society. Nevertheless, perhaps due to the ultimate effectiveness of the church’s multi-generational self-critique (and it is a *self-critique*, because many LGBTQIA+ Presbyterians remained in the church throughout their struggle), queer Presbyterians will now have institutional support for their ministries of presence; Ministries that can henceforth be conducted from behind pulpits, at the Lord’s Table, or alongside a same-sex couple during a wedding ceremony.

In a 2018 monograph, *Queer Theology: Beyond Apologetics*, Lynn Marie Tonstad noted the peripheral relationship of ecclesio-political debates about inclusion to both the lived experiences of LGBTQIA+ Christians and the rich theological heritage to which they are heirs. She writes, “many of the arguments depend on conditions that are peripheral to central Christian concerns [i.e., based on non-essentials], while others depend for their effectiveness primarily on gaining Christian sanction for same-sex relationships” (Tonstad 2018, p. 47). LGBTQIA+ experiences in churches and religious organizations have long been, and continue to be, an apologetic ministry of presence. However, as Tonstad insightfully points out, “Queer theology is not, or should not be, about apologetics” (Tonstad 2018, p. 47).

In the mid-twentieth century, the church and the world awakened to the needs of an underrepresented group of people who were marginalized due to their sexual orientation, gender identity, and sex characteristics. Throughout the ensuing decades, LGBTQIA+ Presbyterians and their allies have confronted institutionalized phobias, called for inclusive membership policies, reversed class-based celibacy requirements for ordained officers, and modified heteronormative readings of the church’s marriage law. In so doing, they have *normalized* their faith experiences by practicing ministries of presence that problematized myths of queer-Christian nonexistence and *de-normalized* repressive uses of historic polity principles. In so doing, they also deconstructed theological and ecclesio-legal inconsistencies which they believed contradicted the church’s stated mission of hearing “the voices of people’s long silenced’ (Brief Statement of Faith of 1991) and viewing all human distinctions through the lens of Christ’s reconciliation of the world to God (Confession of 1967).

By practicing apologetic ministries of presence, a diverse subaltern cohort and its allies gained a hearing within their faith community. Perhaps a safe space has been created for LGBTQIA+ Presbyterians to embrace Tonstad’s admonition and move beyond apologetics. Maybe the time has come for Queer Presbyterians to engage in what this author would like



to call “*re-de-normalization*,” a process by which formerly marginalized members of a faith community are freed to explore not only how they are the same (as children of God who are baptized in Christ) and how their experiences are unique, but also how those experiences provide valuable subject-matter for theological reflection.

#### 5.4. *Sindt’s Question Answered, a Brief Epitaph*

In the letter that launched the Presbyterian Gay Caucus (PGC) almost five decades ago, David B. Sindt suggested that his friends and colleagues in ministry should “focus [their] initial efforts nationally on a ministry of presence . . . to work for change within the denomination, not attack it from either within or without” (in Holmen 2013, p. 353). By posing his provocative question, Sindt confronted the myth of Queer-Christian nonexistence that still plagues the global church today. His fateful stand was a turning point in the history of American Protestantism and a watershed moment in the global LGBTQIA+ movement. Unfortunately, Sindt died on 3 December 1986, due to AIDS-Related complications and thus did not live to see the fulfillment of his vision. Nevertheless, inspired by his witness, those who worked with and came after him continued to ask bold questions, practice ministries of presence, and use historic polity principles to help the church see LGBTQIA+ experiences as matters of Christian concern and sources of life-giving theological reflection.

### 6. Conclusions: The Role of Ministries of Presence and Polity Principles in the World Church’s Struggle over Human Sexuality and Gender Identity

The previous sections have explored how various individuals and groups within the Presbyterian Church (U.S.A.) and its predecessor denominations drew upon historic apologetic discursive patterns and polity principles when ‘calling the question’ on LGBTQIA+ inclusion, ordination, and marriage within their faith community. The forgoing argument grappled with ecclesio-legal traditions associated with the Adopting Act of 1729, and evidenced by historical debates over the Itinerancy & Education Acts of 1737, 1788/1789 codification of the Adopting Act in the post-revolution church constitution, 1797 Radical Principles, 1801 Plan of Union, Doctrinal Deliverance of 1910, report of the Special Commission of 1925/Swearingen Commission (1925–1927), the Confession of 1967, and other essential documents like the Brief Statement of Faith of 1991 and the Belhar Confession of 1987. This article has shown how U.S. Presbyterians sought to maintain creative tension between confessional fidelity and openness to the Spirit’s movement in the world when they debated the full inclusion of LGBTQIA+ people in their church. The framework provided by historic polity debates shaped the way LGBTQIA+ Presbyterians and their allies worked for change within their faith community.

Advocates for full inclusion achieved their goals by simultaneously (1) practicing apologetic ‘ministries of presence’ through collective action, which confronted the myth of queer-Christian nonexistence via distinctly Presbyterian patterns of intra-ecclesial engagement, and (2) grounding their arguments in the church’s long-standing polity principles. Consequently, when the PC(USA) and its predecessor denominations articulated an inclusive stance toward openly LGBTQIA+ members in 1978/1979, removed barriers to their ordination in 2011, permitted same-sex marriages within Presbyterian communities in 2015, and opened the church to receiving new theological insights from queer people via the passage of the ‘Apology Overture’ in 2016, the church’s collective discernment drew on historic Presbyterian principles of theology and governance to respond (often imperfectly) to contemporary challenges. Perhaps, in light of recent efforts to create an Equity Advocacy Committee for LGBTQIA+ concerns at the denominational level, the time has finally come for Queer Presbyterians to engage in what this author calls “*re-denormalization*”; i.e., a process by which formerly marginalized members of the faith community explore not only how they are the same as others (as children of God who are baptized in Christ) or, conversely, how their experiences are unique, but also how their experiences provide valuable subject-matter for theological reflection.

While engaging in this liberative theological work, if the Shakespearian truism holds, and the past is, indeed, prologue, Presbyterians across the ideological spectrum should engage in their theological projects with great care and pastoral sensitivity. The forgoing analysis reveals that, whenever an intra-ecclesial party loses the ‘vast middle’ of the church, the specters of schism or marginalization often peak over the horizon. As previously stated, the church’s historical reception of the Adopting Act tradition is based upon the belief that the Christian’s conscience is bound to the word of God. It may be as painful as it is frustrating to affirm this truth when oppression and marginalization scandalize communion, but the deeply Reformed theological conviction that one’s conscience is caught up in an asymmetrical relationship with God’s word and thus must be free from human manipulation, is the linchpin of Presbyterian life and witness. The ultimate hope of the church thus rests not in imposing diversity and inclusion by use of polity mechanisms but upon its witness to God’s reconciling work in Jesus Christ.

The struggle for LGBTQIA+ inclusion, ordination, and marriage in the PC(USA) and its predecessor denominations is, in a way, a case study that supports the realist notion that significant change in the church or any other institution requires sustained political engagement. Yet, it is also an affirmation of those who ground their worldview in that lofty and, at times, radical idealism which empowers marginalized people to hope against hope that they are not alone and that, one day, justice will come. Arguments and political maneuvers rarely heal broken relationships, bring about an acceptance of previously unknown truths, or point toward the possibility of reconciliation. For the kind of healing needed in the Presbyterian communion, we can look to the past, but we must also look forward and continue to seek more light.

Perhaps the time has come for the church to receive the new light God’s Spirit has shed upon the scriptures through the questions called by LGBTQIA+ Presbyterians and their allies over the past five decades. Maybe it is time to move beyond apologetics and disputes over the church’s historic polity principles and create spaces for queer Christians to ‘re-normalize.’ Yet, despite these ambitious pontifications, it is important to acknowledge that regardless of the decisions of the General Assembly of the PC(USA), the conclusion has not yet been written for the historic struggle for LGBTQIA+ inclusion, ordination, and marriage in American Presbyterianism, much less in the world church. Since the passage of Amendment 14-F in 2014, hundreds of thousands of conservative evangelical pastors, members, and congregations have broken ties with the national body to join the Evangelical Presbyterian Church (EPC) or to form the Evangelical Covenant Order of Presbyterians (ECO). Will this article become a dusty *artifact* before Presbyterians again reunite?

In the interim, how can those who remain the PC(USA) best participate in the painful task of mending broken relationships? Additionally, what do ecclesial divisions mean for the thousands of LGBTQIA+ Presbyterians who are members of congregations that have left the PC(USA)? How might the church’s division impact people’s lives when a congregation in which an LGBTQIA+ child was baptized, confirmed, and nurtured refuses to host their wedding ceremony or bear witness to God’s call upon their lives as a candidate for the ordered ministries? Are the days of apologetic ministry, calling questions before the church, and being ruled out of order, over for these LGBTQIA+ Presbyterians? Hardly. Indeed, the Presbyterian tendency toward cantankerous communion, and the divisions that often occur when the church finally answers hard questions, should sober celebrations over any policy victory. Nevertheless, in the eyes of many, the PC(USA)’s full and unequivocal affirmation of LGBTQIA+ people has furthered efforts to “build a church that reflects God’s heart” (MLP 2010).

Conservatives who opposed the full inclusion of LGBTQIA+ Christians within the life of the church drew upon various interpretations of the U.S. Presbyterian tradition. Yet, advocates for inclusion were unwilling to seed the polity principles, and discursive theological traditions, to which they were also heirs. The church, with varying degrees of success, had always attempted to maintain a creative tension between opposing groups, such as the Scots-Irish and Anglo-Welsh cohorts that debated the Adopting Act in the early

eighteenth century, Old/New Sides, Old/New Schools, Northerners/Southerners, Fundamentalists/Modernists, conservatives/liberals, and so on. Anachronistic typologies that draw definitive connections between earlier intra-ecclesial disputants and the interlocking groups that debated the full inclusion of LGBTQIA+ Presbyterians are problematic. At the same time, the foregoing analysis has shown that queer Presbyterians did not ‘call their question’ in a theological or historical vacuum. Presbyterians had been calling questions long before Sindt climbed atop his chair, and they are likely to continue doing so in the future.

Church historians have a fiduciary duty to remind religious communities how they arrived at the beliefs and practices they hold dear so that people of faith and goodwill can live more deeply into their identities. Religious archives have preserved biographical data, ecclesial adjudications, collected papers, and correspondences related to LGBTQIA+ inclusion movements that have yet to be processed. At least in the PC(USA), a safe space has now been created in which scholars of the church can carry out the work of complexifying historical accounts of a discourse that remains profoundly relevant to ecclesial life. Other communions find themselves at different places regarding policies on LGBTQIA+ inclusion, ordination, and marriage. The time is ripe for scholars of religion to hone their understanding of the church’s historical engagement with sexuality and gender identity, not only in mainline American traditions but in other contexts as well.

The author hopes that this article provides a framework that other scholars can either critique or employ in their efforts to ‘flesh out’ the historical account provided here. Much work remains to be done from the perspective of historical analysis of intra-ecclesial debates on LGBTQIA+ inclusion, ordination, and marriage. This project would be greatly complemented by additional systematic analysis of GA-PJC adjudications related to human sexuality, academically rigorous biographical explorations of key figures in the struggle to build more inclusive churches, and updated reflection on intra/extra-ecclesial developments through the lenses of Open Systems Theory and hybridization. Analysis of the discursive practices and polity principles employed in other denominational traditions, as well as non-denominational communities, would be equally useful. Comparative projects between various U.S. denominational bodies, as well as intercultural, ecumenical, and trans-contextual explorations, might also shed more light on well-trodden paths.

From a pastoral and theological perspective, given that various communions are currently at odds over questions raised by the presence of LGBTQIA+ Christians in their midst, historical reflection on intra-ecclesial debates like the one offered here could prove both academically fruitful and beneficial to the world church. The author hopes that this lengthy article will serve not merely as an epitaph for the PC(USA)’s decades-long internal scruple over sexuality and gender identity but as a spur that drives members of the theological and historical academe to complexify, critique, and elaborate upon similar or divergent narratives across religious groups. While an attempt to provide a well-balanced account of historical developments has been made, this author makes no secret of his desire to see the culmination of Sindt’s dream of a church that unapologetically embraces sexual and gender diversity as a gift from God to world Christianity and the entire human family. Perhaps this text is, in itself, a ministry of presence that seeks to “work for change within” the global church rather than to “attack it from within or without” (in Holmen 2013, p. 353). Indeed, queer people of faith from around the world are confounding myths of their nonexistence and asking their own version of a question to which they already know the answer; ‘Is anyone else out there LGBTQIA+?’

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**Data Availability Statement:** The Reverend Tricia Dykers Koenig Interview, 18 March 2022. Interview notes are available upon request.

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## Notes

- <sup>1</sup> Chris Glaser went on to found the Lazarus Project in West Hollywood Presbyterian Church. The organization worked for reconciliation between the church and the LGBTQIA+ community. Glaser also authored several books and served as the editor of multiple publications that sought to break down barriers to the full inclusion of LGBTQIA+ people in the church (LGBTQIA+ Religious Archives Network 2022).
- <sup>2</sup> In a preface to the account of Sindt’s life that was included in a bulletin at his memorial service and later reprinted in the More Light Update from February 1987, the MLP website calls Sindt’s stand “our Stonewall” (MLP 2022).
- <sup>3</sup> The UPCUSA’s 1978 report *The Church and Homosexuality* indicated its awareness of questions about “gender identity and role”. It even recognized, “it is possible for a biological male to develop the central psychological conviction, ‘I am a female’” (UPCUSA 1978, pp. 9–10). Yet, the report’s interest in gender identity was shaped by the so-called ‘nature versus nurture’ debate regarding sexual orientation. The committee was exploring how people’s gender identity conformed to their sexual behavior or “gender role,” as they called it. The church’s collective understanding of gender dysphoria, transgender, and non-binary identities would develop in the following decades.
- <sup>4</sup> Amanda Bluglass and Aden Hakimi released a documentary titled, “Out of Order” in 2016. It was shown in theaters around the U.S. and featured the stories of LGBTQIA+ Presbyterians (Bluglass and Hakimi 2016).
- <sup>5</sup> Though this article references several significant schisms within the life of the church, it does not provide an exhaustive list. For a brief survey, see the following table (PHS 2022e).
- <sup>6</sup> It is frequently noted that “Makemie . . . played an important role in the development of American freedom of religion” (Holmen 2013, p. 340). Nevertheless, it should also be recognized that Makemie’s affirmation of human freedom was of a pale variety. Before arriving in New York, he lived in Barbados, where he benefited from enslaved labor. Records show that, while living in the colonies, he and his family ‘owned’ thirty-three chattel slaves.
- <sup>7</sup> The twelve PC(USA) Confessions include the Apostle’s Creed, the Nicene Creed, Scots Confession, Second Helvetic Confession, Westminster Confession with Shorter and Longer Catechisms, the Heidelberg Catechism, the Theological Declaration of Barmen, the Confession of 1967, the Brief Statement of Faith, and the Belhar Confession.
- <sup>8</sup> A footnote to Baird’s account states that the remaining scrupler was a “Mr. Elmer. He gave his assent at the next meeting of the Synod”. (Baird 1856, p. 5).
- <sup>9</sup> The *Directory for Public Worship* was produced at the Westminster Assembly. Together with the Westminster Confession and Catechisms, it makes up the so-called ‘Westminster Standards.’ The directory was designed to replace the Church of England’s *Book of Common Prayer* in the Church of Scotland. Today, the directory for worship, which has been consistently updated by U.S. Presbyterians, is included in the ‘W’ section of the Book of Order. The directory does not prescribe specific liturgies for particular moments in the church’s life. Rather, it “describes the theology that underlies [Presbyterian] worship, outlines appropriate forms for worship, and highlights connections between worship and Christian life, witness, and service” (PHS 2022f) Though congregations of the PC(USA) continue to use a diverse array of service orders and worship resources across contexts, since the Northern church produced the *Book of Common Worship* in 1906, Presbyterians have turned to that text’s most recent version as their primary liturgical resource.
- <sup>10</sup> ‘Sessions’ are governing bodies consisting of a teaching elder who moderates the gathering and ruling elders, who are elected by congregations for a designated term but ordained by their fellow elders on behalf of the entire church. While all teaching elders/ministers are members of a presbytery not the local congregation, ruling elders, who are elected for service in particular congregations can be sent by said congregations as commissioners to higher judicatories. Today, Ruling Elders can, and do, serve at all levels of the PC(USA)’s institutional life.

- 11 The “Radical Principles” of Presbyterian Church government are “(1) that the several different congregations of believers, taken collectively, constitute one Church of Christ, called emphatically the Church; (2) that the larger part of the Church, or a representation of it, should govern the smaller, or determine matters of controversy which arise therein; (3) that, in like manner, a representation of the whole should govern and determine in regard to every part, and to all the parts united: that is, that the majority shall govern: and (4) consequently that appeals may be carried from lower to higher governing bodies [councils], till they be finally decided by the collected wisdom and united voice of the whole Church. For these principles and this procedure, the example of the apostles and the practice of the primitive Church are considered as authority” (numerology added, PC(USA) 2019, p. 13).
- 12 Scholarly research into the relationship between pan-Reformed mission on the Western ‘frontier’ and the Native American Boarding School Movement is still in its infancy. However, since the 222nd General Assembly in 2016, “the PC(USA) has sought to address historic injustices toward Indigenous peoples harmed by the Presbyterian Church and its exercise of” the Doctrine of Discovery (Scanlon 2022). A clear documentary trail between the policies of the church’s national judicatory and local/regional practice is still being established. Nevertheless, the extensive involvement of Presbyterians in the subjugation and ‘reeducation’ of Indigenous peoples cannot be denied. The National Native American Boarding School Healing Coalition’s extensive list of U.S. boarding schools “includes 21 with Presbyterian connections—second only to the number of schools affiliated with Catholics, although it states the list may not be complete” (Scanlon 2022). Most Presbyterian boarding schools appear to have been established in the mid to late nineteenth century. Yet, as early as 1820, the American Board of Commissioners for Foreign Missions (ABCFM), established a mission among the Cherokee named for the Congregationalist pastor Timothy Dwight (1752–1817). The ABCFM was founded by Presbyterian, Congregationalist, and German Reformed graduates of Williams College, who embodied the pragmatic pan-Reformed approach to Western mission outlined in the 1801 Plan of Union. The Dwight Mission took several forms throughout its long history, but eventually developed into a co-educational school for Native American students. It remained in operation until 1948, when it became a Presbyterian camp and conference center. In June 2021, the PC(USA) returned the property to the Cherokee Nation (PHS 2022b).
- 13 Specifically, they drew inspiration from his *Treatise Concerning Religious Affections* (1746) and his posthumously published text, *The Nature of True Virtue* (1765). The latter text called for a ‘disinterested’ form of love that its author believed to be incumbent upon all converted Christians.
- 14 Advocates for New England Theology were commonly associated with academic institutions like Yale Divinity School, and the no longer extant Lane Seminary. New England Theology soon developed factions within its own ranks between the ‘Edwardians’ and ‘New Divinity Men.’ The radical wing of the New Divinity cohort went on to argue for universalism; Many also became Unitarians when that movement gained ground at Harvard Divinity School. Increased liberalization at Harvard prompted the founding of Andover Theological Seminary as a regional moderate/Old School counterweight to the radical wing of the New School movement.
- 15 In practice, the policing of the Lord’s Table varied by region, the GA officially forbade Presbyterians to admit universalists to communion in 1792 and again at a 1794 meeting (Baird 1856, p. 32).
- 16 In 1839, the Supreme Court of Pennsylvania issued a decision in *Commonwealth v. Green* (4 Wharton 531, 1839 Pa. LEXIS 238 (1839)). The case confirmed that the Old School branch, not its New School counterpart, was the legal representative of Presbyterianism in the United States and had the right to call itself the Presbyterian Church U.S.A. When the New and Old Schools reunited in 1870, they combined ‘into’ the Old School institution. The reunited church was thus considered the legal descendent of the 1706 meeting of the (General) Presbytery of Philadelphia, the constituting assembly of the (General) Synod of Philadelphia in 1716, and the Post-revolution constituting General Assembly of 1788/89. Debates about the church’s name and legal constitution would emerge amid discussions about reunion between the Northern and Southern Assemblies in the second half of the twentieth century. Southerners in the PCUS feared that reuniting ‘into’ this tradition would force them to give up the unique practices around property holdings that had developed in the years following division. Concerns around property holdings would arise once again when conservative churches sought to leave the PC(USA) over LGBTQIA+ inclusion.
- 17 Today, the name of Samuel Miller (1769–1850), a one-time slave owner and Professor of Ecclesiastical History and Church Government at Princeton Seminary, has been removed from the chapel where the assault occurred and the school’s world-renowned theological library bears Wright’s name.
- 18 The proposals were named for their most ardent proponent, Gardiner Spring (1785–1873), who was then serving as the pastor of New York’s Brick Presbyterian Church.
- 19 See above regarding the Gardner Spring Resolutions of 1861.
- 20 Two-thirds of the Cumberland Presbyterians chose to reunite with the larger denomination, but one third of the group remain separated and continue today as the Cumberland Presbyterian Church.
- 21 That same year, Lyman Steward (1840–1923), an executive of Union Oil, Presbyterian, and advocate for dispensationalism began publishing a series of pamphlets called *The Fundamentals: A Testimony to the Truth*. The booklets lambasted higher biblical criticism, and railed against social gospel progressives, ecumenists, and moderate church leaders. Though few conservative Presbyterian leaders endorsed the dispensationalist ideas of their radical wing, opponents of liberal theology became collectively known as ‘fundamentalists.’



- 22 In a formal reply to the *Auburn Affirmation*, Machen argued that the document constituted an “absurd confusion between New Testament fact and interpretation” (in Quirk 1975, p. 133). He also asserted that it “challenged Christianity’s basis in historical facts and destroyed the significance of the creed by claiming liberty of interpretation” (in Quirk 1975, p. 133).
- 23 Since 2011, the church’s constitution no longer refers to ministers as holding an ‘office’ or to the ‘offices of ministry.’ Instead, the constitution uses the term ‘ordered ministries’ (G-2.20102). “This is in order to distinguish the functional Presbyterian theology of ministry from the official concept prominent in the Roman Catholic and Episcopal traditions” (Wilton 2021, p. 54).
- 24 In the debate over LGBTQIA+ inclusion, people on both sides employed the Theological Declaration of Barmen in support of their arguments. Advocates for inclusion tended to emphasize the Lordship of Christ over all human divisions and social constructs. Conservatives went so far as to compare LGBTQIA+ acceptance to an endorsement of the *Deutsche Christen* movement and even organized their own version of a ‘Confessing Church Movement’ against what they saw as secular influence on the church (Gill 2009, pp. 88–91).
- 25 Additionally, the confession explicitly condemned incestuous marriages (BPC 1938a, XXIV-IV) and asserted that “marriage was ordained for the mutual help of husband and wife” (BPC 1938a, XXIV-IIa). Article II of chapter XXIV suggested that the purposes of marriage included the “increase of mankind with a legitimate issue, and of the church with an holy seed . . . and for preventing uncleanness” (BPC 1938a, XXIV-IIb,c). With an eye toward ethnic and cultural divisions, the Westminster stated that it is “lawful for all sorts of people to marry, who are able with judgment to give their consent” (BPC 1938a, III d). Based upon dedication to the essentials of the Reformed faith, the document also mandated that Presbyterians should marry only those who “profess the true reformed religion” and not “with infidels, papists, or other idolaters” (BPC 1938a, III f).
- 26 This church should not be confused with the currently operating Associate Reformed Presbyterian Church (ARPC). When the Northern members of the ARPC united with the APC, the Southern representatives continued their separate existence as the ARPC, which had been founded in 1782. Today, the ARPC is one of the oldest socially conservative Christian denominations in the U.S.
- 27 While it did not explicitly mention homosexuality, the *Confession of 1967*, from which the committee drew inspiration for its work, asserted; “The relationship between man and woman exemplifies in a basic way God’s ordering of the interpersonal life for which he created mankind. Man’s perennial confusion about the meaning of sex has been aggravated in our day by the availability of new means of birth control and the treatment of infection, by the pressures of urbanization, by the exploitation of sexual symbols in mass communication, and by world overpopulation. The church, as the household of God is called to lead men out of this alienation into the responsible freedom of the new life in Christ” (PC(USA) 2016, 9.47).
- 28 As previously stated, Sindt had first created the ‘Presbyterian Gay Caucus,’ but “Soon thereafter, the name was changed to ‘Presbyterians for Gay Concerns,’ to emphasize the fact that it was not just for gay people, but also for their friends and supporters” (Anderson 1997, p. 39).
- 29 Specifically, the constitution stated that such groups could be organized, “for the conduct of special work for missionary or other benevolence purposes, or for the purpose of instructing in religion the development in Christian nurture” (Dugan 1975, p. 1).
- 30 Presbyterians United for Biblical Concerns (PUBC) was a network of conservative evangelical Presbyterians that actively opposed certain elements of the Confession of 1967. Members of this group also lead the charge against the recommendations of the Task Force on Human Sexuality at the 1978 General Assembly of the UPCUSA. According to the PHS archival summary, “in the Summer of 1989, the PUBC merged with the Covenant Fellowship [not to be confused with the Covenant Network] to create Presbyterians for Renewal. This organization later merged with the Presbyterian Coalition to form The Fellowship in 2014” (PHS 2022d, RG-518).
- 31 In its caution against uncritical analogs between the permanent judicial organs of the General Assembly and the U.S. Supreme Court system, the Swearingen Commission had pointed to the “sacred character of the functions performed by” ministers and the pastoral consequences that may follow intra-ecclesial attacks on fellow church leaders (JPH 2001, p. 61). Regarding the removal of embattled pastors from their charges, the 1927 report stated, “if the General Assembly had the power claimed for it and should set aside and hold for naught the ordination of a minister from the very beginning [i.e., since the minister had been ordained], it would cast doubt upon all the rites and ceremonies performed by him and bring humiliation and suffering into the lives of many innocent persons” (JPH 2001, p. 62).
- 32 The Presbyterian Lay Committee (PLC) was established in 1965 amid debates over the document that eventually became known as the Confession of 1967. In 1968, the PLC established a newsletter known as *The Layman*, which provided an avenue through which conservatives would respond to events within the church. The PLC remained staunchly against LGBTQIA+ inclusion, ordination, marriage throughout the intra-ecclesial debate. It also supported the efforts of congregations to leave the PC(USA) so they could join groups like the EPC and ECO.
- 33 According to a pamphlet produced by Lincoln Park Presbyterian Church and the More Light Churches Network (c. 1999), More Lighters were first prompted to track down the Robinson quote after singing George Rawson’s (1807–1889) hymn from c. 1856. The hymn reads, “We limit not the truth of God to our poor reach of mind, by notions of our day and sect, crude, partial and confined; no, let a new and better hope within our hearts be stirred; for God has yet more light and truth to break forth from the Word” (in LPPC/MLCN 1999, p. 1).



