

ORIGINAL ARTICLE

In defence of Mary's consent: a response to Hereth

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Abstract

In this article I defend the possibility of the Virgin Mary's free consent to bear the Son of God at the Annunciation against Blake Hereth's argument that God's offer cannot but be either coercive or deceptive, or both. I argue that the Immaculate Conception does help ensure this possibility, contrary to what Hereth also argues against me.

Keywords: Virgin Mary; consent; Immaculate Conception

Introduction

In this article I respond to Blake Hereth's attempt to show that the Blessed Virgin Mary cannot render her fully informed and voluntary consent at the Annunciation,¹ under broadly orthodox Christian (and, to an extent, Islamic) assumptions about Christology. I hold that the doctrine of the Immaculate Conception (whose deployment Hereth attacks), together with other Mariological truths that I and a range of traditional Christian sources hold, can provide a defence against Hereth's attack on Mary's virginal consent, and I aim to provide that defence here.

I should note that I intend to use the term 'defence' in the sense in which it is often used in philosophy of religion circles. This is the sense in which Alvin Plantinga has used it in his widely known 'Free-Will Defence' in which his goal is not to show what God's reason is for allowing evils, but to explain a story of what God's reason for allowing evils 'might possibly be' (Plantinga (1974), 28, italics original). Thus, my goal is not to provide an independent explanation for how Mary, the first-century Palestinian, *in fact* rendered her informed consent at the Annunciation. Rather, I will sketch a view of Mary and her moral psychology, which I think and will show is consistent with the biblical data, on which her voluntary informed consent is *possible*. However, I will not detain myself much on the current state of biblical scholarship and ancient near eastern studies. My purpose is philosophically theological and, it seems to me, so is Hereth's. I will utilize interpretative traditions with wide currency in the patristic and scholastic ages and the Catholic tradition. While I think that these interpretative traditions can be supplied with arguments for their plausibility, I will not provide those arguments here. Once Hereth and I have some sense of the moral psychological and agential conditions for free consent and whether it is possible in the case of Mary, I think our work as philosophers will be done. On the other hand, the question of whether, say, St Augustine, St Thomas Aquinas, or indeed the teaching tradition of the Catholic Church accurately

interpret the first-century Palestinian experience will occasion a familiar fracas and will be safely left to other journals or authors.

To help get us started, I will set forth the relevant doctrinal definitions Hereth accepts and record my general agreement with them, unless otherwise flagged in the following. Hereth provides the following definitions:

VIRGIN BIRTH: God asexually impregnated the Virgin Mary with Jesus.

VIRGIN CONSENT: God's asexual impregnation of the Virgin Mary with Jesus was consensual for Mary, God, and any other parties whose consent was necessary for all-things-considered permissibility.

DIVINE GOODNESS: God's actions are never all-things-considered impermissible (Hereth (2021), 2).

IMMACULATE CONCEPTION: God miraculously preserved the Virgin Mary from the scourge of Original Sin, preventing disordered desires/inclinations and ensuring she cannot be frightened into action by God [where fear would, in such a case, undermine the agent's free consent] (*ibid.*, 17).

Unless otherwise noted, I find these definitions minimally correct and so I will not contest them. By 'minimally correct' I mean only that I regard what is asserted in these definitions as correct but that there may be relevant additions to the doctrines from Scripture or Tradition that I would supply and that I think may help answer Hereth's charges.

Beliefs of Mary according to Hereth

Hereth gives an admittedly speculative but nevertheless thoughtful retracing of what Mary's beliefs might have been in her first-century Palestinian experience, labelling them B1–B10. I wish to highlight a few of them, namely:

(B5) I am [i.e., Mary is] morally obligated to remain sexually/reproductively faithful to Joseph,

(B6) Humans ought not to procreate with spiritual beings,
and

(B9) Any child I bear will be (merely) human/I will not be God's parent (see *ibid.*, 3–5).

I will discuss each of these below.