- 34 Prior to the formation of the Covenant Network in 1997, the PLGC debated “whether to add the term ‘bisexual,’ and possibly ‘transgender,’ or whether, instead, to adopt a symbolic inclusive name like ‘illumination,’ ‘lavender people,’ ‘inclusion,’ ‘rainbow,’ or ‘Covenant’” (Anderson 1997, p. 40).
- 35 While this article focuses upon developments in the PC(USA) and its predecessor denominations, the PLGC and the More Light Movement had an impact upon mainline American faith traditions beyond the Presbyterian fold. The “Open and Affirming Congregations” movement in the United Church of Christ (UCC) drew inspiration from the work of the More Light Movement. Similarly, More Lighters supported the work of advocates and allies in the Evangelical Lutheran Church in America (ELCA), which developed ‘Reconciled in Christ’ Congregations, and the United Methodist Church, where affirming communities continue to identify as ‘Reconciling Congregations.’ Other similar movements also developed within the “Christian Church (Disciples of Christ), the American Baptist Churches, Brethren and Mennonite churches, and the Unitarian Universalist Association” (Anderson 1997, p. 45).
- 36 The corrupted text of the Heidelberg Catechism reads, “Q. 87 Can those who do not turn to God for their ungrateful, impenitent life be saved? A. Certainly not! Scripture says, ‘Surely you know that the unjust will never come into possession of the kingdom of God. Make no mistake; no fornicator or idolater, none who are guilty either of adultery or of *homosexual perversion*, no thieves or grabbers or drunkards or slanderers or swindlers, will possess the kingdom of God” (in Rogers 2008).
- 37 In an interview with one of the translators of the 1963 version, listeners were stunned by his response to a question about the insertion of the phrase ‘homosexual perversion’ into the text. According to Rogers, the translator admitted, “we just thought it would be a good idea” to add the word, though it did not correspond to any previous version of the confession (Rogers 2008).
- 38 This revelation did not come as a surprise to those familiar with the work of Michel Foucault (1926–1984) who had famously argued that the binary concepts of hetero and homosexuality originated in an 1870 article by the German psychiatrist Karl Westphal (1833–1890) titled, *Contrary Sexual Feeling* (Foucault 1978).
- 39 After lengthy debate, both the PC(USA) and the RCA approved a corrected translation of the text, which reads, “Q. Can those be saved who do not turn to God from their ungrateful and unrepentant ways? A. By no means. Scripture tells us that no unchaste person, no idolater, adulterer, thief, no covetous person, no drunkard, slanderer, robber, or the like will inherit the kingdom of God” (PC(USA) 2019, 4.0807-7).
- 40 In other words, “language itself is a historical phenomenon. Every text was written by someone, sometime, somewhere, for some reason, using the genres of types of communication available in the cultural setting. The validity of implications drawn from what a text says and the appropriateness of using it for theological purposes depends upon the recognition of its historical character” (PC(USA) 1999b, p. 7).
- 41 Conservatives made this argument about both ordination and the right to *Christian* marriage as a religious ritual, which the church’s constitution distinguished from a civil ceremony (PC(USA) 2010a).
- 42 In an interview conducted for this project, Rev. Tricia Dykers Koenig, who played a pivotal role in the church as an advocate for inclusion, summarized the challenge facing the movement. Regarding her early involvement with the PLGC, she said, “A lot of people could understand that the way gay and lesbian people were being treated didn’t seem right to them on a human and love your neighbor as yourself level, but they thought God required it because of what they had been told the scripture said it. People needed permission from God to do what they already knew was the right thing to do instinctively” (Smith 2022, 2.0).
- 43 Prominent among the GA-PJC cases tried during this period was that brought against Jane Adams Spahr (b. 1974). Spahr came out as a lesbian and maintained an open relationship with her partner after she had been ordained in 1974. Because of the church’s ‘grandparent clause,’ Spahr had been able to serve as a minister member in good standing of the Presbytery of the Redwoods despite the church’s exclusionary stance. She had even founded the ‘Ministry of Light’ (later known as Spectrum) to meet the needs of LGBTQIA+ people in the 1980s. In 1993, the Downtwon United Presbyterian Church of Rochester, NY called her to be its co-Pastor. The Presbytery of the Twin Cities then certified her ready to receive the call based upon its belief that the ban on LGBTQIA+ service in the church “applied to ordination, not to certifying that all requirements [for a previously ordained person] had been met” (Anderson 1997, p. 51). To the shock of many, the GA-PJC reinterpreted the Paragraph 14 of the 1978/1979 rulings (also known as the ‘grandparent clause’) and altered its meaning. The GA-PJC stated, “Paragraph 14 . . . provides protection from the removal of ordination for homosexual practices which occurred prior to its adoption. . . . [it] provides amnesty for past acts but not license for present or future acts” (in Anderson 1997, p. 52). Though the GA-PJC blocked her call, the Rochester congregation hired Spahr anyway as what she called a “lesbian evangelist” to the church. She quoted a phone conversation in a pamphlet some years later, “Janie, would you consider becoming an evangelist to spread the good News of God’s love for all people and personalize the ‘issue’ so that folks could come to know a real-live [*sic*] lesbian person (we know many folks know us already in their families and communities)” (PHS 2022g). With the support of the Rochester congregation, Spahr and others founded ‘That All May Freely Serve’ to practice a ministry of presence that would help folks come to know the real-life stories of LGBTQIA+ Presbyterians. The organization remained in operation until 2020.
- 44 Congregations within the Presbytery of New York City also came together in 1997 to form an organization known as Presbyterian Welcome, which is now called Parity. Like the Covenant Network, Presbyterian Welcome supported various overtures from presbyteries that would have changed the church’s official stance toward LGBTQIA+ ordination. The organization also provides spiritual, emotional, and practical support to queer people seeking ordination in the PC(USA) and other traditions (Parity 1993).

- 45 “The doctrine of ‘double predestination’ in Chapter III of the Westminster Confession is not taught in the doctrine of election in Chapter VIII of the Scots Confession, or in Chapter X of the Second Helvetic Confession. The Heidelberg Catechism has no explicit doctrine of predestination at all” (PC(USA) 2016, xvii-c).
- 46 The catechism lists “adultery, fornication, rape, incest, sodomy, and all unnatural lusts; all unclean imaginations, thoughts, purposes, and affections; all corrupt and filthy communications, or listening thereunto, wanton looks, impudent or light behavior, immodest apparel, prohibiting of lawful, and dispensing with unlawful marriages; allowing, tolerating, keeping of stews, and resorting to them; entangling vows of single life, undue delay of marriage; having more wives or husbands than one at the same time; unjust divorce, or desertion; idleness, gluttony, drunkenness, unchaste company; lascivious songs, books, pictures, dancings, stage plays; and all other provocations to, or acts of uncleanness, either in ourselves or others” (BPC 1938b, p. 139).
- 47 This ‘general notation’ has a basis in the church’s sixteenth century confessions themselves. For example, the Scots confession asserts, “when controversy arises about the proper understanding of any passage or sentence of Scripture, or for the reformation of any abuse within the Kirk of God, we ought not so much to ask what men have said or done before us, as what the Holy Ghost uniformly speaks within the body of Scriptures and what Christ Jesus himself did and commanded (PC(USA) 2016, 3.18).
- 48 Scott Anderson was the first (openly) gay man to be ordained in 2010. In fact, he had already been ordained, but gave up his ordination in 1990. Perhaps ironically, in the late 1980s, the denomination had borne witness to Anderson’s gifts for ministry when gave its Ecumenical Service Award to Bethany Presbyterian Church in Sacramento, California, where he served as pastor. Following his resignation, Anderson remained connected with the life of the church through his service in leadership positions within ecumenical organizations like the National Council of Churches. Betram Johnson would become the first (openly) gay black Presbyterian to be ordained as a minister in 2014. Anderson, Johnson and other gay and lesbian Presbyterians were followed by Jess Cook who was the first non-binary person to be ordained as a minister and Alex McNeill who was the first trans man to be ordained in 2019.
- 49 This statement evoked the memory of the controversy between PLGC and the PLC in the early 1990s over the 1988 distribution of two pamphlets by the PLGC. *I think I might be a Lesbian, now What do I do?* and *I think I might be Gay, Now What do I do?* had been prepared by various LGBTQIA+ advocacy groups to support young people in the coming out process. The PLGC shared them with the youth of the church at the Presbyterian Youth Triannual (tri-annual nation-wide Presbyterian youth conference), which lead the PLC to charge that the PLGC was using their status as a ‘special organization’ to ‘recruit’ kids for their cause or to ‘corrupt the youth.’ Debates over the publication of youth materials contributed to the eventual abolition of Chapter 9 of the Book of Order, and thus to the formal illimination of ‘special organizations’ (see Anderson 1997, pp. 47-48).
- 50 In addition to serving as moderators of previous assemblies, Robert W. Bohl was the Senior Pastor of the Village Presbyterian Church in Prairie Village, KS and John Buchanan was the Senior Pastor of Fourth Presbyterian Church in Chicago, IL; Both churches are among the largest Presbyterian congregations in the United States.
- 51 ‘Amendment I’ was passed by the 1996 assembly and ratified by the presbyteries in 1997. It clarified that, in the book of order, “(1) SHALL and IS TO BE/ARE TO BE signify practice that is mandated, (2) SHOULD signify practice that is strongly recommended, (3) IS APPROPRIATE signifies practice that is commended as suitable, (4) MAY signifies practice that is permissible but not required”. A fifth clarification was subsequently added following the ratification of nFOG, and states that “(5) ADVISORY HANDBOOK signifies a handbook produced by agencies of the General Assembly to guide synods and presbyteries in procedures related to the oversight of ministry. Such handbooks suggest procedures that are commended, but not required” (PC(USA) 2019, Preface).
- 52 As the GA-PJC asserted in *Bush et al. v. Presbytery of Pittsburgh* (RC 218-10-11 Feb. 2008), “the Freedom of conscience granted in G-6.0108 allows candidates to express disagreement with the wording or meaning of provisions of the constitution but does not permit disobedience to those behavioral standards. The fidelity and chastity provision may only be changed by a constitutional amendment. Until that occurs, individual candidates, officers, examining and governing bodies must adhere to it” (in Holmen 2013, p. 437).
- 53 The church had began conducting its assemblies on a bi-annual, rather than an annual, basis after the 216th Assembly in 2004.
- 54 Inspired by a 2007 gathering of Lutherans, which “successfully used rainbow scarves to raise awareness and open dialogue,” Presbyterian advocates for inclusion decided to incorporate the practice into their work at the general assembly (PHS 2022a).
- 55 The full text of the revised constitutional clause reads, “Standards for ordained service reflect the church’s desire to submit joyfully to the Lordship of Jesus Christ in all aspects of life. The governing body responsible for ordination and/or installation shall examine each candidate’s calling, gifts, preparation, and suitability for the responsibilities of office. The examination shall include, but not be limited to, a determination of the candidate’s ability and commitment to fulfill all the requirements as expressed in the constitutional questions for ordination and installation. Governing bodies shall be guided by scripture and the confessions In applying standards to individual candidates” (PC(USA) 2019, G-2.0104b).
- 56 As with other U.S. denominations that faced schisms during this time, ecclesial and legal disputes centered not on theological concerns but church property and jurisdiction. According to the Book of Order, presbyteries, not congregations, hold local church properties ‘in trust’ (PC(USA) 2005, G-8.0201). Thus, if a congregation votes to leave the PC(USA), they must resolve a civil property dispute claim with the presbytery under whose jurisdiction they had heretofore operated.

- 57 The church's polity experts asserted, "freedom of conscience is a foundational principle of the PC(USA) (G-2.0105) but must be exercised within certain bounds. The exercise of freedom of conscience in and of itself is not necessarily a violation of polity or an *obstruction* of constitutional governance. Such freedom of conscience, however, is not freedom of action. All persons in ordered *ministry* have a duty to fulfill constitutionally mandated responsibilities" (in Fowler-LaBerge 2014). Thus, while recognizing the importance of freedom of conscience, as affirmed in the Adopting Act tradition, the ACC *once again* distinguished between that freedom and freedom of 'action.'
- 58 Depending on their state of residence, some couples also had to wait to be married until 26 June 2015 when the U.S. Supreme Court legalized same-sex marriage on a federal level via its decision in *Obergefell v. Hodges*.
- 59 The 2016 assembly was hardly the first time advocates and allies called the church to apologize for its actions toward LGBTQIA+ people. As early as 1997, the Presbytery of the Twin Cities responded to the passage of Amendment B by issuing a statement of its own that apologized "to all persons whose Christian faith and relationship with the church, as well as their personal God-given dignity, have been assaulted or in any other way diminished by the inclusion of Amendment B in the Constitution of the PC(USA). To those of our Christian sisters and brothers so terribly betrayed by their church we say, 'we are truly sorry'" (in OCRT 2001).

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Article

# Transforming Loneliness: An Orthodox Christian Answer to an Increasing Loneliness in Disabled Populations

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**Abstract:** Social isolation and inactivity have a profound effect on one's quality of life. In recent times, the COVID-19 pandemic has impacted the social life of many. When it comes to disabled populations, emotional well-being is greatly affected by an increasing trend of social isolation. Research shows that people with disabilities perceive loneliness as unbelonging in childhood and disaffiliation to normative institutions in adulthood. Certainly, the efforts of building community bring richness and quality to life, but there are other solutions to addressing loneliness and solitude. Therefore, finding the true meaning of life is what can bring a positive vision of one's world. In the Eastern Orthodox Christian ascetical theology, loneliness was transformed into a positive voluntary solitude and has been a central point of daily life, manifested from the ancient Christian sites to modern-day monastic and eremitic life. The present paper proposes a two-folded solution for reframing loneliness into empowerment. It starts with an insight into Frankl's *Man's Search for Meaning* and continues with finding a positive value of loneliness. The study examines different perspectives on loneliness and solitude which can improve the spiritual and emotional well-being of people with disabilities.

**Keywords:** loneliness; disability; ascetical theology; Desert Fathers; Eastern Orthodox Church; COVID-19 pandemic

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## 1. Introduction

The COVID-19 pandemic has hit disabled communities particularly hard as they already faced obstacles in daily life which made them more lonely than non-disabled people and most vulnerable during this challenging time<sup>1</sup>. Disabled people are more likely to suffer from formal segregation and institutionalization. According to the Office for National Statistics' (ONS) report on disability, well-being and loneliness<sup>2</sup>, in the UK (2019) the proportion of disabled people who report feeling lonely is almost four times that of non-disabled people<sup>3</sup>. The same results were found by the report of the Helen Clark Foundation in New Zealand, where 11.3 percent of disabled people reported feeling lonely most or all of the time—four times more likely than non-disabled people. The health effects of social isolation and loneliness could become severe, as a study from the University College London shows: "Social isolation is associated with higher mortality in older men and women . . . This effect is independent of the emotional experience of loneliness. Reducing both social isolation and loneliness are important for quality of life and well-being, but efforts to reduce isolation would be likely to have greater benefits in terms of mortality" (Stephens et al. 2013, p. 5799).

Contemporary research of loneliness and disability have predominantly explored the link between these two aspects based on surveys and follow-up analyses. A study conducted in the UK which quantitatively explores the relationship between disability and emotional loneliness shows that disabled people report much higher feelings of emotional loneliness than the rest of the population (Macdonald et al. 2018). This means that 52% of the disabled population included in the study experienced feelings of emotional loneliness. Emotional loneliness is expressed as the absence of intimate attachments, and it is often characterized by feelings of isolation or anxiety. It differs from social loneliness, which

is generally characterized by feelings of boredom and marginality, depending on the engagement level in a social network (Fierloos et al. 2021, p. 2). Research shows that there exists an emotional and affective space which is not necessarily the same with the physical space, therefore people with disabilities perceive loneliness as “unbelonging in childhood, disjointed youth and disaffiliation to normative institutions in adulthood” (Tarvainen 2021, p. 6). Here, the authors show that loneliness could be connected with distant childhood family relationships, bullying and social isolation in school or a disjointed youth. Affiliation to adulthood institutions seems to be precarious, not permanent and often dominated by uncertainty. Therefore, there is a complex phenomenon to be explored, which is affected by multiple factors, as different life trajectories cause different responses to loneliness. Another study from Canada, based on a questionnaire, linked patients with physical disabilities with higher scores of emotional distress and alienation (Rokach et al. 2006, pp. 691–92). Johnstone et al. (2007, pp. 1155–56) evaluated the impact of different religious practices in coping with disabilities. Here, the spiritual model of religious coping shows that faith is an important element in dealing with disabilities. Thus, spirituality and different forms of prayer and meditation have similar effects with stress management techniques. A recent study conducted by the Centers for Disability Research at the Universities of Sydney and Lancaster states clearly that disabled populations experience loneliness at higher rates than people without disability and this is a significant driver of poor well-being. Thus, one of the conclusions of the authors of that study is particularly important for the present article: “The relative independence between different indicators of social connectedness suggests that interventions to reduce loneliness will need to do more than simply increase rates of social contact or social support” (Emerson et al. 2021, p. 6). The authors refer to addressing social and economic disadvantages for disabled populations, and, in general, they propose an improved and more inclusive social ethics. But I would like to use this conclusion in order to say that building community and social interaction is just a step towards solving the issue of loneliness. Although the value of communitarian and social life is of primary importance (and this includes all the modern technological advancements which help building virtual communities), I see here an opportunity in transforming loneliness into a form of spiritual solitude. This is a next level approach in finding the positive value of loneliness from the Eastern Orthodox ascetical theology and a point where theology and medical sciences meet.

Rokach et al. (2012, p. 739) show how religious life, in general, provides tools and support for coping with loneliness, be it through prayer, attendance of religious services or friendships within the religious community. The authors conclude: “It appears possible that the more likely it is that one’s religious beliefs play a role in structuring and shaping one’s daily life, the more likely it is that one will view and utilize religion as a helpful means of coping with loneliness”. In a more specific context, in Christianity, studies show that a personal relationship with God is an important factor in dealing with loneliness and therefore loneliness becomes a more complex phenomenon than simply a horizontal medical or social condition. The vertical relationship plays an important role too—the relationship between a human being and God. Le Roux (1998, p. 178) concludes: “The weaker a student’s faith in Jesus Christ as his/her Saviour is, the more lonely he/she is, and vice versa. It also indicates that the weaker the cognitive knowledge of a person’s faith in Jesus Christ, as well as his/her Christian conduct is, the more likely that person is to be lonely”. Thus, it appears that there is a correlation between feeling lonely and the lack of fully exploring a personal relationship with God. A well maintained personal relationship with God could become a tool in helping to cope with loneliness.

In Eastern Orthodox Christian theology, research on loneliness in disabled populations is at an incipient stage. Most of the studies explore different aspects of solitude, which includes silence and stillness. Chryssavgis (2012, pp. 376–77) is one of the few authors who wrote on solitude based on the writings of Barsanuphius the Great and John the Prophet. It is not difficult to notice that such a patristic theology finds the positive value of solitude, which together with silence contributes towards reaching the state of stillness, which is

desirable for any process of illumination and deification. While loneliness is perceived as an involuntary rejection or abandonment by other people, solitude is voluntary—it is a state of being alone without being lonely or feeling lonely. Still, in Eastern Orthodoxy, loneliness has a very broad manifestation and includes not only the visible interaction between people, but it draws its origins in the fallen nature of both humans and demons or fallen spirits (Thaddeus of Vitovnica 2009, p. 125). The great Fall of the Biblical narrative has produced a psychosomatic change, an ontological alienation from God (Hatzidakis 2013, p. 271) and thus the ontological unity of humanity has been affected. And therefore, because of this alienation, a certain distance between people came into place, together with its side effects such as loneliness, lack of happiness or fulfillment and an active and unending quest for new and varied encounters.

In this study, my intention is to show that the ascetical tradition of the Eastern Orthodox Christianity has solutions for dealing with loneliness experienced by people with disabilities. The early monastic communities were schools where disciples learned the value of solitude in helping their daily advancement towards purification and deification. This is actually the transfiguration of a negative concept, loneliness, into a positive one, solitude. Here, solitude is not positive in itself, but only as a means towards stillness and deep contemplation. It becomes positive only by reaching the positive goal. Accordingly, I see loneliness as involuntary and stressful, while solitude or spiritual solitude could be voluntary (in a context of renunciation) or involuntary, but advantageously and peacefully accepted by a person. The question that drives my thesis is: what stops us from advantageously benefiting spiritually from an involuntary state of loneliness? Solitude could become a helpful means of self-reflection and provide healing. Certainly, this is applicable in the case of disabled adults unaffected by severe cognitive disabilities and people who are able to perform religious disciplines and adopt conscious decisions.

When it comes to health benefits of this practice, I will only provide a theoretical extract from the lives of the early ascetics and the contemporary authors. I am not aware of existing studies framed in an Eastern Orthodox Christian context dealing with loneliness and how its transcendence could bring health benefits in the lives of disabled people. However, I am thinking here of a related study which tried to quantify the health benefits of religious assistance in case of sadness or depression, which are generally linked with loneliness (Durá-Vilá 2017). Sadness manifestations could range from deep sadness to pathological sadness or depression, and these are common symptoms among people who face loneliness. Using interviews, participant observation and ethnography to gather data, the author found that spirituality had an important role in overcoming sadness.

## 2. An Insight into *Man's Search for Meaning*

Viktor Frankl, in his book *Man's Search for Meaning*, describes his harsh experiences as a prisoner in concentration camps during World War II. While observing the behavior of other prisoners, Frankl proposed a psychotherapeutic method for transforming the human mind and one's perspective on life, which consisted of identifying a positive purpose in life and following that ultimate goal through imagination. He noticed that those who could find meaning in their suffering were the ones who also seemed better able to find the strength to survive. Logotherapy, a therapeutic method developed by Viktor Frankl which emphasizes the meaning dimension or spiritual dimension of human beings, helps people to discover meaning in their lives by changing their attitude toward unavoidable suffering. The author noted that it was possible to turn suffering into achievement. Here is how Frankl described his thesis: "If there is a meaning in life at all, then there must be a meaning in suffering. Suffering is an ineradicable part of life, even as fate and death. Without suffering and death human life cannot be complete . . . It is one of the basic tenets of logotherapy that man's main concern is not to gain pleasure or to avoid pain but rather to see a meaning in his life. That is why man is even ready to suffer, on the condition, to be sure, that his suffering has a meaning. But let me make it perfectly clear that in no way is

suffering necessary to find meaning. I only insist that meaning is possible even in spite of suffering—provided, certainly, that the suffering is unavoidable” (Frankl 2020, pp. 90, 151).

It is clear that the author does not encourage an attitude of gaining pleasure from suffering or destruction, nor he sees suffering as necessary for a kind of personal salvation, but changing one’s attitude towards unavoidable pain and suffering brings relief and improves people’s lives. Frankl observed there were a few people who possessed a humor that offered some necessary self-detachment. They lived their suffering honorably and remained unaffected by the dangerous reality: “The attempt to develop a sense of humor and to see things in a humorous light is some kind of a trick learned while mastering the art of living. Yet it is possible to practice the art of living even in a concentration camp, although suffering is omnipresent . . . Humor was another of the soul’s weapons in the fight for self-preservation. It is well known that humor, more than anything else in the human make-up, can afford an aloofness and an ability to rise above any situation, even if only for a few seconds” (Frankl 2020, pp. 58–59).

There is also a two-folded solution of experiencing fulfilment in life. For an active life, it stays in the value of creativity and work, while for a passive life, which could be the case for many disabled people, it is obtained through contemplating beauty in all its forms: “An active life serves the purpose of giving man the opportunity to realize values in creative work, while a passive life of enjoyment affords him the opportunity to obtain fulfillment in experiencing beauty, art, or nature. But there is also purpose in that life which is almost barren of both creation and enjoyment and which admits of but one possibility of high moral behavior; namely, in man’s attitude to his existence, an existence restricted by external forces” (Frankl 2020, p. 90). The positive value found in a passive life resides in experiencing a different reality and fosters a new understanding of the self and the world (Bound Alberti 2019, p. 207). Therefore, contemplation, as an expression of a religious practice, could become a solution for reducing loneliness by being aware of the external medium and by finding the rationality of creation, which implies a particular form of divine agency. In Christianity, contemplation becomes a personal encounter with the Creator. This social system includes the relationships between these persons and also tools for communicating and sharing between them. Thus, loneliness could be reduced, and one could find meaning in life by becoming a partaker of the divine nature and by establishing a personal relationship with God.

I would like to use Frankl’s experiences and strategies in order to consolidate my thesis that involuntary loneliness could indeed be advantageously transformed into a form of voluntary solitude. It is religion that could help people change their attitude towards this condition, which, if untreated, could lead to depression, social isolation, impaired executive function, accelerated cognitive decline and ultimately death (Steptoe et al. 2013, p. 5797). Any form of hope which is suggested by a religious system could become of massive importance for the spiritual strength of a person, as Frankl mentions: “The prisoner who had lost faith in the future—his future—was doomed. With his loss of belief in the future, he also lost his spiritual hold; he let himself decline and became subject to mental and physical decay. Usually this happened quite suddenly, in the form of a crisis, the symptoms of which were familiar to the experienced camp inmate” (Frankl 2020, pp. 99–100). It appears that spiritual life could determine the physical state of a person. Hope and belief are of major importance especially in the case of disabled populations in order to limit the risk of late disease progression.

### 3. Proposed Solutions for Transforming Loneliness

In May 2020, the United Nations proposed a framework of response to COVID-19 titled: “A Disability-Inclusive Response to COVID-19”. This report deals with a multitude of factors which could be improved in order to ensure an easier life for disabled populations. They include aspects of health, support services, social protection and employment, education, prevention of and response to violence or humanitarian assistance<sup>4</sup>. However, what is lacking is that there is no mention of the spiritual well-being of a person. In my

opinion, access to religious services or any form of spirituality is an important part of the general well-being of a person, strengthening the right to freedom of religion and belief. Therefore, I try to identify a two-folded solution for reframing loneliness into empowerment in an Eastern Christian context, taking into account the intrinsic need of humans for spirituality. Certainly, there are multiple types of disability which need to be addressed. If for vision and hearing disabilities, mobility and physical impairments, it is easier to work on a conscious process of accepting and understanding the value of loneliness, and in the case of people with mental disabilities, it might be a hard task which could even add more complexity by introducing a new concept called aloneness (Andersson et al. 2015, p. 4). It is beyond the scope of this paper to include special cases of severe cognitive or intellectual disabilities which affect one's ability to perform religious disciplines and adopt conscious decisions. This condition is called clinically significant religious impairment and is defined as a "reduced ability to perform religious activities, achieve religious goals, or to experience religious states, due to a psychological disorder" (Hathaway 2003, p. 114). In this approach, I will ground my discourse on selected texts from *Apophthegmata Patrum*, a fifth century collection of sayings attributed to the Desert Fathers and Mothers living in the desert of Egypt (Ward 1984) and also on the writings of contemporary spiritual elders and saints of the Orthodox Church.

### 3.1. *Resisting Bullying: Building Community and Foreshadowing the Healing Communion with God in His Kingdom*

First, how can people with disabilities build community and make friends? Is there any simple way of overcoming bullying and its effects? Abba Poemen, an ascetic of the fourth century, pronounced a very interesting word when addressing one of his disciples, which can be easily adopted in a context of loneliness and disability: "A brother going to market asked Abba Poemen, 'How do you advise me to behave?' The old man said to him, 'Make friends with anyone who tries to bully you and sell your produce in peace'" (Ward 1984, p. 189). This phrase has a double implication: it promotes a type of ascetical humility by accepting bullying behaviors and at the same time its ultimate goal is acquiring inner peace (St. Symeon the New Theologian 1999, p. 30). In the Eastern Orthodox understanding, acquiring the peace of the soul is one of the most important aspects of spiritual life. For disabled populations, accepting with humbleness their disability and trying to keep a climate of peace is a key element in building community and it is indeed a strong image of the healing communion with God in His Kingdom. And now let us turn to a 20th century saint, Silouan the Athonite, who addressed this issue of accepting others and building a merciful heart: "But I would ask you: supposing God were to give you a fair place in paradise and you saw burning in the fire the man to whom you had wished the tortures of hell—would you really even then not feel pity for him, whoever he might be, even an enemy of the Church? Or is it that you have a heart of iron? But there is no place for iron in paradise" (Sophrony 1974, p. 40). This is the image of the Kingdom of God, where the hearts of people are melted in the love of God and where peace and humility reign.

Definitely, in a pandemic context, a virtual community can be created, which could include online bible studies, Sunday schools or similar activities, making sure that a community is still maintained. However, the solution is not merely building a social context. There is still a need for something more. The social context has to become a community of people sharing the same values. And this is especially visible in an enlightening conversation between Abba Poemen and Abba Anoub, in which the latter concluded: "Now we are seven brethren; if you wish us to live together, let us be like this statue, which is not moved whether one beats it or whether one flatters it. If you do not wish to become like this, there are four doors here in the temple, let each one go where he will" (Ward 1984, p. 33). This is an ascetical invitation towards cultivating humility and stillness. In a Christian understanding, the small community of people has to become a healing and meaningful society of brothers and sisters.

Finally, I would like to bring another contemporary writer from the Eastern Orthodox world, Elder Thaddeus of Vitovnica. When he evaluates the general atmosphere in the daily life of Christians, he sees an increased loneliness: “And so people engage in many activities: philosophy, rational thinking, scientific research—but all that is very short-lived. The comfort lasts a very short time, and then depression and despondency set in. People on this earth generally feel very lonely, even when they are among their closest family members. This is due to our fallen nature” (Thaddeus of Vitovnica 2009, p. 125). One could notice his stress on building something more than a simple community of people or social connectedness. Any relationship should be centered on the relationship with God, as this is an everlasting one. In that way a person will become less dependent on external relationships.

### 3.2. *Identifying the Positive Value of Solitude in the Eastern Orthodox Ascetical Theology*

In the patristic exposition of the fourth and fifth centuries, silence was often perceived as a virtue. Moreover, for the following centuries, living alone was a desirable way of life for thousands of monastics in the Egyptian and Palestinian territories. Let me cite here a clear instruction given by Theodoros the Great Ascetic to his followers: “You must avoid continually wasting time outside your cell, if you have indeed chosen to practice stillness. For it is most harmful, depriving you of grace, darkening your mind and sapping your aspiration . . . So restrict your relationships with other people, lest your intellect should become distracted and your life of stillness disrupted” (Theodoros the Great Ascetic 1983, p. 25).

The life of stillness should have been the object of this monk’s quest. Therefore, any external relationships were seen as unnecessary and even destructive for one’s aspiration. For him, a distracted mind and intellect were unable to work diligently on the daily main tasks of watchfulness (guarding the mind), constant remembrance of God and inner prayer. If we turn back to a contemporary context, where leading such a life of complete stillness is not the object of many, I propose a solution found by Abba Poemen: “If three men meet, of whom the first fully preserves interior peace, and the second gives thanks to God in illness, and the third serves with a pure mind, these three are doing the same work” (Ward 1984, p. 171). Therefore, gratitude in daily life has a transformative power that is comparable with other old virtues of ascetic life. This method is inclusive and accessible to all. It is again confirmed by Amma Syncletica, who provides us with a draft of a framework of changing the perspective on life, from a negative and sorrowful one, to a positive one, through thankfulness: “If illness weighs us down, let us not be sorrowful as though, because of the illness and the prostration of our bodies we could not sing, for all these things are for our good, for the purification of our desires... If illness then weakens this sensuality the reason for these practices is superfluous. For this is the great asceticism: to control oneself in illness and to sing hymns of thanksgiving to God” (Ward 1984, p. 232).

But still, one might truly question: why was all this effort of running away from any social environment towards a life of complete seclusion? People were born to live in a community, so why would someone choose isolation? An important quote of a Desert Father, Abba Alonius, summarizes it well: “If a man does not say in his heart, in the world there is only myself and God, he will not gain peace” (Ward 1984, p. 35). So, this was a radical action which had a very well-established aim: acquiring inner peace. It was indeed radical, even more, a radical orthodoxy in the patristic understanding, which is quite different from today’s evolution of the term. Thus, in the context of disabled people, radical loneliness has the potential to lead to inner peace; it can be transformed to a form of solitude, which is followed by stillness. It should not be seen as a major factor of stress if it is voluntarily assumed in a positive light.

There is a famous episode of Abba Arsenius who was searching for a personal way of salvation. While praying, “a voice came saying to him, ‘Arsenius, flee from men and you will be saved’ . . . Having withdrawn to the solitary life he made the same prayer again and he heard a voice saying to him, ‘Arsenius, flee, be silent, pray always, for these are the



source of sinlessness” (Ward 1984, p. 9). My sense is that for ascetical theology there is a clear line when it comes to solitude. Silence and solitude are beneficial factors for gaining inner peace and a sinless life. It is not solitude which is valuable here, it is just a means towards avoiding distraction of the mind, which has been so problematic for the Patristic Christian tradition.

Research shows that comparing oneself with others results in decreased self-esteem (Lee 2020, p. 3). Related to this, Abba Bessarion found a safe solution for his disciples: “A brother who shared a lodging with other brothers asked Abba Bessarion, ‘What should I do?’ The old man replied, ‘Keep silence and do not compare yourself with others’” (Ward 1984, p. 42). Therefore, silence and watchfulness become also a safe solution for an increased risk of distraction in cases where acute loneliness could trigger thoughts of anxiety and dissatisfaction with one’s own way of life, appearance or body image (Quittkat et al. 2019, p. 2).

Here again I would like to bring a text of Elder Thaddeus which explains why this radical isolation, either spiritual or physical, has a positive value in ascetical theology: “There are times when people become depressed and despondent, which is a type of pride in its own way. If a person loves the things of this world, this will invariably lead to despondency, for he will not find God in them. Each human being feels lonely at times, even when he is among people, until the moment he becomes free from the things of this world. At that point, God comes to comfort him. The soul feels lonesome because the power of Grace diminishes in it due to its interest in the things of this world. One cannot go both ways!” (Thaddeus of Vitovnica 2009, p. 139). Radical renunciation of any possessions and relationships with the external world is what the early Christian ascetics did. This whole process could be easily seen as a continuous search for meaning. If in Frankl’s case, the end of this search could have easily been an object or an abstract imaginative idea; here, ascetics have a clear goal in finding God and experiencing the uncreated grace and light of Tabor. It is a meaningful quest which fuels their daily struggle.

One could object here that Elder Thaddeus proposes a theology which is neither inclusive, nor contextual, promoting an outdated form of denial of the world, compared with the contemporary paradigms in other Christian traditions, where it is clearly affirmed the universal character of redeeming the world which invites people to delight in it<sup>5</sup>. My sense is that here Elder Thaddeus does not merely propose a simple renunciation of the world, but more a reassessment of the attachments with the world which could trigger different passions. Orthodox theology has always been ascetic, which means it proposes a framework for a healing therapeutic model. Due to its vast experience with the art of fighting against passions, it can discern the finest movements of the body and of the spirit which can ultimately turn into passions. This is why there is the need to work for building a full communion with God and avoid being trapped into loneliness. Having achieved this favorable context, man can experience that kind of spiritual quietness or stillness where God is more visible. “Be still, and know that I am God”<sup>6</sup>—this is the prophetic message of God which was later used by the Hesychast movement and its mental (noetic) prayer, and it could be translated in a contemporary language as: get rid of all the false noises, and hear My voice.

#### 4. Conclusions

This paper has attempted to show that social isolation and inactivity have a profound effect on one’s quality of life. In recent times, the COVID-19 pandemic has impacted the social life of many. When it comes to disabled populations, emotional well-being is greatly affected by an increasing trend of social isolation and depressive symptoms are common among them. Research shows that disabled people report higher feelings of emotional loneliness than non-disabled people and this is a significant driver of poor well-being. Without forcing a positive perspective on being lonely, there is an opportunity in transforming involuntary loneliness into a form of spiritual solitude by benefiting from the Eastern Orthodox ascetical theology.

The article made use of Viktor Frankl's work, *Man's Search for Meaning*, where he describes his harsh experiences as a prisoner in concentration camps. Frankl proposed a psychotherapeutic method for transforming the human mind which consisted in identifying a positive purpose in life. Hope and belief are of major importance, especially in the case of disabled populations who face challenges, anxiety or discouragement.

Then, based on Frankl's thesis of transforming the human mind by identifying a positive purpose in life, the paper proposed two solutions for transforming loneliness into empowerment in an Eastern Christian context, in those cases which are not marked by severe cognitive or intellectual disabilities. Firstly, disabled populations could work on building community and foreshadowing the healing communion with God in His Kingdom. This implies building something more than a simple community of people; building a way of life centered on the relationship with God, as an everlasting one. Secondly, one could identify the positive value of solitude in the Eastern Orthodox ascetical theology. Elders like Abba Poemen, Alonius, Arsenius or Amma Syncletica always emphasized the potential positive value that solitude could bring and encouraged their disciples in leading a life of silence and solitude, as a simple way of acquiring inner peace. Thus, in the context of disabled people, radical and involuntary loneliness could be overcome, and it can be advantageously transformed into a form of solitude, which is followed by stillness in a charismatic action of the Holy Spirit. And a life of stillness has always been the object of a monk's quest. In this respect, transforming loneliness into solitude and finding a positive value of solitude can greatly improve the spiritual and emotional well-being of people with disabilities by reducing any stressful conditions that often accompany loneliness. This is using religion as a helpful means of coping with loneliness.

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## Notes

- <sup>1</sup> See the Red Cross UK report of August, 2021, dealing with the impact of the COVID-19 pandemic on the disabled communities. Available online: <https://www.redcross.org.uk/stories/health-and-social-care/social-care/why-loneliness-affects-so-many-disabled-people> (accessed on 12 November 2021).
- <sup>2</sup> Available online: <https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/disability/bulletins/disabilitywellbeingandlonelinessuk/2019> (accessed on 12 November 2021). See the updated 2020 online version at: <https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/disability/articles/coronavirusandthesocialimpactsdisabledpeopleingreatbritain/may2020> (accessed on 12 November 2021).
- <sup>3</sup> See the report titled "The risks of loneliness in Aotearoa New Zealand following COVID-19 and how public policy can help" in Alone Together, available online: <https://helenclark.foundation/wp-content/uploads/2020/06/alone-together-report-min.pdf> (accessed on 10 October 2021). See the 2020 edition at: <https://apo.org.au/sites/default/files/resource-files/2021-04/apo-nid-311945.pdf> (accessed on 12 May 2022).
- <sup>4</sup> See the United Nations report of May 2020, titled: "A Disability-Inclusive Response to COVID-19". Available online: <http://unsdg.un.org/sites/default/files/2020-05/Policy-Brief-A-Disability-Inclusive-Response-to-COVID-19.pdf> (accessed on 12 May 2022).
- <sup>5</sup> In the Presbyterian Church, for example, where during a Sunday service hymn it is clearly affirmed the universal character of redeeming the world: "Not denying the world, but delighting in it, Not condemning the world, but redeeming it, Through Jesus Christ, By the power of the Holy Spirit". Fifth Sunday after Pentecost, Order of Worship, 2021, available online: [http://presbyterianclinton.org/Portals/0/Bul\\_06-27-2021.pdf](http://presbyterianclinton.org/Portals/0/Bul_06-27-2021.pdf) (accessed on 17 May 2022).
- <sup>6</sup> This is an excerpt from Psalm 46:10 (ESV), a prophetic text and an invitation from God for a life of stillness.

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Article

# Theological Valorization of the Other from an Orthodox Christian Perspective: Dorin Oancea's Model of Theology of Religions in Relation to Social and Theological Developments of Modernity

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**Abstract:** This paper analyzes the model of theology of religions elaborated by the Romanian Orthodox theologian Dorin Oancea and highlights the possibilities for openness towards other religious realms and for real theological validation of non-Christian religions. It focuses both on the modern premises of this model and on the ways in which the author ensures its continuity inside the Tradition and its acceptance within the Orthodox-Christian world. Dorin Oancea's construct, a unique system of pluralistic inclusivism, elaborated by an Orthodox theologian who wants to remain aligned with the Eastern Orthodox patristic and traditional theological thinking while still addressing current topics by means of contemporary instruments and present-day language, is a valuable example of religious change that takes place within Orthodoxy, which is regarded as a traditional branch of Christianity. This paper identifies forms of theological newness in Dorin Oancea's manner of addressing the challenges of present times in relation to the dynamics of the field of theology of religions and of Orthodox theology.

**Keywords:** theology of religions; religious philosophy; neo-patristics; religious pluralism; religion and modernity; salvation in Christ; salvation of non-Christians; inclusivism; pluralistic inclusivism

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## 1. Introductory Remarks

Religious pluralism is a current issue that poses new challenges to Christian thinking and self-understanding. Religious plurality has not existed in comparable diversity in Europe since antiquity. The mosaic of faith (Rémond 1992, p. 439) challenges theologians to put their own beliefs in a new light and to think about them in such a way that the validity of other claims to truth and loyalty to one's own have a place alongside one another. From a theological point of view, this attitude is new, even if some authors point to individual predecessors from the patristic period and the theological tradition that followed (see e.g., Oancea 2010b). The theology of religions, which has established itself as an independent discipline within theological reflection since the 1960s, is the fruit of these changes (Dupuis 1997, pp. 1–2).

Models of theology of religion consider two fundamental aspects (the claim to truth and effectiveness of one's own religion, and the recognition of several claims to truth and their effectiveness) in different ways. Theologies of religions have started to emerge in different religious traditions (see Knitter 2005); in the Christian world, however, the process has a long history and takes on very elaborate forms (see e.g., Schmidt-Leukel 2017b). Among these theologies, those which insist on salvation through Christ alone and deny the efficacy of all other forms of belief are classified as exclusivist. At the other end of the spectrum there are the pluralistic models, which in some cases go so far as to disregard the Christian requirement of salvation in Christ to posit equal opportunities for all, and thus uphold the image of the righteous God (see Danz 2005, pp. 51f, 92f; Schmidt-Leukel 2017a, p. 58f). The many intermediate or additional positions do justice, to varying degrees,

to the two opposing theological postulates (see Knitter 2002). The attitude according to which salvation is only in Christ but is also accessible for all, is rightly classified as a logical impossibility (Schmidt-Leukel 2017a, p. 136).

However, logical impossibilities have been encountered several times in the Christian formulation of teaching and eliminated in an antinomian way. The dogma of the three-in-one God is also a logical impossibility. Logically, it is impossible to conceive of a reality that is three and one at the same time; even more so, when it is a personal reality, i.e., one personal God and three divine persons simultaneously. The same is true with regard to the Christological dogma, which asserts that there is a man who is also, at the same time, God. It is impossible for human reason to conceive of a being that is simultaneously creator and creature, God and man. Nevertheless, Christians accept these concepts as dogmas of the Christian faith, which overcome human reasoning, calling them antinomies. Could such a solution also be found for the two postulates mentioned above, that salvation is only possible in Christ, but is still equally accessible for everyone?

Dorin Oancea is a Romanian Orthodox theologian who strives for such a solution, along with other representative theologians from the Catholic and the Protestant world, such as Jacques Dupuis (Dupuis 1997) and Mark Heim (Heim 1985, 1995, 2001). Oancea develops his own religious-theological model, which on the one hand demonstrates his modern struggle for the full valorization of the other, but on the other hand, is rooted in the Orthodox tradition and in its claims that salvation is possible only by consciously and willingly accepting Jesus Christ as the only redeemer of mankind. Dorin Oancea defends his undertaking from Orthodox readers who may be outraged at the thought of development within Orthodox theology, as they represent the equally modern view that nothing has changed in Orthodoxy since the beginning of the Christian Church. On the other hand, Oancea argues, in unison with other Orthodox theologians, that it was the concern of the highly respected Church Fathers of the patristic period to take a stand on the problems of their time and to illuminate and answer them using the means of Christian theology. Therefore, those theologians who act in this sense with courage and Christian humility are in line with the Fathers, and not those who just memorize their preformed wisdom (Stăniloae 1964, p. 105).

The way in which Oancea places himself in connection with the old ecclesiastical tradition is as modern as the Neo-patristic movement itself and all the movements that aim to break with the recent past in order to draw nourishment again from older sources. The rupture with the recent past is, according to Eisenstadt, the common denominator of multiple modernities (Eisenstadt 2000). This kind of rupture has already been accepted in the Orthodox world. Nowadays, it is a commonly accepted stance that the more recent past was too much theologically determined by influences from the Catholic or Protestant Christian West and that its theology no longer corresponded to the self-understanding of the Orthodox view. Thus, through neo-patristic mediation, one should revert to the actual Orthodox mindset. Oancea places himself in this line, and through such argumentation he ensures the acceptance of his discourse within the Orthodox world (Oancea 2013, p. 4).

However, what Oancea proposes is a new model of thinking, even if it draws on fundamental notions of Orthodox theology. It is a model that grants to the members of all religions the same chance of salvation through Christ and emphasizes the equality of all before God. In support of this modern postulate, Oancea employs Orthodox beliefs and draws new conclusions from them, but he also develops new arguments where these are absent in compliance with the condition that new arguments must not conflict with established beliefs.

This paper proposes to analyze Oancea's model, by paying special attention to the dialectics between the traditional and the new. This shall be looked at both inside the model and by considering the model as a whole in relation to the present-day challenges to theology of religions and to Orthodox theology. As a final step, the construct shall be evaluated against the background of modernity, so that its value as an indicator of change inside religion can be properly worked out.

## 2. Traditional Orthodox Beliefs in Oancea's Argument

The view that communion with God is constitutive for the human being is traditional. It states that humans and all creatures only exist due to their constant relationship with God. Existence, then, is a gift, a life-giving gift that pours forth from God upon creation every moment. According to Orthodox theology, from the perspective of creation, there is no separation between that which is created and the creator, between God and the human being, or between nature and grace (Todoran and Zăgorean 1981, p. 241). Human existence, like the existence of all creation, is existence that is in constant communion with God (Stăniloae 1996, pp. 266–70).

If, from the moment of its creation, the created world does not lead an autonomous existence, but one made possible at every moment by the grace of God, every human being is called to infinitely increase their existence by growing in life-giving communion with God. This can also be inferred from the empirically perceptible inability of the created to elude movement or change and to remain insensitive to the effects of various stimuli. The standstill is impossible. Therefore, giving up the effort of approaching God inevitably leads to a gradual detachment from God. The dynamism inherent in the creature is regarded as a vocation to grow and perfect oneself. It is the growth from the image to the likeness of God (Gen. 1:26–27) that, in this understanding, represents the traditional Orthodox doctrine (Stăniloae 1996, pp. 270–77).

The fall, from the same perspective, is not an erasure of communion with God or of the purpose to grow from image to likeness. It is only a weakening of this communion. After the fall, the human being does not lead an existence separate from God. No matter how gravely men may have fallen into sin, grace never leaves them completely, for in the absence of it, they could not continue their lives. Accordingly, sin is interpreted as illness (Agathokleous 2019). The fallen state of the human being is thus determined on the one hand by the commandment to grow, but on the other hand also by the newly introduced factor, sin, which gives the whole process an increased complexity, just as a disease weakens a body and introduces a dynamic of its own into the complex fabric of life (Stăniloae 1996, pp. 331–34).

Salvation comes from Jesus Christ, the incarnate God, who restores the human condition from within and offers all the possibility of entering into and growing infinitely in the state of a well-functioning communion with God, by opening themselves towards Him and by accepting His soteriological gift (Stăniloae 1997, p. 129f).

## 3. Elaboration of Traditional Contents of Faith by Oancea

Oancea draws on the traditional contents of faith, but he also adopts the modern systems theory, as formulated by Günther Ropohl (see Ropohl 2009), and current communication theories (Oancea 1997, p. 12). He speaks of a communication dynamic between God and man, which proceeds in direct and indirect ways (Oancea 1993, p. 484). In a deeper understanding, every human act that is primarily addressed to another creature is an act of indirect communion with God. Through their actions and thoughts, people touch the lives of other creatures. In this way they fulfill the command of God and thus cultivate an indirect communion with God—the result of their work is ultimately aimed at God. This ideal-typical situation was at the same time the reality of life before the fall (Oancea 2002b, p. 89f; Şimonca-Oprița 2019, pp. 57–59).

Oancea understands the fall as a fragmentation of communion. He describes this reality by using the term partialization, by which he means that the communication flow is reduced. Partialization is joined by false valorizations, another central concept of Oancea's construct (Oancea 1993, pp. 490–500). In the postlapsarian situation, which is our own reality, any communication content that no longer flows in direct or indirect ways between the human being and God is redirected to a different course. This has consequences: some creatures are given an honor that is not due to them, but to God himself or to another creature. The fall of men is thus interpreted as a new relational setting, as a multiplication of forms of communication. If, before the fall, all communication was geared towards



God in a direct or indirect way, after the fall there are also forms of communication that are aimed at other contents. According to Oancea, men are still in search of God, because communion with God is constitutive for them. However, these efforts usually go wrong because men no longer have all the information, so they can no longer perceive things in the light of God. Therefore, they seek fulfillment in the world of creatures and this is how false sacralizations arise, which are the most significant forms of false valorization (Oancea 2002a, pp. 142–54).

The dynamic of growth from the image to the likeness of God persists after the fall and develops on two tracks, both of which must be considered. In the first, there are all the efforts of humankind to get closer to the divine, and in the second, there are all the misdirected energies aimed at falsely sacralized realities. God also intervenes in this process and acts to restore communion with creation. God does this by first creating suitable living conditions for men—God gives them clothes made of leather after the fall, because they are suitable for their new situation. God reveals knowledge as soon as he finds humanity, or a part of it, capable of handling that knowledge. God intervenes through special people who make others aware of what it means to be in a well-functioning communion with God. Finally, God intervenes by becoming Man himself, so as to heal creation from within (Oancea 2002a, pp. 99–111).