(B9) claims that Mary believes her child will be merely human. Appealing to the biblical scholarship of Marianne Meye Thompson, Hereth claims that first-century Jews would have regarded God as the father of Israel in a 'literal' way (*ibid.*, 5). Accordingly, such Jews would have regarded 'the notion of any Jew being God's parent, especially when conceiving of God as *their* parent' to be 'absurd' (*ibid.*, italics original). The trouble is that these types of reservations are part and parcel of what makes Mary's astonishment at the Annunciation comprehensible. In addition, it seems to me that we must put to one side the question of whether Mary believes that God's fatherhood of Israel is 'literal' in a flat-footed genetic sense, since the claim is obviously in tension with Hereth's no doubt more fundamental claim that Mary believes that God is a *spiritual* being in their² B7 (*ibid.*, 4). But let us consider the text.

In Luke 1:31–33, the angel Gabriel exclaims to Mary:

Behold, you will conceive in your womb and bear a son, and you shall name him Jesus. He will be great and will be called Son of the Most High, and the Lord God will give him the throne of David his father, and he will rule over the house of Jacob forever, and of his kingdom there will be no end.

On Hereth's reading, Mary believes at this point that she will give birth to a merely human Davidic Messiah who will take his place forever on the throne of Israel (never mind the obvious and expected hyperbole about a remote descendent of David's living forever as earthly king, which even David's *dynasty* – which was interrupted by exile – didn't do). One natural way to supplement Hereth's set of Marian beliefs (though one they do not give) at this point would be for Mary to believe, upon receipt of this information, that the plan is for her to become pregnant in the normal way, presumably by Joseph. Up to this point, and on its face, Hereth's reading works fine.

Hereth's reading, however, does not fare as well in the ensuing exchange. Mary first responds by saying 'How can this be, since I have no relations with a man?' (Luke 1:34).³ Much is bundled into this brief response, and to understand it, we need to consider Hereth's (B5). But before we even get to (B5), why is Mary *surprised*? Of course, bearing the Davidic Messiah would be surprising, but that's not what Mary finds strange, since she appears to offer her *virginity* as the reason for her surprise. But that is simply not a reason to be surprised about bearing the Davidic Messiah. It's a reason to be surprised about bearing *anyone at all*. (B5) claims that Mary believes that she is 'morally obligated to remain sexually/reproductively faithful to Joseph'. While I would agree that her fidelity is clearly pledged in Mary's and Joseph's betrothal, the pair's commitment to a life of sexual intimacy is another question.

In the patristic and scholastic ages it was a common belief that Mary made a vow of virginity. As Augustine writes,

she was already dedicated to God, before he [i.e., Jesus] was conceived. This is implied by the words of Mary's answer to the angel who brought her the message that she would bear a child. *How is that to be*, she said, *since I know not man?* (Lk 1:34). She surely would not have said this, if she had not already made a vow consecrating herself to God as a virgin.⁴

The idea here is that Mary's surprise at the promise the angel gives that she will conceive and bear a son is confusing without some kind of prior resolve of virginity.⁵ For, consider that it is entirely ordinary that Mary would bear a son in the future through intercourse as a married woman. In that context ordinary sexual relations are assumed. But take away that assumption and things make more sense. If Mary is assuming that she will remain a virgin, then she will be surprised, for she will not be anticipating a consummation of her marriage to Joseph.

But why would a woman who had vowed virginity ever have contracted a marriage to Joseph in the first place? St Thomas Aquinas argues that Mary took a vow of virginity prior to her betrothal to Joseph, but that she did so at first 'under the condition that it were pleasing to God'.⁶ Later, he argues, she made the vow absolute, sometime before the Annunciation, and by 'common consent' with Joseph.⁷ Thus, the situation was perhaps that Mary wished to remain a virgin, but only resolved to do so if it pleased God. Then, doubtless with the help of her parents, she contracted a marriage to Joseph, whom Scripture calls a 'just man' (Matthew 1:19). Perhaps at first this seemed to be an indication that it was in fact not God's will that she should remain a virgin, since she had a worthy spouse in the waiting. But, we might also imagine that, over time, and perhaps after her betrothal to Joseph (but prior to the Annunciation),⁸ she confided in him that she had long desired to remain a virgin, after the pattern discussed in Numbers 30.⁹ Joseph, then, rather than dismissing this desire, consented to it, and they themselves made this vow together as an absolute vow.¹⁰ In *that* context, Mary's confusion about the promise that she would bear a son makes sense precisely because, habitually, and in the present tense, 'I [i.e., Mary] do not know [γινώσκω] man'.¹¹

Now, in response to Mary's reply to Gabriel that this pregnancy would be out of joint with her pledged state of virginity, Gabriel explains to her that the pregnancy will be extraordinary and be effected by the 'holy Spirit' in such a way that it will not contravene her pledged state of virginity in the sense that it would not require her to be sexually intimate with Joseph or any other man. Moreover, precisely because the pregnancy will be effected by the holy Spirit, 'therefore [δὴ] the child to be born will be called holy, the Son of God'.¹² Why would this child be called the Son of God? Well, because God is on the other end of this reproductive partnership.¹³ That appears to be how Jesus himself understands his own paternity in Luke 2:49, reversing Mary's somewhat imprecise claim that Joseph was his father, to claim that he would be in his *Father's* house, which is to say God's temple. Indeed, this comes to us from the same (Lucan) author just a chapter later.

Thus, notwithstanding Hereth's speculative reconstruction of Mary's moral psychology, the text itself tells us that Mary acquiesces precisely to a reproductive partnership with the holy Spirit of God. This is in tension with Hereth's claim in (B9) that Mary would believe her child would be *merely* human.¹⁴ By contrast, even miraculous, post-menopausal conceptions from the Hebrew Bible (or that of Mary's relative Elizabeth) do not suggest God is a reproductive partner in lieu of a man. Moreover, angelic messengers in those other contexts do not say that it is precisely *because* of this relationship that the child would be called the Son of God.

Much in Hereth's argument depends on the claim (in B6) that Mary would have believed it impermissible to procreate, not only with the Watchers of the pseudepigraphical Enoch texts, but also *with God* (Hereth (2021), 4). However, Hereth never gives an argument for the latter claim.¹⁵ Moreover, Hereth needs to decide between the claim that Mary would have regarded procreation with God as 'impermissible' or 'absurd' (see *ibid.*, 4–5). If one believes the latter, one seldom bothers formulating one's beliefs about the former. No one says 'I hold that one should not make liquid wine bottles', for instance. But even if Mary applies all of the pseudepigraphical reservations Hereth imagines for her about procreating with spiritual beings not merely to wayward angels but to the spirit of God himself, we also need to remember that she would have been at least as familiar with Genesis 22, in which God commands Abraham to sacrifice his son. So, again, even if (and I think this is a harder case to make than Hereth suggests) Mary believes that procreating with God himself would be as problematic as procreating with the Watchers of the Enoch texts, surely she cannot believe it is any *more* problematic than sacrificing one's son as a burnt offering.

In correspondence Hereth has suggested that this is to stretch even further. Wouldn't it be a big conceptual haul for a young woman in first-century Palestine to raise such possibilities or to compare her faith with Abraham's?¹⁶ I'm not so sure. First, as I will go on to discuss in the next section, Mary's spiritual state could be quite advanced. Second, as long as we allow Mary the background spiritual disposition to yield every sphere to God's sovereignty (a disposition for which we can find ample commendation in the Hebrew Bible), Mary's mindset, *even granting Hereth's beliefs for her*, is not all that hard to imagine. I suggest it was something like the following (though presumably not explicit in this way):

as far as I can tell, God is the sort of being whose nature is such that he cannot consort with me as a reproductive partner. As far as I can tell, all humans born of women¹⁷ are merely human. But then God's got a better angle on all of this. So I believe, at time t , and other things being equal, that I won't be a reproductive partner with God. And I believe, at time t , and other things being equal, that any child I would bear would be merely human. But now, at the Annunciation (time $t + n$), God is telling me that other things aren't equal. What a surprise! I guess I'd better trust God (who is after all the maker of the heavens and the earth, with whom I've had an intimate spiritual relationship since I can remember).