Great steps in the restoration of the communion between God and creation are the successive covenants. The theory of the successive covenants is widely used in Judaic and Christian theology, and it states that the agreements between God and man have drawn them closer in a series of steps. While there are covenants that are mentioned in each version of the theory, such as those with Adam, Noah and Moses, others may vary from version to version. Oancea's source is another contemporary Christian Orthodox author, Anastasios Yannoulatos, who mentions only four covenants (with Adam, Noah, Abraham, and in Jesus Christ), but who clearly states their applicability to all people who lived afterwards historically (Yannoulatos 2003, pp. 141–43). Oancea expands this scheme and arrives at seven covenants, which are: the prelapsarian covenant with Adam, the postlapsarian covenant with Adam, the covenant with Cain, who receives a sign on his forehead so that no one may do anything evil to him, the covenant with Noah, that with Abraham, that with Moses and the complete covenant in Jesus Christ (Oancea 2013, pp. 86–94; Pătru 2019, p. 78). Inspired by Yannoulatos, he regards each covenant as applicable to all people who lived after the conclusion of it. A covenant marks profound changes in structure and relationship, i.e., men's relationship with God and their environment is embedded in a new setting. Every covenant also means a legitimation of the *condicio humana*—this can be seen most clearly in the covenant with Cain, which involves God's encouragement of a man who has fallen even deeper than Adam by murdering his brother. It shows that every human being, no matter how deeply caught up in sin, is still in constitutive communion with God and is to grow in the dynamic towards the likeness of God. (Oancea 2013, p. 87).

Each covenant thus opens up a space of legitimacy. Oancea calls it a theocosmic space, which points to its fundamental orientations towards God and towards the rest of the world. However, the legitimacy of the different theocosmic spaces is relative. On the one hand, it is based on the legitimization of the precariousness of the human condition and thus on God's benevolence to accept creation even in its fallen state, and on the other hand, it is based on the promise of a redeemer, who would elevate the theocosmic space from an imperfect state to perfect communion with God (Oancea 2013, pp. 58–59). This promise is already given in the second covenant that was made with Adam after the fall. Therefore, it has a universal extension since Adam is the forefather of all human beings. The covenants with Cain and Noah are also universal in their extension—they cover all the existing religious situations, since, from a biblical perspective, all people are descendants of Noah. The covenant with Abraham is more intense, i.e., it carries a richer content, but it extends only to the three monotheistic religions. Following the same logic, the covenant with Moses is even richer and less extensive, while that in Jesus Christ brings the fullness of communion, but only extends to Christianity (Oancea 2013, pp. 89–94).

Different religions are therefore carriers of a different number of covenants. The first four covenants, up to and including Noah, apply to all religions. This is a common ground, which means that all religions are accepted by God and are in a positive growth dynamic, but it also means that all religions are directed towards one redeemer. The expectation of a redeemer may be completely obscured or unclear, but it is part of every theocosmic space (Oancea 2013, p. 84).

Beyond these four covenants, each religion has pursued its own twofold dynamics, which have run on both of the aforementioned tracks. On the one hand, false valorizations have increased and multiplied; on the other hand, the respective religions had their own positive dynamic with God and have been able to reach new steps of restoration, including newly revealed insights. The Bible continues to describe only one of these developments, the one that runs through Abraham, Moses, and Jesus. But in the same way, other religions have thwarted their own positive developments and everything that is good in them. What helps people and brings them closer to the divine is a sign of God's presence and of the well-functioning communion with God (Oancea 2013, p. 64).

Yet, Jesus Christ is the only redeemer of all mankind, so salvation must necessarily come through Him. For people who live outside the Christian theocosmic space, having been placed there by God, access to His salvation must therefore be accessible from other paths. Oancea is aware that the Christian message does not reach people in a pure religious form but is embedded in cultural and political garb that make it difficult to access. Postcolonial insights call for a solution that does not suppose a formal conversion to Christianity.

Thus, the history of the reception of Christian doctrine presupposes that one willingly and consciously accepts Jesus Christ as one's Savior. Inclusivist models that propose a subliminal community between members of other religions and Jesus Christ are therefore unsatisfactory for Oancea (Oancea 2013, p. 79). He resorts to the solution of an eschatological encounter with Christ, in which the personal, conscious acceptance of Christ as redeemer can be possible. He finds a biblical foundation for it in 1 Peter 3:19–20, a text that talks about Jesus descending into hell. He notes that verse 20 talks about Jesus preaching to the spirits who were disobedient while Noah was preparing the ark. Two important remarks should be noted here. First, it is about preaching, not just about a push from hell to heaven. That is, the addressees of the preaching are expected to understand it and accept the message. Second, the addressees of this preaching are not only the righteous of the Old Testament or even the bearers of the covenant with Noah, but also the disobedient and those who lived before the covenant with Noah. From this, Oancea concludes that there is a universality of possibilities to access salvation, which are open to all theocosmic spaces, i.e., to the bearers of any number of covenants. All the people there are expected to open themselves up to the message of Christ. But what allows them to achieve this opening? According to Oancea, it can only be living according to the principles of one's own theocosmic space. In other words, every religion leads to salvation if it is lived and taken seriously, but this salvation comes through Jesus Christ, who is consciously and voluntarily accepted as the universal redeemer (Oancea 2013, pp. 98–101; Oancea 2010a, p. 402f).

The reasoning regarding Noah's contemporaries, which applies also to the righteous of the Old Testament, can be extended to those who lived after the coming of Christ in any space and at any time. Christ's descent into hell is not to be understood as an isolated event in time. Christ is permanently in heaven with the Father, but is also permanently human, permanently in a state of sacrifice, permanently in a state of kenosis, and permanently descending into the hell of human souls with open arms to receive all who open up to him in faith. On the other hand, in all the religions of the earth there are righteous people by virtue of their participation in one of the covenants which God has made with men. The righteous ones, to whom the Lord Jesus Christ preached during his descent into the lower parts of the world, were thus those who fulfilled the specific laws of their covenants. After the coming of Christ, no other rule can be applied to those from other theocosmic spaces

than the one that was applied to the righteous of the theocosmic spaces before Christ. This argument also applies to the end of the world. All who carry out the religious duties of their own theocosmic spaces are the righteous who will be able to give the right answer to Christ in the afterlife (Oancea 2013, pp. 97–98).

The model elaborated by Oancea has the merit of ensuring the equality of all religions regarding their ability to intermediate salvation, while keeping salvation bound to the person and activity of Jesus Christ. It is a well-articulated model of “pluralistic inclusivism” (Heim 1994, p. 355), which aims to overcome the logical impossibility noticed by Schmidt-Leukel (Schmidt-Leukel 2017a, p. 136). It is therefore an important contribution to the field of theology of religions, offering a perspective for the simultaneous fulfillment of different conditionings (see more in: Pătru 2019, pp. 84–86).

#### 4. Theology as a Philosophy of Religions

At the beginning of his series of lectures, Oancea defines his endeavour as a form of philosophy of religions. For him, philosophy of religions, as he understands it, is to be located both in the realm of philosophy and in that of theology. It is a philosophical attempt “because it deals with the analysis of the religious in relation to the problem of truth and because it analyzes the religious act as such, evaluating the measure of truth in religious statements, according to the criteria of internal coherence, combined with the investigation of their correspondence with the actual religious reality, in order to identify common elements that converge and allow statements about the essence of religion to be made” (Oancea 2013, p. 3). At the same time, it is also a theological attempt due to its object of study, more precisely, due to the fact that “it is the theological reflection which is constituted with the help of philosophical reflection” (Oancea 2013, p. 4).

The eschatological solution for the salvation of all in Christ was elaborated by Oancea during his lectures and in dialogue with his students. It is the fruit of reflection based on the content of the Christian book of Revelation, as known from the Bible. It has also been verified by him in relation to patristical thought, as theologians should always ensure the theological grounding of their work and avoid the danger of becoming mere philosophers. Careful to remain anchored in tradition, Oancea always looks for patristic references to sustain his ideas. His courses are full of such references, especially to St. John of Damascus, St. Gregory of Nyssa, St. Basil the Great, St. John Chrysostom, St. Cyril of Jerusalem, St. Clement of Alexandria, St. Justin the Martyr, Athenagoras from Athens, St. Cyprian of Carthage, and St. Ephrem the Syrian (Oancea 2013). The paragraphs dealing with the descent into hell are also patristically grounded: he refers to *The Catecheses* of St. Cyril of Jerusalem (Sf. Chiril al Ierusalimului 2003, pp. 113–14), to *The Dogmatics* of St. John of Damascus (Sf. Ioan Damaschin 1943, pp. 273–74) and to liturgical hymns sung in the Easter period in Orthodox churches (Oancea 2013, pp. 98–99). All of these texts speak about Christ descending into hell as the redeemer, with St. John of Damascus highlighting his preaching to all (Oancea 2013, p. 99). By looking for patristic references to sustain his ideas, Oancea closes the circle and ensures once again that the developments proposed by him are in accordance with the voice of the church.

By paying attention to the aforementioned aspects, Oancea believes himself to be in line with the Fathers, in other words, to be a neo-patristician. He notes:

A closer look at the theological act in its exemplary form from the era of the Holy Fathers and the authentic resurrections of those paradigmatic achievements, always sees it as a synthesis reality, in which the divine revelation is combined with the modalities of philosophical expression (not only, but this is of particular interest especially because of its essential character), so that the former may be authentically experienced at the level of each age. Therefore, it can be argued that the philosophical dimension is an indispensable component of any theological act. When the reflective aspect acquires a special weight, it is even spoken of as Christian Philosophy. (Oancea 2013, p. 4)

The recourse to the new is thus justified by the need to facilitate the authentic experience of divine revelation at the level of the present age with its findings and is believed to be a traditional attitude. It is defined as a philosophical approach, which means that it offers space for reflection on the basis of other theoretical insights, which has to be carried out in accordance with the rules of coherent and reality-close philosophical reflection. While being a philosophical approach, it is at the same time a theological one by means of the main research interest, and, more precisely, a neo-patristical one, due to the numerous references to the Fathers and to the intention to act as they would.

### 5. Framing inside the Orthodox Theology

When writing about the theological currents present in Christian Orthodoxy in the 20th century, Viorel Coman identifies three such directions: “the old school of the manualist tradition”, which offers a “scholastic approach to theology”, the Russian school of religious philosophy, and the Neo-patristic movement. He shows how the Neo-patristic movement has become dominant during the second half of the 20th century, pushing away the other two directions (Coman 2020; see also Toroczkaï 2008, p. 29f).

While the old school is now widely disregarded within the Orthodox world, the two other directions are compatible with the present-day theological mindset, at least in their intentions. These are defined by Coman as follows: “the major difference between the two movements lies in the fact that the Russian school of religious philosophy did not consider the Church Fathers as the absolute norm for all subsequent theological developments: in order to grapple with the challenges of the modern world, either social, political or economic, Orthodoxy—while keeping its patristic foundation—has to go beyond the patristic Hellenic heritage and transpose its entire theology into 20th-century philosophical frameworks” (Coman 2020). As tendencies and ways of understanding, both directions are still current today and do not even need to be opposed. “Despite the many tensions and frictions between them, the Neo-patristic movement and the Russian school of religious philosophy must not be seen as completely opposite to each other; they have much more in common than normally considered” (Coman 2020).

Moreover, Coman shows that after the second half of the 20th century in which Orthodox theology was dominated by the Neo-patristic movement “to the extent that [ . . . ] it looked to many people as if it was synonymous with Orthodox theology”, after the year 2000, “more and more theologians started questioning both its monopoly in Eastern Christian world and the basic tenets of its agenda”. Among the criticized aspects, Coman mentions “the Neo-patristic movement’s claim that Hellenism is the perennial philosophical category of Christianity, which leaves little room for inculturation and for the transposition of Christian truth into the language of contemporary philosophy” and “the Neo-patristic theology’s weak engagement with the many challenges brought by modernity and postmodernity” (Coman 2020).

Oancea also seems to have apprehended these problems, although he does not mention them. On the contrary, he does his best to ensure the acceptance of his system by a neo-patristically dominated Orthodox world. He is not in conflict with neo-patristic claims, but he recognizes the need to address actual problems and transpose the Christian truth into different philosophical languages. He works hard in order to keep religious philosophy and neo-patristic theology together and to bridge them. Indeed, it is not necessary to see a gap between them, as relating properly to contemporary challenges and preserving a loyalty to the past are the two aspects that every Orthodox theologian deals with. It is a matter of weight, of pondering the importance of the two principles and, in the more creative cases, a matter of holding both principles antinomically together. This is what Stăniloae suggests, and what Oancea tries to transpose. In his case, the modern challenge is the new recognition of the irreducibility of religious plurality and the theological exigence that salvation is only in Christ.

The result is therefore new not only from the point of view of theology of religions, where Oancea succeeds in building his own theologically well-founded model of pluralistic

inclusivism, but also from that of the Orthodox theological debates of the 20th century. His model is a philosophy that is much closer to the patristic norm, and he takes great care to establish it in accordance with the exigencies of the Neo-patristic movement. The philosophy proposed here differs from the Russian religious philosophy, whose freedom from the landmarks of the Tradition was much greater. The emergence of syntheses of this kind between religious philosophy and neo-patristic theology is, in itself, a new proof of the dynamism and vitality, i.e., the capacity for change inherent in Orthodox theology.

## 6. Forms of the Newness. The Omnipresence of Modernity

Oancea's system marks several changes. The first to mention is the change in attitude towards the other religions registered in the Eastern European, Orthodox-Christian world. It should be noted that such a valorization of the other religions and their soteriological effectiveness is specific to the post-war, postcolonial mindset, which accepts religious plurality in itself, not only as a step prior to the conversion to Christianity. This understanding is seconded by the finding, supported by constructivist and deconstructionist approaches, that the religious message is accompanied by other conditionings and does not reach the recipient in its pure form. Such findings are relevant for the whole world; therefore, it is important that non-Western theologians understand and integrate them into their thinking. There are very few Orthodox authors who acquire a comparable mindset—another notable exception being the Romanian theologian and monk André Scrima, who did not develop his views systematically (see Boicu 2021, p. 309; Şimonca-Opriţa 2019, pp. 61–68). Oancea's model shows that such considerations do not remain alien to the Orthodox world and to parts of Europe who have not been directly involved in colonialism, nor faced religious plurality to an extent comparable to Western Europe, and that the Orthodox world has the ability to develop them as a system as well.

Oancea's model shows that in the field of theology of religions there is still room for newness. The emergence of an Orthodox model which looks for a complete solution to the problem of recognizing the value of all and ensuring that the salvation of all takes place only through Christ, grounding the whole reflection inside the established Orthodox theological tradition, is a new and different plant in the soil of religious-theological reflection.

The attempt to harmonize the finding of the permanence of religious plurality with the Christian soteriological imperative leads to the adoption of the eschatological solution—the backup solution for all religious desiderata that is irresolvable here and now. It consists of introducing the eschatological plan as a plan in which cultural aspects do not have a conditioning function any longer, in which the veil is removed and the truth is looked at in the face as it is. By resorting to this solution to the problem of all people's adherence to Christ, Oancea is a modern theologian. The approach is legitimate, only if the eschatological model is well-articulated, rests on a solid biblical foundation, and is well-anchored in tradition. Oancea's model meets the requirements of internal coherence and the assurance of fundamentals.

Thirdly and paradoxically, the change within Orthodox theology is also to be mentioned. Oancea can be regarded as the forerunner of a group of younger theologians who seize the need to address present-day problems by using forms of expression that are intelligible to their contemporaries and by adopting new philosophical systems, without departing from the patristic foundation. The effort to bridge neo-patristic and reflective philosophical insights, and to reach a synthesis between religious philosophy and neo-patristics, is a new step further in the Orthodox Tradition.

All this allows some more general assertions about the universality of modernity, which is equally present in neo-patristic theology and in all other currents found in religions which strive to address contemporary problems by restoring the minds of wise men from the early past in discourses about absolute continuity and unchangeability inside a religion, as well as in those which search for adaptation to the contemporary realities at any cost (see more in Pătru 2021). The concept of *multiple modernities* covers the realities present in religions as well as it covers other developments in the broader cultural and social scene.

The three tendencies mentioned, together with the attempts to overcome such differences, are omnipresent in religions and testify to the dynamics of religion and, ultimately, the dynamics of life.

Rising on the cautious ground of Orthodox theological reflection, a land in which new seedlings are rare both because of skepticism towards the new and because of reduced the exposure to Western scientific discussion, the exposure to the confrontation with the problems of advanced modernity and the postcolonial world, and fulfilling both rational-discursive and theological-traditional requirements, the model elaborated by Oancea has the merit of proving the dynamism of Eastern theology and the ability and the naturalness of religion to adapt to changes, even when faced with the severe requirements of internal continuity.

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## Article

# Exploring Health and Premature Mortality of Wheelchair Users from a Medical and a Greek-Orthodox Perspective

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**Abstract:** Wheelchair users have a lower life expectancy compared to the general population. This project aims to provide a deeper understanding of the interaction between physical, psychological, social, and spiritual factors that affect the mortality and health of this target group. The methods used were qualitative. Data from phenomenological interviews, questionnaires, medical reports, and existing literature were composed to develop a grounded theory depicting the overall health of wheelchair users. The research team explored death causes, risk factors of premature death, and contributors that affect risk factors. In the discussion, we explored and analyzed specific patterns of interaction of the factors in the data and other research projects. Moreover, we attempted to analyze these patterns through the viewpoint of the Greek-Orthodox tradition. In general, the project confirmed previous research findings. The most common death causes seemed to be heart attacks and cancer. These seemed to be affected mainly by obesity, physical inactivity, unhealthy lifestyle, and inadequate preventive healthcare. Spiritual practices based on the Greek-Orthodox tradition are suggested as ways of management. The conclusions can be useful not only to health and social care professionals and clerics, but also wheelchair users themselves.

**Keywords:** wheelchair users; Orthodox spirituality; mortality; disability; health

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## 1. Introduction

A couple of years ago, we observed an unjustifiably increased number of premature deaths of wheelchair users. Exploring the literature, we discovered several studies, mainly concerning death causes and risk factors, from a medical point of view. Social and spiritual factors, specifically those related to an Orthodox way of life, seemed to have been underrepresented.

The project explores the overall health of wheelchair users. Specifically, it has four research orientations: medical/physical, mental/emotional/psychological, social/environmental, and spiritual. The orientations are compatible with the most inclusive approach to health, namely the biopsychosocial–spiritual model (Sulmacy 2002). The research questions, which concern the prevention of premature death and health promotion, were the following: Which are the most common causes of premature death of wheelchair users? Which are the most common risk factors and contributors that affect the health and mortality of wheelchair users? How do physical, mental, social, and spiritual factors interact, affecting the health and mortality of wheelchair users? Can an Orthodox way of life contribute to improving physical, psychological, social, and spiritual health?

The fundamental concepts are health and mortality. According to the WHO, health is defined as a ‘state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity’ (World Health Organization n.d.). Thus, health is a complex concept, not confined to physical function. From an Orthodox point of view, health is a ‘temporary balance between the forces of life and other forces that oppose them.’ At the same time, illness can cause physical, psychological, and spiritual suffering, reminding us of our fragile nature, which is destined to die (Larchet 2002, p. 9). Mortality is ‘the proportion of deaths to the population’ (Merriam-Webster.com Dictionary n.d.). Death from a spiritual point of view, however, is a passage to eternal life, with a hoping, resting, and resurrection perspective (Choilous 2016). Health includes physical, mental, and ontological dimensions in an inseparable unity of body, soul, and spirit (*1 Thess.* 5, 23). However, it is not just a combination of the three elements, since ‘spirit’ means to live ‘in Holy Spirit’ (Larchet 2008, V1, pp. 51–52). Health is linked with God’s perfectness, which is bestowed to humans through ‘image and likeness’ and concerns the perfectness of mental powers, free will, and wishing and loving powers. Ideal health is characterized by the absence of any disease, as it was before the Fall (Larchet 2008, V1, pp. 23–24, 32–34, 52–53).

The sample included data concerning those who died prematurely and data concerning the everyday life of wheelchair users with an average age similar to the first ones from Thessaloniki, Greece. The research methods were qualitative because we wanted to explore the phenomenon in depth. The research showed heart attack and cancer as the most common death cause, with obesity, physical inactivity, and unhealthy lifestyle as the main risk factors.

## 2. Literature Review

In this part, we will depict the situation concerning the health and mortality of wheelchair users. Research results, death causes, risk factors, and factors that affect them will be presented. Moreover, the approach of the Orthodox tradition related to the theme aims to merge traditional ideas and practices with contemporary findings and concepts.

### 2.1. Demographic—General

Persons with disabilities are subjected to considerably higher rates of mortality compared to the general population (Forman-Hoffman et al. 2015, p. 346). Persons with spinal cord injury (SCI) experience a considerably low life expectancy, although their survival rates have increased over the last 70 years (DeVivo et al. 1999, p. 1411; Middleton et al. 2012, p. 9). Moreover, persons with SCI at a young age have a lower life expectancy compared to those injured during adulthood (Shavelle et al. 2007, p. 553). The mortality of persons with SCI can be predicted by their age, neurological level of injury, degree of injury completeness, and ventilation dependency. Alcohol abuse, poor self-care, activity level, employment, adaptation after SCI, and long-term care are also predictors of mortality (DeVivo et al. 1999, p. 1411).

Besides gender, area of residence, socio-economic status, race, education, and country of residence, which affect the life expectancy of the general population, persons with disabilities are affected by immobility, cognitive and intellectual function, swallowing problems, tube-feeding, epilepsy, incontinence, and scoliosis. Other factors, not directly related to injury, are general health, degree of community integration, physical fitness and diet, pre-existing disease, family history, family education, employment status, household income, smoking, obesity, and alcohol and substance abuse (Barnes 2010, pp. 4, 7–18, 21–29). Secondary conditions (such as bladder or kidney infections), inadequate use of preventive services (such as mammograms), and lower quality of care increase death risk (Forman-Hoffman et al. 2015, pp. 352–54).

### 2.2. Death Causes

Concerning death causes, for persons with tetraplegia, these are urinary tract complications and respiratory complications, while for persons with paraplegia, these are septicemia,

suicide, heart disease, and cancer. Pulmonary embolism (DeVivo et al. 1999, p. 1411), renal failure (DeVivo and Stover 1995, p. 297), and pneumonia and influenza (Middleton et al. 2012, p. 7) are potential causes of death for both categories.

Urinary tract complications and respiratory complications are common death causes for persons with tetraplegia, while septicaemia, suicide, heart disease, and cancer are common for persons with paraplegia. Pulmonary embolism (DeVivo et al. 1999, p. 1411), renal failure (DeVivo and Stover 1995, p. 297), and pneumonia and influenza (Middleton et al. 2012, p. 7) are potential causes of death for both categories, while disease complications and suicide are death causes for 50% of persons with multiple sclerosis (Golla et al. 2016, pp. 275–76).

### 2.3. Risk Factors

Depressive and anxiety disorders contribute to a decrement in health for persons with chronic diseases (Moussavi et al. 2007, pp. 851–58) and perhaps to suicide (WHO 2017, p. 4). Depression can contribute to a decreased level of energy and self-care, which, in turn, may lead to an increase in life-threatening medical conditions. Persons with disabilities and chronic illnesses appear with depressive symptoms 2–10-times more often compared to the general population. That is because they experience specific life conditions that increase the risk of depression. Mobility difficulties may cause frustration, embarrassment, anger, or feeling of helplessness. Accessibility problems, social barriers, employment difficulties, poor health, and not obvious disabilities may also lead to depression (Thompson 2002, pp. 3, 7, 15–19). Female, older, unemployed, and inactive persons with disabilities in Greece and better-educated persons with disabilities in the UK have even more increased possibilities for depressive symptoms. Nevertheless, married persons with disabilities in Greece and older persons with disabilities in the UK have decreased depressive symptoms (Rotarou and Sakellariou 2018, pp. 371–72). The standard recommendations for the treatment of depression include counselling, antidepressant medications, and, in case of severe depression, hospitalization and/or electroconvulsive therapy. Talking to family members; sharing experiences with friends, peers, and persons with similar disabilities; participation in support groups, family support networks, or local advocacy groups; physical exercise; stress management; and volunteering are also suggested (Thompson 2002, pp. 21, 25–28). From a policy point of view, mental health care needs, reduction of income inequalities, and improvement of transportation must be priorities (Rotarou and Sakellariou 2018, pp. 10, 17).

Concerning lower levels of energy and self-care as a result of depression, it is important to mention Prosen, who observed that persons with disabilities with severe limitations are more motivated to participate in rehabilitation activities than persons with fewer limitations (Prosen 1965, pp. 1261–65). Depression is also related to weight balance. Low levels of depression, among other things, can contribute to better weight control and weight loss maintenance (Wing and Phelan 2005).

Access to health services is limited in Canada (Crawford 2005, pp. 10, 13), and in the US, persons with disabilities are less able to utilize the available health services (Pharr and Bungum 2012, p. 105). In the EU, a considerably high number of people reported an unmet need for health care due to cost, travel distance, or waiting time (Expert Panel on Effective Ways of Investing in Health 2016, p. 4). In the UK, difficulties in access concerning long waiting lists, distance or transportation problems, cost of medical examination or treatment, cost of prescribed medicines, and needs for mental health care due to cost have been discovered (Sakellariou and Rotarou 2017, p. 5). Concerning Greece, the situation is worse (Rotarou and Sakellariou 2017, pp. 4, 10).

### 2.4. Orthodox Traditional Approach

From an Orthodox spiritual point of view, Clement of Alexandria supports that the Lord divided body and soul and advises that the soul that is educated by God has to govern the body (Clement of Alexandria *Paedagogus* 1984, in Bougatsos, V I, n. 111, p. 112). Body and soul are supposed to cooperate because the Lord cures both of them of passions,

equally. On the other hand, treatment of the body aims to cultivate the soul (Clement of Alexandria *Stromata* 1984, Bougatsos, V I, n. 145 and 146, p. 119). Therefore, according to the Greek-Orthodox tradition, it is fundamental that there is an interaction between body and soul.

There is evidence that Orthodox believers with physical disabilities, who experience love in Christ, humility, and a lack of envy have lower levels of depression and loneliness than people with less faith, love, and humility (Papanikolaou 2011, pp. 68–69). Carers and family members are supposed to cope with persons with dementia, emphasizing that ‘at the heart of the Orthodox faith is the lively spirit of the Trinitarian God, whose love enfolds us all, regardless of age or physical or mental capacity’ (Hudson 2010, p. 152).

Arrogance, lack of respect, and undervaluing another human being are incompatible with the spirit of Christianity. Human beings are icons of God, and we have to treat them as we should treat God. Orthodox Christians have to perceive persons with disabilities, just as any other human being, for whom the Son of God has been incarnated, crucified, and resurrected. As Jesus received the humanity of all humankind in His nature, every human being can participate equally in the body of the Church (Papanikolaou 2021, p. 86).

Love in Christ is the fundamental criterion for treating other people and concerns the ‘connection with composure, elimination of passions, the offer of forbearance, freezing of burning anger, promotion of humility, and the strike of pride’ (Nilus Abbot 1865b, *Treatise to the Monk Eulogius*. PG 79, 1124C). Envy, praise, pride, insolence, indecency (Chrysostom 1980, pp. 378–80, 382, 388), quarrel, anger, evil thoughts, malevolence, gloat, and malice (Chrysostom 1978a, pp. 384, 388–94) are opposites of love. Its positive characteristics are to live for other people’s sake; pray for them (Chrysostom 1967c, pp. 307–8); be forgiving (Chrysostom 1967a, *On Paul, Homily 3rd*, p. 33), unfeigned, and motivated by the fear of God, including those who harm us in the group of our best friends (Chrysostom, *On censure, Homily I*, pp. 624–32); share other people’s pain; lament for others’ sins (Chrysostom 1967b, II, pp. 236–37); and do to others what we want others to do to us (Mt. 22:40; Mt. 7:12). Moral education and development of the soul (Chrysostom 1987, pp. 638–39), sacrifice or/and self-sacrifice (Chrysostom 1978b, p. 86), defence of the slandered, hope, and patience (Chrysostom 1980, p. 394) are also included.

*Landlessness and almsgiving* concern knowledge of the passions of philargyria and cupidity and their harmful results, understanding of the vanity of material goods, the effort to be satisfied with everything one possesses and not struggle for additional material goods, stable faith in God as an opponent to insecurity, and indifference for material goods, because of focusing on spiritual ones. Almsgiving, in addition, is characterized by sharing goods with those in need, in a proportion of the possibility, compassion, mercy, and charity (Larchet 2008, V2, 243–46 and 250–53). Gregory of Nyssa adds *solidarity*, *benevolence*, and *altruism*. He emphasizes that those who give are blessed and mentions that charity fills the gaps between well-being and body disease, wealth and poverty, and glory and infamously, among other things. Practicing benevolence can result in the elimination of envy, hate, and other evil attitudes, which will be replaced by peace, justice, and friendship (Gregory of Nyssa 1989, pp. 211–17). *Conceit in Lord* is a relevant virtue that can be analysed in considering virtues as gifts from God, not seeking approval from other people, focusing on asceticism, and cultivating virtues to participate in divine glory. *A-kenodoxia* concerns indifference for human glory and seeking humiliation. *Intuition and diakrisis* (Larchet 2008, V2, pp. 372–84) are also essential virtues, while Ermas adds *devoutness* and *patience* as virtues that contribute to happiness. Moreover, he mentions that we have to console the psychologically tired and do whatever is possible to make others feel comfortable (Ermas, *Shepherd* 1984, 5, 8–11, in Bougatsos, VI, n. 54, pp. 93–94).

Cultivating virtues seems to be a complicated and dynamic procedure that places the person in relation with other human beings, rather than a list of pieces of advice that supports an individual to improve him/herself. In many cases of everyday life, persons with disabilities are weak, while others are in a power position. Furthermore, taking care of

the weak may lead to salvation (Clement of Rome *Corinthians A'* 1984, 38, 1–2, in Bougatsos, VI, pp. 83–84).

### 3. Materials and Methods

There is plenty of data concerning health issues, death causes, and factors that affect death causes. However, it seems that there is a lack of a theory that could integrate medical, mental, social, and spiritual data concerning personal and social experiences, exploring patterns of interaction and taking into account the viewpoint of the Greek-Orthodox tradition. Such a theory may provide a picture of the overall health of wheelchair users. Given that personal and social experiences are the project's core, the theory is generated inductively. Therefore, the qualitative research strategy seems most appropriate for this stage (Bryman 2004, pp. 20, 56).

#### 3.1. Data Collection

The medical data were collected via medical history and laboratory tests. The results of the exams were given to the participants, and medical advice was provided where it was necessary. In the medical history and laboratory tests, the physician Athanasios Gianasmidis, with the support of Prof. Apostolos Chatzitoliou, explored the potential existence of active death causes and risk factors, as they have been described above. Furthermore, our physicians searched for potential stroke, peripheral vascular disease, blood hypertension, diabetes, dyslipidemia, gastrointestinal disease, liver disease, endocrinopathy, thyroid disease, arthritis-autoimmune disease, osteoporosis, and bone fracture.

The social data were collected via phenomenological interviews, which were semi-structured and aimed to offer the participants' perspectives (Kvale and Brinkmann 2009, p. 27). The duration of the interview was between 30 and 60 min. We explored several topics concerning feelings and experiences towards health, social and care services, social relations, education, employment, family, Church, and God. Moreover, habits and conditions related to health and general attitudes towards life and emotional topics were included.

Additionally, the questionnaire measured and compared indicators concerning the concepts of depression, social anxiety, loneliness, faith in God, love in Christ, fasting, Eucharist, humility, and lack of envy. The validity and reliability of the questionnaire have been tested and improved (Papanikolaou 2011, pp. 54–64). It has to be clarified that the questionnaire does not offer a detailed diagnosis or specific measurement, since this is not its aim, but it gives a general idea of the concepts, which can be combined with the data from the other sources and offer suggestions for intervention. Moreover, from the questionnaire, we attracted data concerning the age group, gender, religion, family, economic and social status, education level, type of disability, age of disability onset, and ways of coping with the disability.

The sample was purposive (Bryman 2004, pp. 333–34) and therefore consisted of a small number of cases. More specifically, it included 27 wheelchair users who died prematurely and 13 wheelchair users who volunteered to participate in the project. All of them were living in the community. Given that the sample was homogeneous, that the participants were eager to share their feelings and experiences, and that the categories had been adequately developed, the number of interviewees was considered sufficient (Charmaz 2014, pp. 106–7). Participants were recruited from Thessaloniki and the surrounding area. However, the geographical area itself was not the focus of the research (Bryman 2004, pp. 304–5, 50).

#### 3.2. Data Analysis and Theory Building

The primary source of data was the interviews of the participants, since they could depict their personal and social experiences. The analysis of the interviews followed the steps of coding, categorizing, and qualitative content analysis (Kvale and Brinkmann 2009, pp. 203, 323). The codes depicted the feelings and experiences of the interviewees, and after the initial line-by-line coding, specific focused codes were selected, which were



most relevant to the research questions (Charmaz 2014, pp. 124, 138). The codes were included in categories concerning psychological, family and social, and spiritual factors and subcategories including positive and negative feelings and experiences. The data were processed by a qualitative content analysis, which can make the voices of the participants heard and is suitable for processing interviews, articles, and medical records (Lindgren et al. 2020). In the analysis, we applied the twofold approach of treating the respondents' answers, that is, (a) to record and identify facts and events of the participants' everyday life, which may be related to their health, as external reality, and (b) to explore experiences and feelings as internal experiences. The analysis of the data derived from the tool questionnaire contributed to the triangulation of the project. Given that the data were mainly qualitative and the interviews reflected the participants' personal experiences, this part was developed inductively and was consistent with the procedures of grounded theory development (Charmaz 2014, p. 15). The medical data and the data collected by the tool questionnaire improved the formulation of the grounded theory (Wimpenny and Gass 2000, p. 1491).

### 3.3. Limitations

Most of the interviewees were socially included to an adequate degree. Although asked, some well-known wheelchair users with fewer opportunities refused to participate in the project. Therefore, the generalizability may have to be re-examined with a quantitative research project. However, the patterns of interaction of the concepts seemed to be clear.

## 4. Results

In this part, we present data related to wheelchair users who died prematurely and wheelchair users of middle age. We explore demographic characteristics, death causes, and risk factors that affect death causes. Furthermore, we present data concerning social and spiritual factors that may affect the death causes and risk factors.

### 4.1. Demographic Characteristics

Concerning wheelchair users who died prematurely, most of them were men (85.2%), and some were women (14.8%). Twenty-three men and four women died at an average of 48.22 years of age, while the average of the general population in Greece during the same period fell in the age group of 75–79, and the average of premature deaths (15–74 years of age) fell in the age group of 60–64 (Hellenic Statistical Authority n.d.). Paraplegics and tetraplegics because of SCI were 74.0% of the sample, as appears in Table 1. Exploring the family status, we discovered that 40.8% of them were married, 48.1% were unmarried, and 11.1% were divorced. Concerning employment status, 87% were unemployed or retired, 8.7% were employees in the public sector, and 4.3% were students. The deaths concerning disability types appear in Table 1.

**Table 1.** Deaths and disability type.

Disability Type	Nr	%
Spinal Cord Injury/Paraplegia	13	48.1
Spina Cord Injury/Tetraplegia	7	25.9
Spina Bifida	2	7.4
Polyomyelitis	2	7.4
Multiple Sclerosis	1	3.7
Duchenne Muscular Dystrophy	1	3.7
Amputee	1	3.7
Total	27	100.0

### 4.2. Death Causes and Risk Factors

The death causes of those who died prematurely are presented in Table 2. What is important to note is that sudden deaths because of pathological causes were the majority (55.3%), while not sudden deaths were 29.6% of the sample. In the interviewees of the

project, we discovered that one of them had experienced a pulmonary embolism. and another one made an unsuccessful suicide attempt.

**Table 2.** Death causes.

Death Cause	Nr	%
Heart Attack	13	48.1
Cancer	4	14.8
Substance Overdose	2	7.4
Stroke	2	7.4
Car Accident	2	7.4
Covid	2	7.4
Kidney Infection	1	3.7
Duchenne MD	1	3.7
Total	27	100.0

The average age of the interviewees was 50.17 years. Concerning risk factors related to physical health, eight out of 13 of the wheelchair users that participated in the project were overweight or obese. Some of them admitted *eating for pleasure*. Concerning physical inactivity, 12 out of 13 participants reported that they were physically inactive, although four of them used to be very active in sports in the past. Four of them were paralympic winners. Concerning the other three, as soon as their ‘career’ in sports ended, they stopped physical activity. Six out of 13 of the participants in the project smoked regularly. Moreover, we identified bladder and kidney infections, scoliosis, incontinence, and health problems related to family history. Furthermore, our team found thyroid disease, arthritis, blood hypertension, dyslipidemia, gastrointestinal disease, liver disease, diabetes, pressure sores, and bipolar disorder in the sample.

#### 4.3. Psychological Factors

Concerning risk factors and contributors related to psychological health, given the dominant presence of depression and social isolation in the literature, we explored them via a questionnaire that assessed indicators concerning depression, loneliness, and social anxiety on a scale from 1 to 5.

Here, we have to mention that one of those who died prematurely because of a heart attack suffered from severe depression. This person lived in a village and had given up all activity. Attempts to be involved in a sports club had no result. During the period close to the end of his life, he had almost no social activity and did not accept any psychological support. Gradually he developed pressure ulcers, lost weight, and his organs collapsed until he died at age 32. Another interviewee, Martha, had been diagnosed with bipolar disorder and became paraplegic because of an unsuccessful suicide attempt. Her answers to the questionnaire did not seem to show high levels of depression, but it is important to note that she was receiving strong anti-depressant medication. The results concerning depression, social anxiety, and loneliness are presented in Table 3.

Another important finding is that Maria, Polymnia, and Magdalena, who have severe tetraplegia, showed the lowest scores in depression. Maria and Polymnia also scored very low in loneliness, with Polymnia scoring impressively low in social anxiety as well. These scores had to be combined, however, with the results concerning their relations with their social environment. What is important to note is that no one of the participants scored high in all three variables.

**Table 3.** Depression, Loneliness, and Social Anxiety.

Case	Depression	Loneliness	Social Anxiety
01—Maria	1.25	1.45	2.33
02—Panagiotis	2.88	2.09	3
03—Georgia	3	2.73	2.83
05—Gregory	3	2.73	2.83
06—Martha	2.75	3.09	2.67
07—Polymnia	1.38	1.45	1.17
09—Magdalena	2.13	2.91	3
11—Simos	2.5	2.09	3.5
12—Ekaterina	2.86	3	3.67
Average	2.42	2.39	2.78

#### 4.4. Family and Social Factors

Concerning families of orientation, *harmonious feelings* were reported by Maria and Polymnia. Maria ‘feels lucky’ for the *family of orientation support*, while Polymnia experienced ‘love, respect, and support.’ On the other hand, other participants reported *disharmonious feelings* for their families of orientation. Martha, who developed paraplegia because of an unsuccessful suicide attempt, reported that she experienced a *lack of family of orientation support*, since her parents were divorced. Now, in her forties, she is obliged to live with her mother, feeling *oppressed* and receiving strong medication for bipolar disorder. Perhaps this is the reason why her score in depression was not very high. Concerning other disharmonious experiences, overprotection, neglect, and exploitation were reported. In the category, ‘sad feelings,’ misery, and confusion in specific situations were added.

Concerning families of procreation, among those who died prematurely in our sample, 59.2% were unmarried and divorced. Regarding the interviewees, seven of them were married, engaged, or divorced. Martha, after she became paraplegic, experienced *marriage collapse*, which is a disharmonious experience. Maria and Polymnia were two of the three unmarried and unengaged ladies. They *wished to have a family of procreation*, and they were making efforts for this, enjoying the support of their parents. All six married or engaged participants reported harmonious experiences and feelings of their families of procreation. Georgia reported feelings of *satisfaction* and *pride for her family of procreation*, including it in the most significant achievements in her entire life. Charalambos added the concept of *optimism about the future* because of the success of his marriage. It is worth noting that the spiritual dimension reported by three married participants. *Gratitude to God* for support to create and maintain their families of procreation was also a concept mentioned.

Concerning social relations, participants reported the harmonious experience of *acceptance by society* and *support from the social environment*, with those who made specific achievements, such as being paralympic winners, enjoying *increased respect*. However, a couple of interviewees reported disharmonious experiences, mentioning a *solid claim* to enjoy entertainment activities. Public transportation and other public facilities’ *inaccessibility* contributed to worsening the situation. Concerning harmonious feelings, on the one hand, *satisfaction from the social environment* was reported. Those who enjoyed more respect because of their achievements felt more satisfied and proud. On the other hand, disharmonious feelings concerning *unfulfilled needs for social contacts* were reported. The ways that participants managed their social relations seemed to differ. Polymnia supported that *optimism towards life* contributed to social acceptance. Magdalena explained that she developed *indifference to managing problematic social situations*, while Panagiotis preferred *conflict and fighting* when necessary.

Education seemed to play an essential role in the way people perceived and managed everyday life situations. The category of disharmonious experiences included *discrimination* by the university staff and other students reported by Maria, who struggled to explain that she could study and have a full social life, irrespective of her tetraplegia. Panagiotis reported that inaccessibility was the reason for *high-school dropout*, while Magdalena explained that

she experienced *rejection* from primary school, missing the opportunity to develop her skills. However, she mentioned a harmonious experience when, during adulthood, she had the opportunity to *attend high school* lessons, cultivating her intelligence. Polymnia mentioned harmonious experiences from a mainstream high school, perhaps because of the maturity of classmates. She also reported happy memories from the university, attributing discrimination to ignorance and a lack of education. Concerning feelings towards education, participants reported *traumas because of rejection* and *enthusiasm* when allowed to participate in education. Moreover, *pride because of developing problem-solving competencies* was reported. In addition, as it is well known, education contributed to *developing a career perspective*.

Employment was another crucial sector of life and a dominant part of a person's identity. Unfortunately, not all persons with disabilities enjoy this opportunity, as Magdalena complained, mentioning unemployment as a disharmonious experience. *Unsuccessful attempts to find a job seemed to be a common experience*. A successful career in the open market was the best practice mentioned by George. However, it is essential to note that he held many jobs as a youngster, and this helped him to develop commitment, cleverness, a love of work, and a love of learning. These characteristics motivated him to study and create his own business.

Healthcare was a very crucial sector in our project. Although a considerable improvement has been achieved recently, our participants still identified healthcare premises and equipment *inaccessibility* as a problem. Communication also was crucial in the relationship between health professionals and patients. Participants in the project reported what is mentioned in the bibliography as a 'denial of symptoms.' A noticeable case is that of Polymnia, who described, deliberately and politely, specific symptoms concerning arthritis, but the physician attributed them to obesity. Polymnia felt *undervalued, embarrassed*, and *angry* for the additional reason that the physician avoided physical contact during the examination, expressing *contemptuous behaviour*. Another physician prescribed the wrong medication for epilepsy, although she described utterly different symptoms. This wrong medication resulted in (fortunately temporary) serious side effects. Disabilities include a variety of complicated conditions. Participants reported that health professionals examined and treated them, although they *lacked expertise*. The story of Magdalena was tragic. As a baby, she had symptoms of difficulty moving. Her parents took her to the paediatrician and then to the hospital. After one year of the first visit to the doctor, they received the diagnosis of polio. The worst thing was that they were told that this happened because there was no vaccine, although the Sabin vaccine was available at least a decade before! Magdalena also described a long-lasting adventure with examinations and treatments with no result. Although she had her first diagnosis in 1975, she still wanted to forget the memories of the hospitals and health professionals. Nevertheless, participants mentioned health professionals who treated health problems successfully and prescribed appropriate therapies. Concerning harmonious experiences, Panagiotis was satisfied with the health services, because the medical centre in his area offered *healthcare delivery services* to patients. Polymnia added that other physicians made *comprehensive symptom assessments*, treated her politely, proceeded to special exams, and gave appropriate therapy. What impressed her was that these health professionals expressed love for their science and humanness for the other person. This could be characterized as *humane health condition awareness*. The development of a personal relationship, understanding, and rapport is essential. More than one of the participants mentioned that they would like *permanent physicians*, familiar with their medical history, to treat them accordingly.

#### 4.5. Spiritual Factors

Most of the participants stated that they were *faithful but not religious*. Specifically, 10 reported that they go to church 1–6 times per year, and three reported 1–4 times per month. On the other hand, all participants declared that they had a *strong faith* and preferred to pray individually. It was supported that *prayer is applied to improve mood*. Confession and Holy Communion were mentioned as supportive. The wish for *being pleasing to God*

was a new concept added as supportive, as well. Freedom, as regards the relation with God, was mentioned, since religious fundamentalism and oppressive behaviour were disliked. The concept of *divine intervention* in everyday life was also added. *Spiritual support* was a result of the cultivation of a relationship with God, which, in turn, resulted in feelings of calm and relaxation. The *participation in parish activities* was enjoyable. *Accepting disability* was perceived as part of God's plan. Loving and *being guided by God* seemed to contribute to expressing love to other people. Moreover, *grace to God* for protecting and offering life, although with a disability, was mentioned. In the Table 4 the scores in spirituality variables as they have been depicted in the questionnaire, seem to support the findings of the interviews, since they do not show extreme beliefs or behavior tendencies.

**Table 4.** Spirituality scores.

Case	Faith in God	Love in Christ	Fasting	Eucharist	Humility	Lack of Envy
01—Maria	3.42	2.98	3.17	4.58	3.89	4.64
02—Panagiotis	3.8	3.46	3.11	3.62	3.5	4.55
03—Georgia	3.88	3	3	3.2	3.5	4.2
05—Gregory	3.88	3.02	3.02	3.2	3.52	4.18
06—Martha	2.85	2.64	3.05	2.96	3.39	3.27
07—Polymnia	3.42	2.95	2.82	3.54	3.45	3.55
09—Magdalena	3.08	2.54	2.41	3	3.66	3.64
11—Simos	3.47	3.18	3.05	2.87	3.31	3.82
12—Ekaterina	3.31	2.85	2.95	2.41	3.55	3.82
Average	3.45	2.98	2.94	3.07	3.5	4.03

## 5. Discussion

In this part, we explore patterns of interaction between death causes, risk factors, and factors that affect health. The results above confirmed previous research projects, in that persons with disabilities are subjected to high rates of premature mortality (Forman-Hoffman et al. 2015, p. 346). Paraplegics and tetraplegics, because of SCI, are included in the first place of premature mortality (Middleton et al. 2012, p. 9). Moreover, persons with SCI at a young age have a lower life expectancy compared to those injured during adulthood (Shavelle et al. 2007, p. 553). However, female, employed, and married wheelchair users seemed to present lower rates of premature mortality. Other factors, not directly related to injury, were general health, degree of community integration, physical fitness and diet, pre-existing disease, family history/education, employment status, household income, smoking, obesity, and alcohol and substance abuse (Barnes 2010, pp. 4, 7–18, 21–29). Secondary conditions (such as bladder or kidney infections), insufficient use of preventative services (such as mammograms), and lower quality of care increase death risk (Forman-Hoffman et al. 2015, pp. 352–54).

### 5.1. Death Causes

In our sample, the most common cause of premature death was a heart attack. Given that these deaths are sudden, some of them may have been caused by acute myocardial infarction (Abed et al. 2015, p. 183) and others by cardiovascular disease (Myers et al. 2007, pp. 142–52), while others were by pulmonary embolism due to thrombosis, which may appear as syncope in persons with SCI (Chen et al. 1995). One of the interviewees survived a pulmonary embolism and experienced severe health problems for a long time. From a strictly medical point of view, sudden deaths because of heart attack (Corianò and Tona 2022), as well as because of pulmonary embolism (Flanders and Zwerneman 2014), can be prevented by implementing specific strategies.

The second death cause in the sample was cancer, with esophageal carcinoma three-times more frequent compared to urinary tract cancer. Persons with SCI or polio are vulnerable to upper gastrointestinal problems, including esophageal cancer. A healthy way of life and reducing smoking, gastroesophageal reflux, and overeating are suggested. In

parallel, increasing fiber foods consumption contributes to prevention (Ohry and Zeilig 2011). Concerning urinary tract cancer, the urinary system of persons with SCI is vulnerable, and its malfunction may be a cause of death (Barber and Cross 1952, pp. 494–502). Specifically, urinary bladder cancer is more common for people with SCI than in the general population (Böthig et al. 2021, p. 29). Prevention can be achieved by protecting against overdistension or infection of the bladder (Morris 1974, p. 933).

Less frequent seemed to be the death causes of substance overdose, stroke, car accidents, and COVID, since they all shared a percentage of 7.4%. It was obvious that high-risk driving and substance abuse increased the possibilities of premature death.

Kidney infection appeared in our sample in a percentage of 3.7%. This finding seems compatible with DeVivo et al. (1999, p. 1411), DeVivo and Stover (1995, p. 297), and Middleton et al. (2012, p. 7).

### 5.2. Risk Factors

Concerning risk factors related to physical health, obesity was very common in our sample. It is a well-known risk factor for acute myocardial infarction (Abed et al. 2015, p. 183) and, therefore, is related to high morbidity and mortality (Pi-Sunyer 2002) in the general population. High rates of obesity for wheelchair users are attributed to biological factors such as body and metabolism changes, muscle atrophy, and physical inactivity (Liou et al. 2005, pp. 321–31). ‘Excessive intake of high energy food’ is also a cause of obesity, and it is usual in persons with disabilities and can result in several chronic diseases, such as ‘diabetes mellitus type 2, dyslipidemia, coronary heart disease, gallbladder disease, osteoarthritis, sleep apnea, certain types of cancers, and also psychosocial problems’ (Piechota et al. 2005, pp. 155–61). Consequently, specific attention to this problem seems necessary (Froehlich-Grobe and Lollar 2011, pp. 541–45). Weight loss is a pursuit and possible result of a specific treatment. However, maintaining a low weight after weight loss is more complicated than it seems, since several biological, behavioural, and environmental factors are involved (Hall and Kahan 2018). Long-term weight loss needs a routine with physical activity, a diet low in calories and fat, eating breakfast, checking weight regularly, keeping an eating routine, avoiding ‘slips’ in daily routine, and perhaps a triggering event (Wing and Phelan 2005, pp. 222–25). An internal wish, based on internal locus of control, is also crucial (Papalazarou n.d.).

The second most common risk factor identified in the participants was physical inactivity. Benefits from physical activities, such as increased muscle strength and level of physical fitness, for persons with neuromuscular disabilities are well-known. Persons with orthopaedic disabilities reported that physical activity results in an increase in physical fitness, improvement of mental health, gaining a sense of personal accomplishment, improvement of the cardiovascular system, and feelings of well-being and flexibility. Persons with multiple conditions reported improvement in flexibility, physical endurance, and increase in stamina. However, participants of all three categories reported that exercise was hard work and tired them (Malone et al. 2012, pp. 254–60). As it is obvious so far, there was a trend to assimilate physical activity with exercise. Nevertheless, physical activity is not only exercise, sports, and recreation, but it includes any type of body movement, such as everyday activities (Kansas State University, Department of Kinesiology n.d.) and (why not) employment. An employed person lives a more active lifestyle. However, accessibility problems seem to negatively affect involvement in activities (Rimmer et al. 2004, pp. 419–25; Calder and Mulligan 2014, pp. 26–35).