As far as I can tell, such reasoning would have been the kind of thing one might expect of a saintly young woman raised in an awareness of her ancient Israelite heritage. But this just means that the moral psychological possibilities for God asking her to bear his Son (based even on much of Hereth's reading of her belief set) are open. What, then, about Hereth's arguments regarding the standards for voluntary informed consent?

Marian coercion?

Before discussing Hereth's views on the nature of consent and whether they succeed in casting doubt on the possibility of Mary's consent at the Annunciation, I want to reflect briefly on the way one tradition, the Catholic tradition, considers Mary's spirituality. Mary, like anyone, would have to be in some spiritual position or other upon receipt of Gabriel's message. Hereth herself attributes to her a 'profound moral character' (Hereth (2021), 7). While certainly moral and spiritual characters are distinct, it is hard to imagine that the former doesn't have some bearing on the latter. But if Hereth's argument is to work, it will need to work against the picture of Mary I offer elsewhere,¹⁸ the picture Hereth attacks at the end of their article. That picture is an explicitly Catholic picture on which Mary has been immaculately conceived (and has persisted in a sinless state) precisely for the purpose of rendering her full and untrammelled consent to God's offer at the Annunciation. I will assume something like this picture in the following. What might we expect the spirituality of a person like that to be?

The Catholic tradition has not been silent on this point. For example, consider Hans Urs von Balthasar, who writes of Mary that 'nobody else has laid his entire soul so bare before God, and this not just from time to time but at every moment of her existence' (Balthasar (1987), 41). Vatican II's *Lumen Gentium* attributed to Mary an 'entirely unique holiness' (Catholic Church (1964), §56). Pope St John Paul II wrote, freely glossing Vatican II, that, at the Annunciation, 'Mary entrusted herself to God completely, with the "full submission of intellect and will" . . . [and her] response of faith included both perfect cooperation with "the grace of God that precedes and assists" and perfect openness to the action of the Holy Spirit' (John Paul II (1988), §13, p. 67).

Now it's also important to keep in mind that, while Mary needs to have some spiritual state or other, it is not important that she be *aware* of her spiritual state in some kind of reflective way. That is, it is not important that Mary think to herself 'I have been immaculately conceived for just this moment. I am unimpeded by any disordered desires and, precisely because of this, I am perfectly open to doing God's will.' Rather, she will just *be* open to doing God's will, rather than always thematizing that fact to herself. Consider Balthasar (1987, 70) again here:

It is only the sinner who twists himself back onto his ego: the person who is sinless (the only one there is) does not know this backward glance but looks steadfastly forward at what is good, and 'no one is good but God alone' (Mk 10:18). It is precisely this lack of knowledge about her own sinlessness that makes Mary the 'seat of wisdom.'

For my part, I think Balthasar may overplay his hand here. Doubtless a sinless Mary, as an observant Jew, would have celebrated Yom Kippur and, upon reflection, turned up nothing for which to atone. But nothing prevents her from having a humble, quiet, awareness of the fact that something was unique about her own case.

Still, Mary does not need to be *aware* of, say, her Immaculate Conception. Nor does she need to be able to pen a treatise about the mystic union with God she enjoys. Her first-century Jewish faith and education (or lack thereof) would not supply her with the words

or concepts that will later be developed in the mystical tradition for her spiritual state, *but that does not mean she is not in it*. What is important is her spiritual status here, not that she has the conceptual apparatus to describe it, from a cultural or theological standpoint. Thus, if I hold that St John of the Cross, say, is roughly right about the spiritual life, then I will hold that a sinless Mary will conform roughly to that vision, regardless of the fact that no first-century Jew would have put it the way St John does.¹⁹ Why explain all of this? Because most of Hereth's arguments about consent and its erosion presuppose a context in which Mary's will, delight, and desire are already *not* one with God's. That is, Hereth's arguments against consent make sense exactly, but *only*, against the kind of psychological and spiritual state for Mary that I, and, on my reading, much of the Catholic tradition, reject.