### 5.3. Factors Related to Psychological Health

In this field, depression seemed to be the most crucial. However, participants who filled out the questionnaire did not seem to present high scores. Nevertheless, the case of the young paraplegic who died because of severe depression during the 90s remains vivid. This person had lost any motives, and the decline of his health confirms Thompson, in that depression can lead to an increase in life-threatening medical conditions. Maria,



Polymnia, and Magdalena have severe tetraplegia and appeared with the lowest scores in depression. This seems consistent with Prosen, in that persons with severe limitations are more motivated to participate in rehabilitation activities.

*The participants in our project did not demonstrate high levels of loneliness. However, in the interviews, most of them reported that they faced social rejection in entertainment, education, and employment. Social rejection can lead to social isolation. Furthermore, there is evidence that 'social isolation and loneliness are associated with increased risk of acute myocardial infarction and stroke'* (Hakulinen et al. 2018, pp. 1536–42).

Concerning social anxiety, the particular participants appeared to have low scores, perhaps because they successfully managed their social lives. There is evidence that social anxiety is associated with loneliness and victimization, at least in typical adolescents (Acquah et al. 2016). Moreover, social isolation, loneliness, and health are associated (Owens and Sirois 2019, p. 3).

#### 5.4. Family and Social Factors

Concerning families of orientation, most of the participants reported harmonious and disharmonious feelings and experiences. However, there is evidence that negative experiences and perceptions, such as hostility, parental fighting, and violence, may lead to feelings of fear and suffering (Papanikolaou 2019, p. 135).

Concerning families of procreation, in those who died prematurely in our sample, 59.2% were unmarried and divorced. The collapse of marriage after the onset of a disability is a possible experience with negative implications, as was clear in the case of Martha. On the other hand, the successful creation of a family is a positive experience for persons with disabilities. Even an affair can contribute to an increase in love of oneself and self-confidence (Papanikolaou 2019, p. 161).

Most of the interviewees reported harmonious social relations, and therefore, they were not socially isolated. However, there is evidence that many persons with disabilities experience rejection, which may lead to social isolation. Different ways of managing these relations depend on each person's personality and are developed to find a place in society. (Papanikolaou 2019, pp. 168, 170–71). Magdalena was a characteristic case as mentioned above.

It was obvious in the results that education is an opportunity for social inclusion and a foundation for a successful career. This is consistent with already known research (Papanikolaou 2019, p. 179).

Concerning employment, the results showed that a considerably high percentage of those who died prematurely were retired or unemployed (85.2%). There is evidence that employment has therapeutic effects and seems to be a crucial factor for social inclusion (Papanikolaou 2019, p. 197).

Concerning services, accessibility seems to be the most common problem. Access to healthcare premises and medical equipment is difficult, confirming Crawford (2005, pp. 10, 13). Denial of symptoms, wrong diagnoses, and ineffective treatments were added. Contemptuous behaviour from the side of physicians led to feelings of undervaluation, embarrassment, and anger.

#### 5.5. Spiritual Factors

Obesity, which has been identified as a crucial risk factor for the premature death of wheelchair users, from an Orthodox viewpoint, usually resulted from *gastrimargy*, which is a passion and a serious sin. 'Gastrimargy' can be defined as the willingness to seek qualitative and delicious delicacies, to desire carefully prepared delicacies, to enjoy eating large quantities of food, to desire things that exceed the needs of the body for food, to eat for pleasure, and not to eat glorifying God. It is related to unhealthy dietary habits and pleasure. The extravagance of this pleasure leads to obesity. To treat this passion, the Fathers of the Church suggest the cultivation of *temperance in eating*. This concept can be analysed in eating glorifying God, adherence to God, and eating just what is needed for survival and good

health. Other dimensions of this concept are avoiding seeking sensual pleasure in eating, avoiding eating hyperbolically, balancing between hate and pleasure of eating, fasting, and denying seeking pleasant delicacies. Moreover, hating seeking pleasure, disdaining enjoyment of eating, stopping to eat and drink before satiety, balancing the needs of the particular body and spirit, reading Scriptures, having memory of death, being devout, and praying are crucial dimensions of the concept (Larchet 2008, V2, pp. 200–8, 243–48). From a more practical point of view, fasting is an effective way to keep a healthy diet, but also to obtain a spiritual balance (Hayden n.d.). In this discussion, it becomes obvious that at the core of the meaning of gastrimargy exist the ideas of personal responsibility and personal intervention, since the fight against it is based on spiritual efforts and personal actions. This can be related to the ‘internal wish’ and ‘internal locus of control’ mentioned above.

Inactivity, according to the ancient Greek tradition, is similar to idleness, which ‘is the mother of all evil.’ This idea has been formulated by the Apostle Paul (Paul *Eph.* 1974, 4:28), analysed by the Fathers of the Church (Basil the Great, *The Hexaemeron* 1984, 5, PG 29, 157 D, in Bougatsos, VI, n. 385, p. 193), and accomplished in monasticism (The Ascetic Experience n.d.). Idleness is characterized by indolence (Nilus Abbot 1865a, *To Agathion Monk*, PG 79, 937D), confusion of mind (Isidoros Pilousiotis 1860, *Epistles, Book A’*, 298, PG 78, 356C), and dependence on others (Theodoritos of Cyrus 1864, *On the twelve prophets, A’ Thess*, d 12, PG 82, 645C). Inactivity leads to negative financial, emotional, and spiritual consequences (Basil the Great, *The Hexaemeron* 1984, 8, PG 29, 185 B). On the other hand, employment contributes to the cultivation of virtue (Basil the Great, *Ascetic Rules* 1984, 4,3 PG 31, 1352 A, Bougatsos. VI, n. 536, p. 249). By work, humans serve each other with love, following the example of Jesus (Origen, *On Psalms* 1984, B 11, PG 12, 1113 D, Bougatsos, vol. I, n. 230, p. 141) and serving not their personal needs, but other humans (Basil the Great, *Longer Rules* 1984, 42,1 PG 31, 1024 D, Bougatsos, vol. I, n. 492, p. 234). Anthony the Great suggests prayer during work (Athanasios the Great, *Life of Anthony* 1984, 3, in Bougatsos, VI, n.334, pp. 171–72), adding the spiritual dimension. Continuous work, day and night, and offering rather than receiving, results in avoiding being caught by the demon of laziness and developing demonic desires (Evagrius Ponticus, *Hypotyposis or Principles of the Monastic Life* 1984, 8, in Bougatsos, VI, n.918, p. 357). From a social point of view, those who can work must help those in need, and this is a social benefit (Basil the Great, *Όροι (Hθικ)*, [Morals] 1984, 48,7, in Bougatsos, VI, n.462, p. 222).

*Acedia* is a complicated situation, similar to depression. It can be analysed as a vague and generalized lack of satisfaction, lack of mood to do anything, lack of meaning in anything, lack of expecting anything, and lack of ability to concentrate. The acedious persons suffer when they stay in one place and are alone, seek contact with other people, and are involved in relations without meaning. In addition, they abhor the place of residence and seek other places and are confused in activities, specifically at work, feeling job dissatisfaction. They are unwilling to pray, have a confusing lack of satisfaction, are unwilling to be engaged in activities, and seek to escape the acedious situation, being engaged in useless activities. The presuppositions for an Orthodox spiritual treatment of *acedia* include willingness to eradicate it from the soul, awareness, identification of the problem, and willingness to fight against it. The treatment itself starts from the quest (and cultivation) of the person’s relation with him/herself and not with others. The person has to seek and cultivate limited and selective relations/discussions; be patient in the fight; practice prayer, hope, repentance, mourning, devoutness, and memory of death; help people live right; avoid sin; apply God’s commands; and trust God. In addition, the person has to fear God, be involved in a handicraft (employment), and practice psalms and heart prayer (Larchet 2008, op.cit., V2, 302–18).

So far, it became clear that one of the main problems of persons with disabilities concerns how other people treat them. Therefore, if we cultivate virtues, our relations will be improved. Specific virtues seem to facilitate the inclusion of persons with disabilities. In addition, cultivating virtues contributes to the improvement of human beings and better relationships with others and God.

## 6. Conclusions

The findings confirm previous projects, in that wheelchair users have significantly higher premature mortality compared to the general population. Although the sample was small, it seemed to contribute to the clarification of the frequency of death causes, with heart attack and cancer representing 62.9% of the total premature deaths. Oesophageal carcinoma appeared as a surprisingly frequent cause of death. The most vulnerable wheelchair users in these causes were persons with spinal cord injury.

It is well known that the main risk factors that seem to increase the possibility of an acute myocardial infarction are physical inactivity and obesity. However, inaccessibility, unemployment, retirement, and depression are additional factors that affect wheelchair users, decreasing their activity level. From a spiritual point of view, inactivity is similar to idleness, which, however, includes the potential of personal intervention. Obesity, on the other hand, is the result of gastrimargy and can be managed by temperance in eating and fasting. Regular medical surveillance and an increase in involvement in activities are effective ways to prevent thrombosis, which is the main risk factor for pulmonary embolism. The participants did not appear with high levels of depression, which is also a common risk factor. However, if it is perceived as similar to *acedia*, it can be managed by spiritual practices, according to Christian literature.

Social isolation is an identified risk factor for acute myocardial infarction, can be caused by rejection and marginalization, and may lead to loneliness. Accessibility problems in healthcare and other basic facilities and communication problems between persons with disabilities and health professionals, such as denial of symptoms, that have been reported by the participants, contribute to marginalization. Ways of spiritual management include the cultivation of virtues by the persons themselves, their families, and their social environments.

It is not surprising that spiritual practices contribute to ontological harmony (balance of the body, soul, and spirit). Divine intervention is perceived as contributing to improving difficult situations. The development of a relationship with God results in spiritual support. This support results in feelings of calm and relaxation. From a practical point of view, participation in parish activities may contribute to a more harmonious family and social life.

In general, regular medical screening and surveillance by expertized health professionals are necessary. This results in effective prevention of medical conditions and health promotion. The collaboration between persons themselves, health and social care professionals, and clerics seems to be the ideal framework for effective support of the overall health of wheelchair users.

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## Article

# Freedom of Conscience of Healthcare Professionals and Conscientious Objection in the European Court of Human Rights

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**Abstract:** The recent social and legal debate in several European countries on abortion, euthanasia, and assisted suicide has caused a strong resurgence of the concerns of healthcare personnel as to the real possibility of protecting their consciences in their professional sphere. Individual refusal for religious, moral, deontological, or ethical reasons to participate in activities that directly or indirectly could result in the termination of a human life constitutes the most extreme manifestation of the legal phenomenon of conscientious objection. Although the European Convention on Human Rights does not recognize a general right to conscientious objection, since *Bayatyan v. Armenia*, the case law of the European Court of Human Rights has identified a connection between conscience-related claims to compulsory military service and Article 9 of the Convention. However, to this date, this doctrine has not been applied to cases that affect health-sensitive areas like abortion and contraception. This article analyzes the activity of the European Court of Human Rights in relation to the right to freedom of conscience and to conscientious objection, particularly in healthcare, and offers several final observations projected to possible future conflicts.

**Keywords:** freedom of conscience; conscientious objection; human life; healthcare; European Court of Human Rights

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## 1. Introduction

Freedom of conscience and conscientious objection, particularly in healthcare contexts, are back on the European human rights agenda. After a few years of apparent respite from the *big bang* of claims of conscience that characterized the second half of the 20th century (Navarro-Valls and Martínez-Torrón 2012), new laws on euthanasia and assisted suicide in Spain and Portugal, contested changes to the Polish legislation on abortion, and growing right-to-die activism in countries like Italy and the United Kingdom have rekindled the interest for the legal phenomenon of conscientious objection.<sup>1</sup> The European Court of Human Rights (hereinafter the Tribunal, the Court or ECtHR) has contributed to this new situation with its contested 2020 decisions of inadmissibility in two cases related to conscientious objection to abortion against Sweden, *Grimmark* and *Steen*.

Although the European Convention on Human Rights (hereinafter the Convention, the Covenant, or ECHR) protects freedom of religion, conscience, and belief in Article 9, it does not recognize a general right to conscientious objection. Even from the first years of activity of the judicial bodies of the Council of Europe, conscience claims have not been an infrequent source of work for the Commission (hereinafter, the Commission or ECsHR) and the European Court of Human Rights, particularly on the rejection by individuals to domestic laws imposing mandatory armed military service. For many decades, the magistrates sitting in Strasbourg refused to accord any relevance under the Convention to conscientious objection, which was considered to be outside the scope of the European human rights text and to pertain exclusively to the margin of appreciation of the member states. It was for the authorities of each country to decide if, and how, individual claims of conscience should or could be accommodated. The growing change in the worldwide

perception of compulsory military service brought about a change in the Court's doctrine in the early 2010s, in the seminal judgment of *Bayatyan v. Armenia*. For the first time, the ECtHR was ready to admit to an inherent connection between conscientious objection and the freedoms enshrined in Article 9 of the Convention, and to impose on member states the positive obligation to accommodate individual claims born from a serious and insurmountable conflict of conscience or based on convictions or beliefs that are of sufficient cogency, seriousness, cohesion, and importance.

This new take on conscientious objection has, however, not made its way to the case law of other situations that involve the refusal of individuals, for religious, moral, ethical, or deontological reasons, to submit to a conduct imposed by a legal norm. As has been recently proven in the two decisions against Sweden, the Court is still reluctant to extend its doctrine on conscientious objection to mandatory military service to other areas where individual conscience and the right to life are involved, thus creating a disconcerting disconnect between otherwise strongly related areas of the Court's jurisprudence. This lack of coherence creates a problematic grey area for physicians and other healthcare providers such as pharmacists, nurses, and midwives who refuse to take part in direct or indirect activities connected to therapeutic abortion or physician-assisted end of life, in what could be interpreted as a step backwards in the effective protection of human rights and the value of human dignity that justifies the Court's existence.

The purpose of this article is to provide some insight on how the European Court of Human Rights has dealt, so far, with conscience claims of healthcare providers related to human life, and how its current stance could affect future applications on related issues. In order to do so, the article begins with an analysis of the ECtHR's general jurisprudence on the right to freedom of conscience and to conscientious objection, before moving on to a more specific critical appraisal of its case law on the relationship between the right to life and abortion, and on conscientious objection to the voluntary termination of pregnancy. After a brief consideration on how some of the similarities of Strasbourg's end-of-life jurisprudence with its decisions on abortion could affect future conscience claims of physicians and other health care professionals regarding euthanasia and assisted suicide, the article concludes with some final reflections on how the European Court of Human Rights could contribute in the next decades to the pacification of controversial and divisive issues such as the ones discussed in this article.

## 2. Freedom of Conscience and Conscientious Objection in the European Court of Human Rights

### 2.1. Freedom of Conscience in the Case Law of the European Court of Human Rights

For a tribunal that has referred to itself as *the conscience of Europe*,<sup>2</sup> the European Court of Human Rights has paid relatively little attention in its case law to the right to freedom of conscience enshrined in Article 9 of the European Convention on Human Rights. As is known, Article 9 ECHR states that:

“1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching practice and observance.

2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.”

The recognition of the right to freedom of conscience is neither original nor exclusive to the Convention and appears in the main international human rights texts. Article 18 of the Universal Declaration of Human Rights states that “Everyone has the right to freedom of thought, *conscience* and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to

manifest his religion or belief in teaching, practice, worship and observance". Similarly, Article 12.1 of the American Convention on Human Rights establishes that "Everyone has the right to freedom of *conscience* and of religion. This right includes freedom to maintain or to change one's religion or beliefs, and freedom to profess or disseminate one's religion or beliefs, either individually or together with others, in public or in private". Likewise, Article 10.1 of the Charter of Fundamental Rights of the European Union provides that "Everyone has the right to freedom of thought, *conscience* and religion. This right includes freedom to change religion or belief and freedom, either alone or in community with others and in public or in private, to manifest religion or belief, in worship, teaching, practice and observance".

Upon a first reading of Article 9 ECHR, an initial difference would seem to be derived between the freedoms of thought and conscience, and the freedom of religion or belief. While the first two would, in principle, not be susceptible to manifestation in the *forum externum* as they fall outside the literal wording of the second sentence of Article 9(1) ECHR, the latter would go beyond the mere *forum internum*, as their manifestations enjoy autonomous protection under the Convention, albeit subject to the limitations provided for in paragraph 2. This difference has been emphasized by certain authors, who maintain, moreover, that the terms *conscience* and *thought* are conceptually more difficult to delimit than those of *religion* and *belief* (Evans 2001; Petty 2016).

This assertion would appear to be corroborated by the doctrine of the Court itself. Although Article 9 ECHR remains silent as to what is to be understood by religion or belief, the Strasbourg case law has been moving towards an interpretation of this provision in the sense that any coherent and comprehensive worldview, whether or not it has a religious substratum, is protected by the Convention (Rainey et al. 2014). In the 1982 judgment of *Campbell and Cosans v. the United Kingdom*, the Court ruled that the term *convictions* does not refer to any kind of opinion or idea, but only to those that denote a certain degree of cogency, seriousness, coherence, and importance.<sup>3</sup> The Court has added little more in this respect and has limited itself to pointing out, from this judgment onwards, that once these criteria are satisfied, and ideas can therefore qualify as beliefs or convictions, the mandate of neutrality and impartiality of States prevents public authorities from assessing their legitimacy or of the means in which they are expressed (Martínez-Torrón 2019; Valero 2022).<sup>4</sup>

It is more difficult to find in the judgments and decisions of both the no longer functioning European Commission on Human Rights (hereinafter, the Commission or ECsHR) and the Court itself, a specific conceptualization of freedom of conscience beyond the abstract, generic, and seemingly inevitable quote of *Kokkinakis v. Greece*, and its statement that "freedom of thought, conscience and religion is one of the foundations of a 'democratic society' within the meaning of the Convention" (Bratza 2012).<sup>5</sup> In the language of Strasbourg, the reference to freedom of conscience is usually associated with one of the other two freedoms that accompany it in international human rights texts: freedom of thought and freedom of religion.

We find an example of the first thought-conscience duo in the 1978 judgment of *Arrowsmith v. the United Kingdom*, which recognized that pacifism is included in the scope of *freedoms of thought and conscience*.<sup>6</sup> Recently, the Grand Chamber has insisted on this idea by stating in *Vavříčka v. the Czech Republic* that when an infringement of Article 9 ECHR is invoked without reference to religious grounds, what is being claimed is a potential interference with "freedom of thought and conscience" (Meseguer Velasco 2021).<sup>7</sup>

The second tandem of religion-conscience is a constant in the Court's jurisprudence, which, on many occasions, has pointed out how "religious freedom is primarily a matter of *individual conscience*".<sup>8</sup> The ECtHR has also clarified that, although a legal person may be the victim of an infringement of the right to freedom of thought or religion, it cannot, as such, exercise freedom of conscience.<sup>9</sup> Regarding its negative dimension, in the judgments against Greece of *Alexandridis* and *Dimitras*, the Court emphasized that forcing a citizen

to declare his or her religious beliefs or adherences constitutes an interference with the individual's right to freedom of conscience.<sup>10</sup>

This primary interconnection between freedom of conscience and freedoms of thought and religion is what justifies the protection of the former outside the strict scope of the internal forum; the beliefs that can be expressed through actions covered by Article 9(1) ECHR are an expression of freedom of conscience, just as they are, alternatively, of freedom of religion and freedom of thought. In *Savda v. Turkey*, the Court observed that Article 9 ECHR does not permit any restriction on the freedoms of thought and conscience or on the freedom to have or adopt a religion or belief of one's choice since "[f]reedom of conscience is protected without reservation [ . . . ] and is part of the internal core of Article 9 of the Convention". However, the ECHR does differentiate freedom of thought, conscience and religion from the "freedom to *manifest* one's religion or beliefs".<sup>11</sup>

The external and manifestable dimension of freedom of conscience has not only never been questioned by the Strasbourg doctrine, but has constituted the real, albeit scarce, focus of its case law (Martínez-Torrón 2020). In a partially dissenting opinion in *Eweida v. the United Kingdom*, judges Vučinić and de Gaetano referred to freedom of conscience in these terms: "[ . . . ] no one should be forced to *act* against one's conscience or be penalised for refusing to act against one's conscience. Although freedom of religion and freedom of conscience are dealt with under the same Article of the Convention, there is a fundamental difference between the two [ . . . ]. In essence [conscience] is a *judgment of reason* whereby a physical person recognises the *moral quality* of a concrete act that he is going to perform, is in the process of performing, or has already completed. This rational judgment on what is good and what is evil, although it may be nurtured by religious beliefs, is not necessarily so, and people with no particular religious beliefs or affiliations make such judgments constantly in their daily lives".<sup>12</sup> In short, it can be inferred that behind the Court's understanding of freedom of conscience lies the idea that it is a moral judgment of reason that would feed, and in turn be fed by, the freedoms of religion and thought (Gunn 1996).

The protection of the internal and external dimensions of freedom of conscience is directly linked to personal autonomy and to the right to the free development of personality (Power-Forde 2016), and far from being a private interest, constitutes a public interest of the first order (Navarro-Valls and Martínez-Torrón 2012). Conscience must be protected, not because it is objectively correct—which would be impossible, since it refers to an exclusively individual reality—or because it coincides with prevailing social values or with supposedly majority moral views, but because its relationship with human dignity and personal autonomy makes it an essential right for modern democracies (Laycock 2015–2016). In fact, the Court has repeatedly pointed out that Article 9 ECHR subjects public authorities to a principle of neutrality, which, as a general rule, prohibits them from assessing the legitimacy of beliefs or their forms of expression.<sup>13</sup> Consequently, the effectiveness of Article 9(2) ECHR does not depend on the correctness of the beliefs that are expressed, but derives directly from the fact that the freedom to believe and to act according to one's convictions is an essential element of the right to freedom of thought and conscience and therefore "a fundamental aspect of an individual's autonomy in a democratic society" (Power-Forde 2016).

But the already emphasized connection of freedom of conscience with the freedoms of religion and thought not only justifies its protection in the forum externum but also makes it susceptible to being limited. Full freedom of the individual to act according to the dictates of conscience would be unfeasible in a democratic society (Laycock 2014). Like all manifestations of the freedoms recognized in Article 9 ECHR, the freedom to express one's conscience, whether by action or omission, is not absolute since the acts required by it may be unacceptable in a democratic society because of their impact on general interests or the rights of third parties (Petty 2016).

## 2.2. Conscientious Objection in the Case Law of the European Court of Human Rights

It is now almost commonplace to define conscientious objection as the refusal of an individual, for reasons of conscience, to submit to conduct that would in principle be legally enforceable (whether the obligation arises directly from a statute, a contract, a court order, or an administrative decision) (Navarro-Valls and Martínez-Torrón 2012).

As I have explained in the previous section, according to the settled doctrine of the European Court of Human Rights, freedoms of thought, conscience, and religion have a double internal and external dimension in such a way that although they are mainly matters that affect the personal sphere of each human being, they also include the right to manifest one's convictions in public and in private. A particularity of freedom of conscience is that, unlike the freedoms of thought and religion, it lacks a collective dimension.<sup>14</sup> Manifestations of freedom of conscience can take the form of both actions and omissions. Consequently, although Article 9 ECHR does not expressly provide for a general right to conscientious objection, the decision of a person to not perform a certain act for reasons of conscience has been treated by the case law of the Strasbourg Court as a form of externalization of one's beliefs.<sup>15</sup> As with all manifestations of the rights protected by Article 9 ECHR, freedom of conscience, also in its omissive declination of conscientious objection, can be limited, so long as that its restriction is provided by law and is necessary in a democratic society for the protection of morals, public health, and order, and the rights and freedoms of others.<sup>16</sup>

The Court recognizes that States have a certain margin of appreciation in determining whether a particular interference with freedom of conscience is proportional and necessary in a democratic society, since, in general, it understands that the authorities of each country are better positioned than an international court to make decisions based on national considerations and particularities, especially when moral or political issues are at stake.<sup>17</sup> As I will have occasion to emphasize at various points in this paper, the Court's deference to the state's margin appreciation will be greater or lesser when there is or is not a broad degree of consensus on a given matter in the countries of the Council of Europe. Likewise, the margin of appreciation is subject to the conformity with the Convention of the domestic authorities' legislation and actions, both of which are susceptible to supervision by the Strasbourg jurisdiction. In the supervision carried out by the Court to determine the legitimacy and proportionality of a limitation of the freedoms of thought, conscience, and religion, the degree of observance by the respondent State of the general principles of neutrality and pluralism developed by the Court's jurisprudence will be of particular relevance.

Concerning neutrality, the Court has emphasized repeatedly that the State must be the impartial organizer of the religious and ideological diversity present in its territory in order to protect public order and promote the harmony and tolerance that must characterize any truly pluralistic democratic society. Therefore, in matters of beliefs, whether religious or not, the State is bound in its actions by a mandate of neutrality which, as has been said, is incompatible with any pretension to judge their legitimacy or that of the means by which they are manifested (Adenitire 2017).<sup>18</sup>

As for pluralism, since Kokkinakis, the Court has constantly repeated that the freedoms protected by Article 9 ECHR are a precious asset not only for those who have a religious worldview, but also for atheists, agnostics, sceptics, and indifferent people, because "the pluralism indissociable from a democratic society, which has been dearly won over the centuries, depends on it".<sup>19</sup> More recently, when referring to conscientious objection, the Court has insisted on the idea "that pluralism, tolerance and broadmindedness are hallmarks of a 'democratic society'", and that although sometimes the interests of an individual may have to be subordinated to those of the State, democracy does not imply that the views of a majority must always prevail: a balance must be achieved which ensures the fair and proper treatment of people from minorities and avoids any abuse of a dominant position.<sup>20</sup>

The Strasbourg Court began to receive complaints related to cases of conscientious objection, especially to compulsory armed military service, from the early days of its activity. In the mid-1960s, the Commission developed a doctrinal line according to which, since conscientious objection is not among the rights expressly recognized by the Convention, it could not be deduced that Article 9 ECHR imposes on States the obligation to accommodate particular requirements arising from imperatives of conscience.<sup>21</sup> Whether or not to recognize conscientious objection, to regulate it, and to establish the conditions for its exercise, falls therefore within the exclusive margin of appreciation of each member State.

In 2011, the Grand Chamber revised its previous doctrine on conscientious objection in the famous case of *Bayatyan v. Armenia*. A new claim related to opposition to compulsory military service provided the Court the opportunity to reflect on the importance of ensuring that the rights protected by the Convention are real and effective, and not theoretical and illusory. To this end, it was necessary for the Court to adopt a dynamic and evolutionary attitude that allowed it to integrate into its jurisprudence the social and legal changes that occur around it. Therefore, starting from the affirmation that the Convention is a living instrument, and from the observation of the growing consensus among the member States of the Council of Europe on the need for contemporary societies to recognize the right to conscientious objection, the Grand Chamber affirmed that although the Convention does not explicitly recognize this right, when the opposition of an individual to submit to conduct imposed by a legal rule is motivated by a serious and insurmountable conflict of conscience or based on convictions or beliefs that are of sufficient cogency, seriousness, cohesion, and importance, it attracts the protection of Article 9 ECHR.<sup>22</sup> In addition, the judgment adds, in those cases where there is an alternative that reasonably accommodates the interests of the objector and those of the State, the limitations imposed on freedom of conscience cannot “be considered a measure necessary in a democratic society”<sup>23</sup>.

To this date, the change in the Court’s approach to conscientious objection in *Bayatyan* has so far not translated into a more favorable attitude towards claims by citizens seeking to be exempted from legal duties for reasons of conscience, except in cases strictly related to compulsory military service (Valero 2021). Based on the repeated argument that Article 9 ECHR does not always guarantee the right to act in the public sphere in the manner dictated by a religion or belief, both the Commission and the Court have systematically rejected claims relating, among others, to requests for exemption from the payment of certain taxes on grounds of conscience;<sup>24</sup> requests to be exempted from taking curricular content or performing school activities that violate one’s religious or philosophical beliefs;<sup>25</sup> with the desire not to provide certain services to same-sex couples both in the public sector and in private companies;<sup>26</sup> and, as we will see in detail in this paper, to claims by health professionals on issues directly or indirectly related to the right to life.

### 3. Right to Life and Abortion in the European Court of Human Rights

When the European Convention on Human Rights was adopted in the mid-twentieth century, abortion was illegal in most European countries which limited their legislation to a few exceptions in cases where the life or health of the mother was seriously threatened by the pregnancy (Puppinc 2013). The debate that already existed at that time on questions related to this matter, especially as to whether the unborn child could be considered a person and therefore under the protection of Article 2 ECHR, led the drafters to be particularly cautious.<sup>27</sup>

With the first two decades of the 21st century behind us, the European panorama is considerably different. Today, the voluntary termination of pregnancy is regulated or decriminalized in practically all the member States of the Council of Europe where both abortion on demand and termination of pregnancy for socioeconomic reasons are becoming increasingly widespread.<sup>28</sup> Only a small group of countries, including Andorra, Liechtenstein, Malta, Monaco, Poland, and San Marino, still maintain a more restrictive legislation<sup>29</sup>.



The development by member States of legal systems that are increasingly permissive of abortion, together with the growing attention paid in recent decades by the Council of Europe to women's sexual and reproductive rights, led its Parliamentary Assembly to adopt Resolution 1607 (2008) on *Access to safe and legal abortion in Europe* (Quirós Fons 2021).<sup>30</sup> Based on the three-fold initial affirmation that abortion can never be considered a method of family planning, that it should be avoided as far as possible, and that mechanisms compatible with women's rights should be implemented in order to reduce both the number of unwanted pregnancies and abortions, the Resolution expresses its concern that, despite the fact that most countries of the Council of Europe allow abortion, there are still circumstances and contexts that make it difficult for women to have access to it in a real, acceptable, and safe manner.

After affirming that within the framework of the right of every human being to respect for their physical integrity and freedom to control of their own bodies, the ultimate choice of whether or not to have an abortion "should be a matter for the woman concerned, who should have the means of exercising this right in an effective way", the Assembly invited member States (i) to decriminalize abortion within reasonable gestational periods; (ii) to guarantee the effective exercise of the right of women to have access to safe and legal abortion; (iii) to respect women's autonomy of choice and implement the necessary conditions to enable them to make a free and informed choice without necessarily promoting recourse to abortion; (iv) to remove restrictions that hinder, *de iure* or *de facto*, access to safe abortion by creating the appropriate health, medical, and psychological conditions, and guaranteeing the necessary economic resources; (v) to adopt general strategies and policies on sexual and reproductive health and rights through the allocation of sufficient financial resources; (vi) to guarantee access for men and women to adequate contraceptive methods at reasonable cost; (vii) to introduce compulsory sex and relationships education programs for young people that are adapted to their age and gender in order to prevent unwanted pregnancies and abortions; and (viii) to promote family-friendly attitudes in public information campaigns, and to provide counselling and practical support to women who resort to abortion due to family or financial pressures.

Dating back to the 1960s and up to the present day, the jurisprudence of the Strasbourg Court in relation to abortion has been relatively extensive, and comprises decisions from both the Commission and the Court. In fact, at the time of writing, no fewer than twelve cases against Poland are pending before the Court, all involving the induced termination of pregnancy (Krajewska 2021).<sup>31</sup> During its years of activity, the ECtHR's jurisdiction has been called upon in diverse matters such as petitions for in abstracto review of laws decriminalizing abortion,<sup>32</sup> claims by male parents of fetuses aborted by their wives or partners,<sup>33</sup> claims concerning the provision of family-planning services,<sup>34</sup> doubts about the responsibility of the State in cases of forced termination of pregnancies as a result of medical negligence,<sup>35</sup> appeals related to the criminal consequences of the practice of illegal abortions,<sup>36</sup> and finally, claims related to effective access to abortion in countries traditionally reluctant to do so, such as Poland and Ireland.<sup>37</sup>

The Strasbourg Court has built its corpus of decisions and judgments in this area through three articles of the Convention: Article 2 ECHR (right to life); Article 8 ECHR (right to respect for private and family life); and, more recently, Article 3 ECHR (prohibition of torture and inhuman or degrading treatment).

Article 2 ECHR states that

"Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.

2. Deprivation of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which is no more than absolutely necessary: (a) in defence of any person from unlawful violence; (b) in order to

effect a lawful arrest or to prevent the escape of a person lawfully detained; (c) in action lawfully”.

In relation to this provision, the European Court of Human Rights has established that although the Convention does not recognize a right to abortion<sup>38</sup>, nor does it per se exclude intrauterine life from its scope of application.<sup>39</sup> The determination of when human existence begins, as well as the decision to decriminalize or legislate on abortion, is left at the exclusive prerogative of each of the States that make up the Council of Europe, as is the regulation of the recognition and form of exercise of conscientious objection<sup>40</sup>.

It has been in the context of cases related to abortion that the Strasbourg jurisdiction has expressed its view on the moment at which human life can be considered to have begun for the Convention. The Commission, and the Court itself, have reiterated on more than one occasion that in a matter as delicate as this in which scientific, philosophical, ethical, and religious opinions, as well as national laws themselves, differ considerably, the initial question arises as to whether the Convention can have anything to say at all<sup>41</sup>. The lowest common denominator on this matter identified by the Grand Chamber among the countries belonging to the Council of Europe is, first, that the embryo and the fetus belong to the human race, and second, that their potential capacity to become a person demands that they be protected in the name of human dignity.<sup>42</sup> Any other consideration beyond these two initial assertions is left to the discretion of the States.

The Strasbourg doctrine on the applicability of Article 2 ECHR to the unborn fetus, developed by the Commission before it ceased its activity in 1998, was taken up by the Grand Chamber in the well-known judgment of *Vo v. France*, which resolved the application of a woman of Vietnamese origin who had been the victim of a medical negligence that had led to an unwanted therapeutic abortion. After the domestic courts rejected that involuntary manslaughter could be applied to a fetus, the claimant appealed to the Strasbourg Court, as she considered that the fact that French law did not attach any criminal consequences to causing the death of an intrauterine life, even involuntarily, amounted to a lack of protection of the right to life protected by Article 2 ECHR. The judges of the Grand Chamber rejected the applicant’s claim on the grounds that since “Article 2 of the Convention is silent as to the temporal limitations of the right to life and, in particular, does not define ‘everyone’ (‘toute personne’) whose ‘life’ is protected by the Convention”, the Court “has yet to determine the issue of the ‘beginning’ of ‘everyone’s right to life’ within the meaning of this provision and whether the unborn child has such a right”.<sup>43</sup>

In this regard, the judgment recalls that the Commission had already noted in previous rulings that the first paragraph of Article 2 ECHR contains two different, albeit interrelated, basic elements. While the first paragraph of the article establishes the general obligation for the law to protect the right to life, its second sentence contains a prohibition on the intentional termination of life. This prohibition is qualified by the exceptions provided for in Article 2(1) ECHR in fine, as well as in Article 2(2) ECHR, exceptions which, by their very nature, affect persons already born and cannot be applied to a fetus. In short, in the opinion first of the Commission and then of the Court, both the meaning generally attributed to the word “everyone” and the context in which the term is used by the Convention itself would support the idea that it does not include the unborn child. In any case, and without questioning as obvious the legitimate interest that States may have in protecting prenatal life, the Strasbourg Court considered that it is not for it to determine whether a fetus can be entitled to some kind of protection under the first paragraph of Article 2 ECHR. Reality proves that among the members of the Council of Europe there is no unanimity as to whether, or to what extent, Article 2 ECHR protects life before birth.<sup>44</sup> Finally, the Grand Chamber concluded that it is neither possible, nor desirable, to give an abstract answer to the question of whether the unborn child is a person for the purposes of Article 2 ECHR.<sup>45</sup>

In relation to abortion itself, the Commission determined early on that although it is not expressly included among the exceptions to Article 2 ECHR that qualify the prohibition of intentionally terminating a life, the induced termination of pregnancy is always compatible

with this precept when it is justified by the need to protect the life and health of the pregnant mother.<sup>46</sup> As I pointed out in the previous paragraph, although the Strasbourg court has not expressed an opinion as to whether Article 2 ECHR should be interpreted as completely excluding the fetus as the holder of the right to life, what it has categorically rejected is that the unborn child has an absolute right to life: the life of the fetus is intimately connected with, and cannot be considered in isolation from, the life of the pregnant woman, and any interpretation in the sense of granting the fetus an unqualified right to life would lead to the conclusion that abortion would be prohibited even in the case of a pregnancy that involved a serious risk to the life of the mother, which in turn would mean “that the ‘unborn life’ of the foetus would be regarded as being of a higher value than the life of the pregnant woman”.<sup>47</sup>

Article 8 of the Convention protects private and family life in the following terms:

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

As regards to the implication of Article 8 ECHR in abortion-related issues, the connection between induced termination of pregnancy and the right to private and family life was established by the European Commission of Human Rights in 1976 in the case of *Brüggemann and Scheuten v. Federal Republic of Germany* (Martínez-Torrón 1986; Zureick 2015).<sup>48</sup> The complaint arose from the claim of two German citizens that the Constitutional Court’s decision to declare null and void a 1974 law decriminalizing several cases of abortion violated Article 8 ECHR by requiring them either to renounce sexual intercourse, to use contraceptive methods with which they did not agree, or to carry out an eventual pregnancy against their will<sup>49</sup>. The Commission admitted that both pregnancy and its termination are part of the notion of private life and, sometimes, of family life. By resorting to a notion of private life that would include sexual life as part of the right to privacy and to “develop relationships with other human beings, especially in the emotional field, for the development and fulfilment of one’s own personality” the 1976 decision ruled that the legal regulation of abortion entails an intrusion into private life which may or may not be justified under Article 8(2) ECHR<sup>50</sup>. In a subsequent report issued on the same case, the Commission itself introduced the nuance that pregnancy cannot be considered to belong exclusively to the sphere of a woman’s private life, since when she is pregnant, her own life is connected in a particularly intense and intimate way with that of the fetus. Therefore, not every regulation concerning the termination of unwanted pregnancies can be considered an interference with the mother’s right to respect for her private life, nor can Article 8(1) ECHR be interpreted to mean that the pregnancy, or its termination, is the exclusive responsibility of the pregnant woman.<sup>51</sup>

As a consequence of this doctrine, and without prejudice to the fact that the Court had considered that Article 8 ECHR includes a right to personal autonomy that extends not only to the respect for physical and psychological integrity but also to the individual decision to have or not to have children,<sup>52</sup> for Strasbourg, any regulation on abortion implies for the State an initial weighing of public and private interests as well as a series of positive obligations aimed at guaranteeing the physical and psychological integrity of the mother.<sup>53</sup> Consequently, the woman’s right to respect for her private life must be weighed against other competing rights and interests, including those of the unborn child.<sup>54</sup> In this balancing exercise, the margin of appreciation that the Court grants to the States to establish the terms of their respective domestic legal systems plays an important role, as we will see in the judgments that are briefly described below.

In 2010, in the judgment *A., B., and C. v. Ireland*, the Grand Chamber ruled cumulatively on the claims of three women who had traveled to the United Kingdom to each have an abortion that they considered would not be authorized in their country of origin. Along with the violation of other provisions of the Convention, the applicants alleged that the legal limitations on voluntary termination of pregnancy then in force in Ireland constituted an interference with the right to privacy protected by Article 8 ECHR<sup>55</sup>. The highest chamber of the Court found an interference with the invoked provision in the three cases, although it only considered such an interference unjustified in the case of the third applicant. In the cases of the first two claimants, the Court ruled based on the State's negative obligations; in the case of the last one, the judges sitting as a Grand Chamber chose to analyze the claim from the perspective of positive obligations. I will refer to this third case later on.

The first two applicants had decided to terminate their respective pregnancies for reasons of health and/or personal welfare, both of which were not covered by the, then current, Irish law.<sup>56</sup> Based on a broad interpretation of Article 8 ECHR, the Grand Chamber held that the prohibition on the applicants' being able to terminate their pregnancies in Ireland amounted to an interference with their right to privacy<sup>57</sup>. However, in considering whether such an interference could be considered necessary in a democratic society, the Grand Chamber answered in the affirmative. Relying on the doctrine of the margin of appreciation, the majority judges considered that the limitations imposed in Ireland on abortion properly balanced the conflicting legal interests: on one hand, the women's right to respect for their private lives; on the other hand, the deep moral values of the Irish people concerning the nature of life and the consequent need to protect the unborn child. Without denying that there is indeed a growing consensus in Europe in favor of broadening the circumstances in which abortion would be permitted, the judgment did not consider this sufficient reason to limit Ireland's margin of appreciation and to question its decision to maintain a more restrictive legislation.

Without going so far as to admit that the margin of appreciation of each State in matters related to abortion is unlimited, since any State regulation must always be compatible with the Convention and subject to the supervision of the Court, the Grand Chamber did establish in *A., B., and C.* an interesting connection between Articles 8 and 2 ECHR which reinforces the discretion of the countries in this matter. Referring to the previously mentioned case of *Vo v. France*, *A., B., and C.* recalls that the question of when the right to life begins falls within the margin of appreciation of the States, precisely because there was no European legal or scientific consensus on the matter at the time the Convention was drafted, nor is there any today. From this initial lack of consensus, it was and is impossible to give a single answer to the question of whether the unborn child can be considered a person for the purposes of the protection afforded by Article 2 ECHR. Since it is the responsibility of the State to define which interests of the unborn child are worthy of protection and because the rights of the fetus and the mother are intrinsically interconnected, the margin of appreciation granted to the national authorities in relation to the protection of the unborn child inevitably conditions the weighing of the interests of the mother when they conflict with those of the child she is carrying. Thus, although most member States have chosen to resolve this conflict of interests by favoring a broad right of women to abortion, this consensus cannot, of itself, be decisive for the Court when assessing the situation in other countries, even in the light of the evolving interpretation of the Convention<sup>58</sup>. Paradoxically, in comparison with other cases in which consensus is invoked as a limit to the margin of appreciation, this variable is less decisive in matters of abortion because it arises from a lack of agreement on a fundamental prior question, that being, whether or not the fetus is a person for the purposes of the protection afforded by Article 2 ECHR.

As mentioned above, the Court has also linked Article 8 ECHR and the positive obligations that derive from it for the State with the real possibility for women to access abortion when it is legally permitted in a national legal system.<sup>59</sup> Based on the traditional assertion that the Convention is intended to guarantee rights that are real and effective and

not theoretical or illusory, the Court has been particularly critical of some of the procedures established in domestic legal orders for women to access abortions. While recognizing that Article 8 ECHR does not contain any explicit procedural requirements, the Court has pointed out that it is important that fair processes be implemented that adequately respect the interests affected.<sup>60</sup> In particular, since the *Tysi c v. Poland* judgment, the Court has questioned national provisions that, while allowing access under certain conditions to voluntary termination of pregnancy, are formulated in terms that may have a chilling effect on the health professionals responsible for certifying the appropriateness or necessity of terminating the pregnancy. Once a State decides to permit abortion, it cannot design a legal framework that de facto limits the real possibilities of obtaining it.<sup>61</sup>

This was precisely the case of the third claimant in the above-mentioned A., B., and C. case. Her starting situation differed from that of the first two applicants. She had learned of her unplanned pregnancy at a time when she was in remission from a rare type of cancer and after having undergone a series of diagnostic tests that are contraindicated during pregnancy. Although her case could have qualified for the only exception to the general prohibition on abortion then allowed under Irish law—the real and substantial risk to the mother’s life—the alleged deterrent effect of the regulatory framework in force at the time meant that the health professionals who attended her were inconclusive not only about the risk that the pregnancy might cause her to relapse into her illness, but also about the effects that the diagnostic tests already carried out might have had on the fetus. Faced with this uncertainty, the third applicant chose to have an abortion in a clinic in the United Kingdom. In her application to the Strasbourg Court, she argued that the Irish authorities had breached their positive obligations under Article 8 ECHR by failing to establish a clear procedure by which she could have determined whether, because her life was at risk, she could have a legal abortion in her own country.<sup>62</sup>

Following the precedent of *Tysi c*, the Grand Chamber recalled that, without prejudice to the wide margin of appreciation enjoyed by member States to establish their own regulations on abortion, once they have defined the applicable legal framework, it has to be designed in a coherent manner in order to ensure that the different legitimate interests involved are adequately taken into account. The judgment found that in Ireland, there was no clear procedure—neither medical nor before the courts of law—to verify the real risk to the life of the mother arising from a pregnancy. This lack of clarity and certainty necessarily resulted in an undesirable chilling effect, which led health professionals to be extremely cautious in their opinions and decisions for fear of the consequences, even criminal, of their actions.<sup>63</sup>

Finally, in a relatively novel line of jurisprudence, the Strasbourg Court has analyzed the question of abortion in relation to Article 3 ECHR, which states that “No one shall be subjected to torture or to inhuman or degrading treatment or punishment”. After having been rejected on previous occasions in 2011 and 2012, the judgments *R. R. v. Poland* and *P. and S. v. Poland* recognized the potential implication of this article of the Convention in those cases in which the procedures established by the States so that women can legally have an abortion are made difficult and delayed to the point of causing a vulnerable pregnant woman anguish or suffering that exceeds the limits allowed by Article 3 ECHR (*Zureick* 2015).<sup>64</sup>

#### **4. Healthcare Professionals and Conscientious Objection to Abortion in the European Court of Human Rights**

Conscientious objection to abortion is defined as the refusal to perform an abortion or to cooperate directly or indirectly in its performance, and concerns not only medical or healthcare personnel, but has also been raised “by other citizens with respect to activities only indirectly related to the performance of abortions” (*Navarro-Valls and Mart nez-Torr n* 2012).

The Court’s meager body of decisions on the direct or indirect conscientious objection of healthcare professionals to abortion appears to be largely ignoring its own legal reasoning

and doctrine on freedom of conscience and the rights protected by Articles 2, 3, and 8 of the Convention in claims connected to human life that were discussed in previous sections.

In cases concerning abortion or prenatal life, the Court has carefully declined to express any opinion on the morally and scientifically contentious question of “when does human life begin?” and has delegated to member States what relevance each of them wants to accord to the public and private interests at stake when regulating the voluntary termination of pregnancy. In this weighing of competing interests, the magistrates sitting in Strasbourg have favored national specificities over European consensus by upholding the compatibility with the Convention of national regulations on abortion that are more restrictive than what is the accepted norm in the majority of countries that belong to the Council of Europe. Positive obligations become the threshold of the State’s margin of appreciation, and once its legislation permits the voluntary termination of pregnancy, provided certain conditions are met, public authorities cannot indirectly limit actual access to the procedure, particularly if as a result the woman is caused insufferable anguish or suffering.

Contrarily, in conscience claims by healthcare professionals who object to their direct or indirect involvement in the termination of prenatal life, despite the acknowledged divisive nature of the underlying conflict, the Court appears to be siding with a European social and political consensus that artificially confronts conscientious objection and women’s sexual and reproductive rights. Consequently, the State’s positive obligations to reasonably accommodate claims of conscience that fall under Article 9 of the Convention have, to date, been ignored, and the willingness of the Strasbourg Court to recognize a right to conscientious objection linked to Article 9 ECHR which could be briefly seen in *Bayatyan*, has not been continued in any of its decisions concerning the refusal of certain healthcare professionals to participate in abortion practices. This position of the Court is surprising for two reasons: first, because conscientious objection to abortion and to military service have a common axiological origin, and that is a deep respect for the sanctity of human life (Harrison 2021);<sup>65</sup> second, because even before the decision in the case against Armenia, the concern within the Council of Europe for the protection of freedom of religion and conscience in the medical field had given rise to Resolution 1736 (2010) of its Parliamentary Assembly.<sup>66</sup>

Under the title “The right to conscientious objection in legal medical practice”, Resolution 1736 (2010), begins by recognizing that conscientious objection by health professionals is satisfactorily regulated in most countries in the Council of Europe in such a way that its exercise does not prevent patients from accessing the services which objectors refuse to carry out. The Resolution expresses, however, two concerns: first, that no negative consequences can result from the decision of a person or institution not to perform, accommodate, or assist in the performance of an abortion, euthanasia, or any act that may cause the death of a human fetus or embryo; second, that it is important to reaffirm both the right to conscientious objection of the healthcare professional and the obligation of States to ensure that citizens have effective access to legally recognized medical services. Finally, the Resolution urges countries to weigh the interests of users of national health services against those of healthcare professionals and invites them to develop legislation that guarantees the rights of both parties, especially in cases of emergency.

As was the case for a long time with the Resolutions and Recommendations of the Parliamentary Assembly on conscientious objection to military service (Valero 2021), the Strasbourg Court has not yet taken the step of incorporating into its jurisprudence the concerns and aspirations contained in the 2010 Resolution. With the exception of *Eweida*, which resolved two cases of conscientious objection in the medical arena that had nothing to do with the right to life,<sup>67</sup> up to the time of writing this paper, the scarce number of applications that have reached the Court related to conscientious objection in the healthcare field in general, and to direct or indirect objection to abortion in particular, have been declared inadmissible. This was the case in 2001 in *Pichon and Sajous v. France*; and again in the 2020 cases against Sweden, *Grimmark and Steen* (Martínez-Torrón 2020).<sup>68</sup>



In Pichon and Sajous, the claim was brought by two French pharmacists who ran a pharmacy in a small town near Bordeaux. Both objected to supplying contraceptive drugs in their establishment on religious grounds and were sanctioned for it. After exhausting all domestic remedies without being able to see their conscience-related choice validated before the French courts, they brought an application before the European Court of Human Rights. The Third chamber dismissed their claim, relying on the aforementioned argument that Article 9 ECHR does not guarantee that an individual can always behave in the public sphere in accordance with his personal convictions. The decision included a reflection to the effect that, in the context of a legal activity and a highly regulated profession, such as in France the sale of contraceptives and the management of a pharmacy, one cannot give priority to one's own religious beliefs, nor impose them on others.

In the most recent Grimmark and Steen cases, the applicants were two nurses who had received specific training to work as midwives. Both were denied employment in that specific professional category after they expressed to their potential employers an objection to abortion based on religious and ethical grounds. Their claims before the Court were dismissed as manifestly ill-founded by a three-judge Committee of the Third section of the ECtHR.<sup>69</sup> Both decisions found that the interference with the right to freedom of conscience protected by Article 9 ECHR of Ms. Grimmark and Ms. Steen was justified and necessary in a democratic society: Sweden provides access to medical abortion throughout its territory and consequently has a positive obligation to organize the national health system in such a way that the exercise of freedom of conscience by health care professionals does not impede the effective provision of abortion. Accordingly, the requirement that all midwives in Sweden be willing to carry out the duties inherent to their position, including performing abortions, is justified and not disproportionate. The applicants had voluntarily chosen their profession, and both should have been aware that accepting employment as midwives entailed performing each and every one of the functions attributed to their professional category (Martínez-Torrón 2020).

Although the Court's reluctance to decide on the merits of claims related to conscientious objections to direct or indirect intervention in abortions prevents us from knowing in detail its position in this regard, some of the arguments present in the three inadmissibility decisions, briefly outlined in the preceding paragraphs, and, above all, some of their notable omissions, seem to contradict in many respects both the Court's current doctrine on conscientious objection to compulsory military service and the Parliamentary Assembly's Resolution 1736 (2010).