To see this, let us discuss Hereth's arguments that Mary would have been *coerced*. Hereth offers three considerations here. They consider Mary's putative consent under the heading of incentivized offers, power differentials, and moral coercion (Hereth (2021), 5–13). In considering the question of incentivized offers, Hereth argues that Mary's impregnation with the Messiah represents a highly incentivized offer, both for her and for her people (*ibid.*, 7). This is because she, along with her people, strongly desire a liberator of the sort they understand the Davidic Messiah to be. But how would a sinless person receive this offer to be impregnated by God? Would she receive it as a negative; as the 'price' of doing business with God (*ibid.*)? Or would a sinless person accept 'the loss of all things and . . . consider them so much rubbish, that [she] may gain Christ'?²⁰

In discussing the result of a sinful person's ascent to God, St John of the Cross tells us that the union of likeness to God 'exists when God's will and the soul's are in conformity, so that nothing in the one is repugnant to the other . . . it rests transformed in God through love . . . it is God by participation' (John of the Cross (1973), *Ascent of Mount Carmel*, §§2.5.3 and 2.5.7, pp. 116 and 117, italics mine). How much more will this be true in Mary's case, when she, as the Catholic tradition claims, never had any sins, consequences thereof, or disordered inclinations to purge? As Balthasar claims in the passage that forms the epigraph for my original article, she is characterized by a 'guileless openness to every disposition of God' (Balthasar and Ratzinger (2005), 105). In Mary's case, her union would be so advanced that Mary would not even consider this an incentivized transaction between two separate agents, in which the interests of one are different from the other. Rather, she would consider it her own vocation as much as God's entreaty.

Next, we should consider Hereth's second case, that of power differentials. Here it is important to note that the relationship that obtains between God and the self in the spiritual tradition, *when the self is redeemed and purged of its attachment to creatures*, is simply not the same relationship that obtains between a human coercer and a human coercee, or even between one separate finite agent and another. Hereth (2021, 10) gives five cases in which power differentials do not necessarily undermine consent. The third is worth some discussion. There Hereth claims that if the disparity in power is consensual, then consent is not undermined. Hereth claims that this does not help, though, because 'it makes little sense to think of Mary as "consenting" to God's power over her, since *an omnipotent God would exist irrespective of Mary's wishes*' (*ibid.*, 10, italics original).

We happily grant the premise, but it makes things sound as if God's *existence* is the threat to consent. But it is not God's existence that is the threat to consent;²¹ it is the fact that God's will stands over against Mary's, exerting pressure on her to do something about which she would otherwise have misgivings. Yet if Mary cooperates with God's grace to find her happiness in doing God's will, she will not find that pressure is actually being exerted.²² Fallen agents have to render their consent to cooperate with God's grace (at least initially) at a discrete moment. It's called conversion. But the point of the Immaculate Conception is that Mary never has to opt *in* to this cooperative arrangement.

In effect, God's existence is a problem for power differentials only if the doctrines of the Immaculate Conception and deification are false.²³ Since I believe them to be true, I see no reason for an immaculate and exceedingly graced woman to worry about the power differential between her and God.

In correspondence Hereth has worried to me that the Immaculate Conception, if designed to clear obstacles to Mary's consent, amounts to 'metaphysical grooming' of the sort a sexual predator might employ on his prey. It's quite possible that there may be more fundamental disagreements about the nature of God's relationship to humanity lurking in the background here. I say this because where Hereth sees 'metaphysical grooming' I see creation. What I mean by this is that, on any Aristotelian or Thomistic picture of happiness, creatures do not and cannot choose to refrain from desiring happiness. But for a Thomist, perfect happiness simply is the creature's participation in God.²⁴ As I put it in my original article, 'a paradox of freedom for Christians is that, since God is a person's blessedness, the enhancing of freedom just is an increasing openness to God . . . [and] if one were to enhance freedom, one would hardly introduce disordered inclinations into a person's soul so as to distort her real preferences' (Mulder (2012), 131). Thus, because of original sin, most of us are walking around with distorted preferences. But if Mary is immaculately conceived she is not doing that. Her preferences are not 'groomed' to fit those of God, conceived here as some kind of stalker. Rather she is rescued from her distorted preferences that the rest of us still struggle to overcome before she ever has any; her preferences are *corrected* so that they are more, and most, authentically hers.

Hereth's last concern about Mary's voluntariness has to do with possible moral coercion (Hereth (2021), 10–13). Hereth here uses a case of Hal and Vera, where Hal, Vera's supervisor, offers to give her a coveted work assignment, one that she considers preferable to the one she has already been given, on condition that she have sex with him (12). Hereth argues that, even if Vera wanted to consent to this offer, she really cannot. Hal is abusing his power by attempting to usurp control over Vera's sexuality standards, and she can no longer autonomously exercise her consent apart from that attempt. Since it seems nothing much is lost by changing the desired encounter with Vera to be one of asexual impregnation rather than sexual intercourse, Hereth argues that Mary, too, is coerced. They write:

Like Vera, Mary has a self-formed moral identity. Her commitments include sexual and reproductive fidelity to Joseph (B5) and strong opposition to procreating with spiritual beings (B6), of whom God is one (B7). Yet God's offer to impregnate Mary asks her to *violate* these commitments: to be unfaithful to Joseph or to mix human and spiritual seed . . . So, *as the moral agent she is*, Mary cannot comply with God's request . . . Nor can she reject it, however, as she is committed to obeying God's commands. (*ibid.*, 13)

Again, we must note that a sinless Mary will not find divine offers to participate in her ultimate good, towards which she is eminently disposed, to be coercive. But ignoring that consideration for the moment, let us also reflect that it is precisely to assure her that her virginity (which we will read in for the broader notions of sexual integrity and fidelity Hereth is concerned about) will *not* be compromised that the angel tells her that the holy Spirit will overshadow her and that *therefore* the child will be called the Son of God. It is, after all, part of Hereth's VIRGIN BIRTH definition that this encounter is *asexual*.

For Mary to be so assured, all she must believe is that the God in whom her sinless soul trusts can preserve her virginity (and sexual integrity) while impregnating her with a

child she deeply longs to bear. Moreover, as evidence of God's remarkable ability to do such humanly impossible things, Gabriel tells her that her hitherto childless and post-menopausal relative Elizabeth is six months along with her own pregnancy. While, for Christological reasons, the Annunciation is an entirely unique episode, the idea of God's doing humanly impossible things and even offering to furnish evidence that it is really God proposing to do them is a standard biblical trope.²⁵ Accordingly, try as we might to reconstruct Mary's moral psychology in the light of recent scholarly innovations, the text itself tells us that the angel means to assure her that (B5) will not be an issue. Moreover, I have already argued that the conjunction of (B6) and (B7) is not as clear an obstacle as Hereth suggests.

Marian deception?

Now we can discuss Hereth's arguments that Mary's consent could not have been *informed*. First of all, I have no truck at all with Hereth's claim that the Annunciation will require Mary's consent, at least in the sense that only a consensual encounter will satisfy God's desires (see Hereth (2021), 13–14). Thus, I agree that God *would not* deceive Mary, given that doing so would undermine her consent. Hereth begins this section by reflecting that Jesus' short life and brutal murder would have been the kind of thing that might have caused Mary to reject God's offer or to consider it at more length (*ibid.*, 14). Moreover, Hereth argues that, even if God knew that the counterfactual *Mary would consent even if I (i.e. God) told her that Jesus will die a horrible death*, it would be wrong not to disclose this to her, as failure to disclose such reasonably relevant information inhibits consent in other analogous cases, even if the other party would have consented upon delivery of such information (*ibid.*, 14–17).

In response, I think the issue hangs considerably upon the fact that God's agency is relevantly disanalogous to such questions of human-to-human consent. While consent is necessary, I think cases involving God are cases in which the relevant standards for consent are simply different. Hereth claims that God never informs Mary (a) that her child will be divine, (b) that God has a triune nature, and (c) that the destiny of her son is to be brutally tortured and murdered (*ibid.*, 17). We have seen reason to doubt the claim that God never informs Mary that her son will be divine. Hereth also claims, without argument, that Christians believe that God's triune nature is 'central to understanding God's moral nature and purpose' (*ibid.*), but they offer no argument for how it is relevant to *this* question.²⁶ So, by process of elimination, Hereth's case here appears to hang on whether God could have failed to disclose that Jesus' destiny was to be brutally tortured and murdered.