Undoubtedly, the most striking thing about the Pichon and Sajous and Grimmark and Steen decisions is that they avoid any serious and reasoned consideration of the undeniable, and in theory, not denied, right of healthcare professionals to their freedom of conscience and the exercise of conscientious objection. This omission raises numerous doubts that the Court chooses not to address, much less resolve:

1. The first issue raised by the inadmissibility decisions discussed in this section, in particular those concerning the two Swedish midwives, is the fact that the deciding Committee placed so much emphasis on the positive obligations incumbent upon the respondent State "to organize its health system in a way as to ensure that the effective exercise of freedom of conscience of health professionals in the professional context".<sup>70</sup> This consideration is particularly surprising because Sweden does not recognize a right of conscientious objection for health professionals (Munthe 2016). Therefore, in this Nordic country, medical practitioners and related personnel are not permitted by law any effective exercise of freedom of conscience in the context of their professional activities. However, this singularity of the Swedish legal order, which directly contradicts the Committee's express statement, is not only not even mentioned in either of the two inadmissibility decisions, but also does not provoke the slightest reaction from the Court.

This omission could point, in the first place, to an implicit and disproportionate deference by the Committee to the doctrine of the margin of appreciation, which in itself would be questionable if we take into account the parameters set by Resolution 1736 (2010).

But equally, it could reveal a more worrying and somewhat myopic, or at least partial, interpretation of the positive obligations of the member States in relation to the organization of their national health systems when it is a matter of protecting the legal and fundamental rights of all the subjects involved. It cannot be denied that, indeed, European countries have a positive obligation to guarantee real and effective access for their citizens to the portfolio of health services established by law, including, where appropriate, abortion, but it is no less certain that they also have, as Grimmark and Steen are careful to point out, a positive obligation to guarantee that the fundamental right to freedom of conscience of healthcare professionals, protected by the Convention, is real and effective and not merely theoretical.

The lack of reflection on this second aspect of the State's positive obligations is all the more surprising if one considers the Court's recent case law on conscientious objection to compulsory military service. Since *Bayatyan*, Strasbourg case law has not hesitated to draw attention to the incompatibility with the Convention of the member States' legal systems that fail to comply with their positive obligations in relation to the effective exercise of conscientious objection to compulsory military service and do not accommodate conscience-related claims (Valero 2021).<sup>71</sup> In view of this, one can only speculate as to why the Court has avoided attributing any consequences to the general prohibition in Sweden on the exercise of conscientious objection by health professionals.

2. A second issue that has not merited any consideration by the Court is related to the chilling effect mentioned in the previous pages and which refers to the dissuasive effect that very restrictive or unclear legislation can have on the exercise of certain rights. The concern expressed by the Court that the way in which the rules regulating access to abortion are drafted in less permissive legislations may have a dissuasive effect on health professionals that prevent women from effectively accessing a legally permitted medical service does not seem to have an adequate correlation when what is at stake is the exercise of a fundamental right—freedom of conscience—by health personnel. The *Grimmark* and *Steen* cases, and to some extent also *Pichon* and *Sajous*, raise the question of the extent to which legislation that denies or restricts the exercise of conscientious objection by health professionals does not produce the same chilling effect denounced by the Court, thus dissuading physicians, pharmacists, nurses, midwives, and other related personnel from exercising not only a right recognized in national legislation, but a freedom protected by the Convention, for fear of the disciplinary consequences or discrimination in employment that such exercise may entail (Martínez-Torrón 2020).

3. The fact that, to date, the Court has declined to fully consider the merits of the claims that have been brought before it in relation to direct or indirect conscientious objection to abortion by health professionals, has justified the fact that, for the time being, the Court has not carried out a reasoned balancing of the public and private rights and interests at stake in the conflicts that have come before it. The systematic deference to the decisions of the domestic courts in the three cases discussed seems to imply that, at least in the public sector and in highly regulated professions and those related to the organization of national healthcare systems, any allegedly neutral law prevails over a serious and insurmountable conflict of conscience, even if, as the Court has recognized, this conflict is protected by Article 9 ECHR.<sup>72</sup> Once again, the Court avoids considering seriously and rigorously what is one of the fundamental points of Recommendation 1763 (2010) of the Parliamentary Assembly and of the Court's own jurisprudence: the need that exists, when a dilemma arises between individual conscience and the law, to weigh, and as far as possible, accommodate the rights and interests of all parties involved—health professionals, women who wish to access a legal abortion, and the State—for which it is essential to carry out a careful balancing exercise (Power-Forde 2016).

4. Linked to some of the reflections already made in the previous point, I do not want to conclude this section without highlighting one last particularly notable omission from the decisions discussed in the cases against France and Sweden: the absence of any mention of the doctrine of reasonable accommodation of religious beliefs in working environments,

the essentially fungible nature of the professional activities of the actors in the claims, and the lack of any analysis by which the Court sought to ascertain whether there were practicable options that, while guaranteeing the access of the women concerned to the medicines and services required, would leave the freedom of conscience of the appellants unscathed. On the contrary, in the Pichon and Sajous decision, the Third section affirmed that one's own beliefs cannot be imposed on third parties. And yet, at no point in the factual account of the case does it appear that the French pharmacists intended to impose their beliefs on anyone, any more than did the Swedish midwives. All they wanted was to be able to pursue their professions without violating their conscience. Comparative experience shows that allowing exceptions to compliance with neutral laws for serious religious, ethical, or moral reasons does not necessarily imply either the imposition of one's own beliefs on third parties or a reduction in the access of those same third parties to the exercise of their rights (Laycock 2015–2016).

There is nothing in the account of the cases to suggest that the refusal of two French pharmacists to dispense potentially abortifacient products, or of two Swedish midwives to intervene directly in pregnancy termination procedures, was of such a magnitude as to jeopardize the entire healthcare system of the two respondent States. But the Court does not even raise the possibility that France and Sweden would have any obligation to organize their public health services in a way that would reasonably accommodate the conscientious claims of a minority of professionals while maintaining the quality of care for women who wish to prevent or terminate a pregnancy. As has been observed in the doctrine, maximalist approaches, such as the one suggested, would lead to the undesirable conclusion that in order to fulfill a vocation to contribute to bringing children into the world, one would also have to be willing to terminate their intrauterine life (Laycock 2015–2016).

In view of these considerations, reasonable doubt arises as to whether there is not a certain reluctance among the Strasbourg judges to apply their own doctrine on the relationship between Article 9 ECHR and the exercise of conscientious objection to a subject as morally and socially sensitive as abortion; a perhaps unjustified fear that an application of its jurisprudence along the lines indicated in the preceding paragraphs, which would force member States to, at least, make the effort to accommodate individual conscientious choices in controversial areas and matters, would be interpreted as meaning that the Court endorses, or at least does not question, the beliefs that inform and underlie the consciences of objectors. As I have pointed out in the first pages of this paper, this would be a mistaken understanding of what freedom of conscience consists in, especially considering the notion of human dignity and the principles of neutrality and pluralism, and one which would be inappropriate in a human rights court.<sup>73</sup> It is true that there are beliefs, religious or not, which differ from the moral values prevalent in European societies today, but it is no less true that such beliefs, and the right to behave in accordance with them, are protected by Article 9 ECHR, and that their limitation is justified only when a real need can be proven. The protection of freedom of conscience does not depend on the objective correctness of each citizen's conceptions of what is good nor on their conformity with prevailing moral or social values but is based on its status as a human right essential to the dignity of the individual and to the democratic health of the State.

## **5. End of Life, Healthcare Professionals and Conscientious Objection in the European Court of Human Rights**

Defined as the refusal of a health professional to participate directly or indirectly in the performance of actions conducive to ending a patient's life who requests it in accordance with the law, because he or she considers that such an act is against his or her deepest ethical, moral, philosophical, and religious convictions and to act in this way would significantly damage his or her conscience, deontology, and moral integrity, conscientious objection to euthanasia holds in the field of medicine "a qualified value that derives from the connection that the activity carried out in that professional field has with such transcendental values as life and the physical and psychological integrity of individuals".<sup>74</sup> In the same vein,

the World Medical Association has pointed out that “No physician should be forced to participate in euthanasia or assisted suicide, nor should any physician be obliged to make referral decisions to this end”;<sup>75</sup> while, in a very similar sense, the Code of Medical Ethics of the General Council of Official Medical Associations of Spain establishes in Article 32 that the recognition of conscientious objection is an indispensable prerequisite to guarantee the professional freedom and independence of physicians.<sup>76</sup>

The Strasbourg Court has not yet had occasion to rule on questions relating to the practice of euthanasia, which has been decriminalized or legalized in the Netherlands, Belgium, Luxembourg, and Spain, nor on the exercise of conscientious objection by health professionals recognized by the laws that regulate it (Navarro-Valls and Martínez-Torrón 2012; Salinas Mengual 2021).

However, other questions relating to the end of life and its relationship with the Convention have been submitted to the jurisdiction of the Court, especially in the areas of assisted suicide and therapeutic obstinacy. The parallelism of the lines of argument developed by the Court in this small corpus of judgments with its jurisprudence on induced abortion suggests that there will be few differences in its position in future pronouncements affecting the conscientious objection of health professionals who carry out their professional activity in euthanasia (Valero 2021). The implication of Articles 2, 3, and 8 of the ECHR and the recourse to the doctrine of the margin of appreciation that the Convention and the Court grant to States in matters related to the beginning and end of human life would justify such an assumption.

The cases of *Pretty v. the United Kingdom* and *Lambert v. France* are the leading cases in this area today. In the former, the Court did not hesitate to recall the principle of the sanctity of life protected by the Convention.<sup>77</sup> In the second, the focus shifted to the wide margin of decision that the member states of the Council of Europe must legislate in matters related to the medical end of human life.

These cases decided by the Strasbourg Court only highlight the moral and deontological dilemma that doctors and other health personnel face in euthanasia and euthanasia contexts, such as assisted suicide (Smet 2019). It is therefore not to be ruled out that, in the future, the Court of Human Rights may be approached by health professionals who object to direct or indirect participation in these practices. The question remains as to the orientation that the Court will adopt in these cases, whether it will opt for a thoughtful application of the *Bayatyan* doctrine or whether, on the contrary, it will opt to adopt a position closer to the one it has maintained up to now about conscientious objection to abortion.

## 6. Conclusions

Freedom of conscience has become one of the principal areas in which the battle for religious freedom and freedom of thought is being fought in modern Western societies. In a social and political context, often marked by suspicion of the desire of citizens with beliefs—religious or not—to live in public and professional life according to their own moral codes, conscientious objection in matters related to the beginning and end of life has become the tip of the iceberg of a much deeper discussion about whether to admit exceptions to neutral laws for reasons of conscience (Adhar 2008).

In recent decades, language that approaches the legal dimension of deeply complex moral debates on issues, such as abortion and euthanasia, reflects a profound underlying confrontation of values, and terms and expressions, such as *intolerance*, *conscience wars*, and *culture wars*, are but the reflection of a worrying and divisive reality (Fredman 2020; Mancini and Rosenfeld 2018; NeJaime and Siegel 2015; Laycock 2014). In view of the analysis in this work, and although it may be argued that where conscientious objection in healthcare is concerned, the European Court of Human Rights has so far carefully avoided stepping out of the realm of social and political correctness by deferring systematically to the doctrine of the margin of appreciation (Brzozowski 2021), given the precedent of *Bayatyan*, I harbor a moderate hope that future pronouncements on conflicts of conscience

in contexts where the beginning and end of human life is compromised will contribute to appease this dialectic of conflict, to take it out of the media, social, and political spheres in which it normally unfolds, and to redirect it into the parameters of legal argumentation centered on human dignity, which is the proper home of this jurisdictional body.

The arguments developed by Strasbourg in relation to conscientious objection to military service in particular, the link established between Article 9 of the Convention with serious and unavoidable individual conflicts of conscience, the limitation of the margin of state appreciation, and the firm defense of the need to attend in a balanced way to the rights and interests of all parties involved, have the potential to turn future jurisprudence of the Court into an effective tool for the normalization of the exercise of conscientious objection. However, the Court must assume the challenge of extrapolating it to other fields and applying it outside the strict context of armed military service.

With these concluding reflections, I do not intend in any way to trivialize reality as multifaceted and complex as the exercise of conscientious objection (Martínez-Torrón 2019). If I had to draw only one conclusion from the analysis made in the pages of this work, it would be that the Strasbourg Court does not have a simple task ahead. If litigation in relation to conflicts of conscience and human life continues to increase in Europe as it has elsewhere in the West, it will not be easy for the judges of the Court to detach themselves from the cacophony surrounding these issues and focus on what their primary task is: to protect the reality and effectiveness of human rights, and the values of human rights and human dignity, “tolerance, equality, and respect for diversity among the 800 million individuals within its jurisdiction” (Power-Forde 2016).

But in this difficult task assumed by the Court, there is something that it can never forget, and that is that human rights in general, and religious freedom in particular, must never be trivialized, and their instrumentalization to the point of turning them into mere dialectical arguments at the service of alleged social wars or into ideological weapons to be wielded against those who seek to live in common social space in accordance with their conscience, can never be justified.

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## Notes

- <sup>1</sup> See the monographic issue on *Conscientious objection and human life* published by the Spanish Revista General de Derecho Canónico y Derecho Eclesiástico del Estado (57 Revista General de Derecho Canónico y Derecho Eclesiástico del Estado 2021), which includes reports on no less than 8 European countries, as well as on the European Court of Human Rights, with extensive analysis and references on the subject.
- <sup>2</sup> *The Conscience of Europe* is the slogan chosen by the European Court of Human Rights (ECtHR) to celebrate its 50th anniversary. See [https://www.echr.coe.int/Documents/Anni\\_Book\\_content\\_ENG.pdf](https://www.echr.coe.int/Documents/Anni_Book_content_ENG.pdf) (accessed on 12 May 2022). Unless otherwise stated, all online references in this article were accessed for the last time on 20 December 2021.
- <sup>3</sup> *Campbell and Cosans v. the United Kingdom* (app. 7511/76), 25 February 1982, par. 36. More recently, see for all *Bayatyan v. Armenia* (app. 23459/03), 7 July, 2011, par. 110; and *Jakóbski v. Poland* (app. 18429/06), 7 December 2010, par. 44.
- <sup>4</sup> See for all *Eweida v. the United Kingdom* (app. 48420/10), 15 January 2013, par. 81.
- <sup>5</sup> *Kokkinakis v. Greece* (app. 14307/88), 25 May 1993, par. 31.
- <sup>6</sup> *Arrowsmith v. the United Kingdom* (app. 7050/75), 12 October 1978, par. 69.
- <sup>7</sup> *Vavříčka v. the Czech Republic* (app. 47621/13), 8 April 2021, par. 330.
- <sup>8</sup> See for all *Stavropoulos v. Greece* (app. 52484/18), 25 June 2020, par. 44. Emphasis added.
- <sup>9</sup> *Kontakt-Information-Therapie and Hagen v. Austria* (dec. app. 11921/86), 12 October 1988, p. 6.
- <sup>10</sup> *Alexandridis v. Greece* (app. 19516/06), 21 February 2008, par. 38; and *Dimitras v. Greece* (app. 42837/06), 3 June 2010, par. 78.

- 11 *Savda v. Turkey* (app. 42730/05), 12 June 2012, par. 90. Emphasis added.
- 12 *Eweida* (cit. 4), Joint partly dissenting opinion of judges Vučinić and de Gaetano. Emphasis added.
- 13 *Hasan and Chaush v. Bulgaria* G. Ch. (app. 30985/96), 26 October 2000, par. 78.
- 14 *Kontakt-Information-Therapie and Hagen* p. 6; and *Rommelfanger v. the Federal Republic of Germany* (dec. app. 12242/86), 6 September 1989.
- 15 *Eweida* par. 82 *contrario sensu*; *Adyan v. Armenia* (app. 75604/11), 12 October 2017, par. 64; and *Grimmark v. Sweden* (dec. app. 43726/17), 11 February 2020, par. 25.
- 16 *Eweida* par. 80.
- 17 *Open Door and Dublin Well Woman Centre v. Ireland* (app. 14234/88), 29 October 1992.
- 18 *Bayatyan* par. 120.
- 19 *Kokkinakis* par. 31.
- 20 *Bayatyan* par. 126. Also in *Leyla Şahin v. Turkey* (app. 44774/98), 10 November 2005, par. 108.
- 21 *Grandrath v. the Federal Republic of Germany* (app. 2299/64), Report of the European Commission on Human Rights, 12 December 1966. See also the decision by the Committee of Ministers on the case (29 June 1967).
- 22 *Bayatyan* par. 110.
- 23 *Ibid.*, par. 124
- 24 *Ross v. the United Kingdom* (dec. app. 10295/83), 14 October 2010; *C. v. the United Kingdom* (dec. app. 10358/83), 15 December 1983; *B. H. and M. B. v. the United Kingdom* (dec. app. 11991/86), 10 July 1986; and *Bouessel du Borg v. France* (dec. app. 20747/92), 18 February 1993.
- 25 *Kjeldsen, Busk Madsen and Pedersen v. Denmark* (app. 5095/71), 7 December 1976; *Valsamis v. Greece* (app. 21787/93), 18 December 1996; and *Efstathiou v. Greece* (app. 24095/94), 18 December 1996.
- 26 *Eweida*, applicants 3 (Ladele) and 4 (McFarlane).
- 27 Report of the ECsHR, *Brüggemann and Scheuten v. the Federal Republic of Germany* (app. 6959/75), 12 July 1977 (*Brüggemann and Scheuten Report*).
- 28 For a list of countries, see <https://reproductiverights.org/wp-content/uploads/2020/12/European-abortion-law-a-comparative-review.pdf> (accessed on 12 May 2022).
- 29 *Ibid.*, pp. 4 ff.
- 30 Resolution 1607 (2008) 1 of the Parliamentary Assembly of the Council of Europe, Access to safe and legal abortion in Europe, 16 April 2008. Available at <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17638> (accessed on 12 May 2022).
- 31 *K. B. et al. v. Poland* (app. 1819/21); *K. C. et al. v. Poland* (app. 3639/21); and *A. L.- B. et al. v. Poland* (app. 3801/21). All applications refer to a recent decision by the Polish Constitutional Court which has declared incompatible with the Constitution Articles 4a (1) 2 and 4a (2) of the Family Planning Law. These articles refer to the possibility of accessing legal abortion in cases where the fetus has some genetical abnormality. According to the ECtHR's press service, as of July 2021 the Court had received over 1000 similar applications. See [https://www.echr.coe.int/documents/fs\\_reproductive\\_eng.pdf](https://www.echr.coe.int/documents/fs_reproductive_eng.pdf), p. 2. (accessed on 12 May 2022).
- 32 *X. v. Norway* (dec. app. 867/60), 29 May 1961; *X. v. Austria* (dec. app. 7045/75), 10 December 1976; and *Knudsen v. Norway* (dec. app. 11045/84), 8 March 1985.
- 33 *X. v. the United Kingdom* (dec. app. 8416/79), 13 May 1980; *R. H. v. Norway* (dec. app. 17004/90), 19 May 1992; and *Boso v. Italy* (dec. app. 50490/99), 5 September 2002.
- 34 *Open Door and Dublin Well Woman Centre v. Ireland* (cit. 17).
- 35 *Vo v. France* (app. 53924/00), 8 July 2004.
- 36 *Silva Monteiro Martins Ribeiro v. Portugal* (dec. app. 16471/02), 26 October 2004. In a previous case, *Amy v. Belgium* (dec. app. 11684/85), 5 October 1988. Similar, in relation to a Polish gynecologist, *Tokarczyk v. Poland* (dec. app. 51792/99), 31 January 2002.
- 37 *A., B., and C. v. Ireland* (app. 25579/05), 16 December 2010.
- 38 *Ibid.*, par. 214
- 39 *Vo* par. 77.
- 40 *Ibid.*, par. 78.
- 41 *Ibid.*, par. 77 and 82.
- 42 *Ibid.*, par. 84. The judgment recalls how the Council of Europe's 4 April 1997 *Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine*, known as the *Oviedo Convention*, does not define either who are "all human beings" to which the Convention applies according to Article 1.
- 43 *Vo* par. 74–75.



44 Vo par. 78; *R. H.* pp. 8–9; and *Boso* pp. 3–4.

45 Vo par. 85.

46 *X. v. the United Kingdom* par. 17 ff.; and *Vo* par. 77. In the same line, *Open Door and Dublin Well Woman Centre* par. 63, 72–80.

47 Vo par. 77.

48 *Brüggemann and Scheuten v. the Federal Republic of Germany* (dec. app. 6959/75), 19 May 1976.

49 *Ibid.*, p. 105.

50 *Ibid.*, p. 115.

51 *Brüggemann and Scheuten Report* (cit. 27) par. 59 and 61.

52 *Pretty v. the United Kingdom* (app. 2346/02), 29 April 2002, par. 61; *Evans v. the United Kingdom* (app. 6339/05), 10 April 2007, par. 71; and *Tysic v. Poland* (app. 5410/03), 20 March 2007, par. 107.

53 *Tysic* par. 107.

54 *A., B., and C.* par. 213.

55 *Ibid.*, par. 160.

56 The first applicant was already the mother of four children. Because of her continued problems with alcohol, the minors, one of them disabled, were under the guardianship of the State. She also had a history of depression during her first four pregnancies, and at the time of becoming pregnant again she was fighting a new outbreak. During the year prior to the pregnancy, she had managed to remain sober and be in permanent contact with social services to regain custody of her children. The fear that the arrival of a new baby would endanger both her mental health and the possibility of recovering her family, made her decide to travel to England to have an abortion. The second applicant had become pregnant after taking the morning after pill. Lacking the means to support a child at that time in her life, she also decided to travel to the United Kingdom to end her pregnancy (*A., B., and C.*, par. 14 ff.).

57 *Ibid.*, par. 216 ff.

58 *Ibid.*, p. 236.

59 *Tysic* (cit. 52). The Court ruled in favor of the applicant, a Polish woman who, at the time of becoming pregnant with her third child, was suffering from extremely severe myopia. Despite having obtained the opinion of different doctors that pregnancy constituted a severe risk for her eyesight she was unable to obtain the medical certificates required by Polish legislation to end a pregnancy. About six weeks after giving birth, her eyesight deteriorated to the point of being recognized as severely disabled. The claimant alleged a violation of Articles 3 and 8 ECHR. The ECtHR concluded that Polish law did not establish effective mechanisms to determine whether she could access a legal abortion, creating a situation of prolonged uncertainty and offering only compensatory remedies applicable after delivery. A few months prior, *D. v. Ireland* (dec. app. 26499/02), 27 June 2006.

60 *Tysic* par. 113.

61 *Ibid.*, par. 116. Years later, the Fourth section of the ECtHR reached a similar decision in a case about lack of access to the pre-natal tests which would have allowed the applicant to make an informed choice about terminating or not her pregnancy in the terms stated in Polish law. See *R. R. v. Poland* (app. 27617/04), 26 May 2011.

62 *A., B., and C.*, par. 22–25 and 243.

63 *Ibid.*, par. 249 ff.

64 *R. R. v. Poland* (app. 27617/04), May 26, 2011; and *P. and S. v. Poland* (app. 57375/08), 30 October 2012.

65 *Pretty* par. 65.

66 Resolution 1763 (2010) of the Parliamentary Assembly of the Council of Europe The right to conscientious objection in legal medical practice, 7 October 2010.

67 *Eweida* on applicants 3 (*Ladele*) and 4 (*McFarlane*). Also in the healthcare context, the ECtHR inadmitted the claim of a German physician who claimed a deontological conscientious objection to carry out a medical examination to one close female collaborators (*Blumberg v. Germany* (dec. app. 14618/03), 18 March 2008).

68 *Pichon and Sajous v. France* (dec. app. 49853/99), 2 October 2001; *Grimmark* (cit. 15); and *Steen v. Sweden* (dec. app. 62309/17), 11 February 2020.

69 Article 28 ECHR: Competence of Committees—“1. In respect of an application submitted under Article 34, a committee may, by a unanimous vote, (a) declare it inadmissible or strike it out of its list of cases, where such decision can be taken without further examination; or (b) declare it admissible and render at the same time a judgment on the merits, if the underlying question in the case, concerning the interpretation or the application of the Convention or the Protocols thereto, is already the subject of well-established case-law of the Court. 2. Decisions and judgments under paragraph 1 shall be final. 3. If the judge elected in respect of the High Contracting Party concerned is not a member of the committee, the committee may at any stage of the proceedings invite that judge to take the place of one of the members of the committee, having regard to all relevant factors, including whether that Party has contested the application of the procedure under paragraph 1.(b)”.

70 *Grimmark* par. 26; and *Steen* par. 21. Emphasis added.

- 71 *Aydan* par. 67.
- 72 In relation to conscientious objection in non healthcare-related professions which are also heavily regulated, see *Mignot v. France* (dec. app. 37489/97), 21 October 1998.
- 73 See *Skugar v. Russia* (dec. app. 40010/04), 30 December 2009, pp. 7–8.
- 74 See the Report of the Spanish Bioethics Committee on Conscientious objection to medically assisted death of 21 July 2021 Informe del Comité de Bioética de España sobre la objeción de conciencia en relación con la prestación de la ayuda para morir en la Ley Orgánica reguladora de la eutanasia, p. 7. Available at <http://assets.comitedebioetica.es/files/documentacion/Informe%20CBE%20sobre%20la%20Objecion%20de%20Conciencia.pdf> (accessed on 12 May 2022).
- 75 World Medical Association. Declaration on Euthanasia and Physician-assisted Suicide, 13 November 2019. Available at <https://www.wma.net/policies-post/declaration-on-euthanasia-and-physician-assisted-suicide/> (accessed on 12 May 2022).
- 76 Código de deontología médica del Consejo General de Colegios Oficiales de Médicos, July 2011. Available at [https://www.cgcom.es/sites/default/files/codigo\\_deontologia\\_medica.pdf](https://www.cgcom.es/sites/default/files/codigo_deontologia_medica.pdf) (accessed on 12 May 2022).
- 77 *Pretty* (cit. 52).

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