Now the first thing to notice is that, of course, Jesus' destiny is not fully captured by his brutal torture and murder. Rather, for Christians, Christ's humiliation and death are central to the redemptive story that culminates in Jesus' resurrection and ascension to rule at the right hand of God the Father (as the creeds have it). Certainly, we needn't get into an overly detailed story of the atonement at this point. But Mary's consent is not simply to bear a son. It is to bear a son who will sit on the throne of David and rule over an everlasting kingdom.

Probably all prospective parents entertain certain hopes for their children. Some wish for a steady job, a stable family, a high degree of 'happiness', and any number of other things. But I know that some people of faith have a rank-ordering of such hopes. For my part, while I hope that my children have those other things, I most dearly hope my children maintain a deep Christian faith. I hope they do so at any cost whatever. In this respect, I find the mother of 2 Maccabees 7 to be, as the text says, 'most admirable and worthy of everlasting remembrance'. She watched six of her seven sons bravely suffer

torture and death. When she had a chance to advise her seventh son before he succumbed to his own martyrdom, she said:

Son, *have pity on me*, who carried you in my womb for nine months, nursed you for three years, brought you up, educated and supported you to your present age . . . Do not be afraid of this executioner, but be worthy of your brothers and accept death, so that in the time of mercy I may receive you again with your brothers. (2 Maccabees 7:27–29)

While other parents might ask their children to have pity on them by *not* undergoing torture and death (here one thinks of the father in the martyrdom narrative of St Perpetua), this mother asked her son to have pity on her precisely by suffering martyrdom for the sake of his faith.

The point of my invoking this story is that it seems to me that Mary would plausibly have had similar hopes for any prospective child she may or may not bear. Indeed, she might prize martyrdom as the kind of life that, notwithstanding its sufferings, redounds to the child's eternal glory.²⁷ Note the form that such hopes might take. They would be hopes that any child Mary may or may not bear would maintain their faith come what may. Indeed, such hopes would regard any additional fate as acceptable so long as, in God's providence, the child would maintain faith unto death 'so that in the time of mercy [Mary might] receive' this child again. Now if Mary were to regard any earthly events in the life of Jesus as acceptable when in receipt of a prophecy that he would finally reign forever as God's own Son, then I think we have grounds to challenge Hereth's claims.

Hereth writes that God's 'failure to disclose such facts [as Jesus' gruesome death] undermines Mary's informed consent even if Mary would have accepted had she known them' (Hereth (2021), 17). On the face of it, we are still stuck in the same problem, because, for all we know, this was not disclosed to Mary at the Annunciation. But I think this is too quick. If Mary has, in prayer, made clear to God her hopes for any future children and her priorities for their destiny, then it is quite imaginable that she consents under the blanket conditions she has already confided to God. Hereth's first response will be that, even if God knows that Mary *would* say yes, God still needs to disclose it. Here I think this is just false in the case of God. For consider that there will always be one more torturous event that one could undergo in one's life. If God had told Mary about the Crucifixion but not the Scourging at the Pillar, would Mary's consent to the former have been enough? What about the Crowning with Thorns, or the humiliation of having to carry one's own cross? Come to think of it, what about Jesus' being tempted in the desert by Satan? It is not plausible that every ignominious or even undesirable event that Jesus might undergo would need to be disclosed explicitly. Mary's general agreement would suffice.

But, just so, Mary's general desire for the faith and ultimate glory of her Son, at the expense of any earthly travails, could very easily be confided to God in prayer and renewed at the time of the Annunciation. Moreover, demands for things to be explicit that would be necessary in the case of human–human interactions look strange when it comes to divine–human interactions. Humans need verbal consent to eliminate ambiguity so that a human party can verify the other's desire.²⁸ God, however, doesn't need Mary verbally to repeat her oft-disclosed priorities for the fate of her child if he is just as clear as she is that they remain in force. Mary's general willingness to tolerate even her Son's Passion is confided and, for our purposes, expressed to God in prayer.

Now I've also argued that Mary took a vow of virginity. But this is not hard to reconcile with Mary's priorities for her possible child. For if the Thomistic story I have told is roughly correct, Mary would have been betrothed to Joseph before confirming her vow

of virginity with him. This means that she probably began to contemplate future children upon this betrothal. Perhaps it became clear to her that virginity remained God's will for her, though, and she sought Joseph's consent for a virginal life (again, after the pattern of Numbers 30). But perhaps she had, by then, grown wistful about the possibility of children and saw this as one of the sacrifices of her virginal state until, that is, Gabriel comes along and offers her the hitherto undreamt-of possibility of virginal motherhood.²⁹

In this section I have argued that Hereth's claims that Mary could not have possessed all the relevant information to consent to God's offer to bear his Son at the Annunciation do not succeed. Hereth's claim that Mary would have needed to be aware of the future earthly fate of her Son while consenting at the Annunciation is false. Not only would Mary plausibly value her Son's prophesied eternal fate over any earthly fate, but because of this, she would not have needed an exhaustive list of her son's earthly sufferings. Moreover, Hereth's assumption again imagines that the rules for human-human interactions in regard to consent must be the same as in divine-human interactions. This is false, and its falsity adversely affects the success of Hereth's argument.

Hereth's arguments against my view of the Immaculate Conception

Hereth rounds out their article with a consideration of my earlier work on how the doctrine of the Immaculate Conception bears on the issue of Marian consent. But Hereth appears to misunderstand aspects of my treatment. For example, Hereth claims that I make the faulty assumption that 'psychological pressure must accompany a request to render [a] threat coercive' (Hereth (2021), 17). But in fact, I never make the claim that psychological pressure is a *necessary* condition for coercion or for a threat, so Hereth's two suggested counterexamples³⁰ miss their mark. Rather, my initial article is designed to show that any psychological pressure exerted on Mary would be a *sufficient* condition for coercion. So, explaining that coercion can exist without psychological pressure and without threats is neither here nor there as far as my earlier argument is concerned.

Hereth next alleges that:

Mulder's assumption that psychological pressure is necessarily removed by the prevention of Original Sin is also false: those without Original Sin will have rightly ordered preferences and thus be *ever more* motivated by the Right and the Good. This pressure, at least when conjoined with the coercer radically truncating morally permissible courses of action, is sufficient for moral coercion. (*ibid.*, 18)

To be honest, I'm not sure exactly what the argument is here. I do hold that the *relevant kind* of psychological pressure would be absent if original sin and its consequences (such as concupiscence) were removed. Indeed, as I have noted earlier, I also hold that the removal of disordered inclinations would make Mary perfectly disposed to do God's will, in which she finds her deepest happiness and delight. Since I am approaching these matters from a eudaimonistic framework, to make a hard distinction between the Right and the Good and God (in which every creature finds its highest good) and the doing of God's will (which will always correctly indicate a creature's duty) is unnecessary. So what exactly is the problem with God clearly indicating to Mary the Right and the Good when she has the cognitive faculties to appreciate it as the Right and the Good and the spiritual standing to delight in it? Plenty of us theists are in the position where we'd very much like to know what God's will is and how to get ourselves in a position to delight in it. Mary wasn't like us in that respect, but unlike Eve (who, tradition tells us, had a comparable – though not identical – moral and spiritual standing to that of Mary),³¹ Mary did the right and good thing and we, or so Christians claim, are the beneficiaries.

Hereth's final response has to do with whether, in my imagined scenario of an immaculately conceived Mary, God 'metaphysically 'conditions'' Mary too much to allow room for her libertarian freedom (*ibid.*, 19). While Hereth notes that, in my proposal, Mary retains her ability to do otherwise, they liken an immaculately conceived Mary to adults who had been conditioned in preschool to turn out in a given way. If the conditioning were quite severe, we might hesitate to attribute to such adults the full responsibility for their own actions, even if there is *some* responsibility. Hereth contends that my view of Mary falls prey to a similar concern for two reasons. First, they argue that, if Mary's ability to do otherwise is sufficient for moral responsibility, then it should be sufficient in the case of the 'preschool-manipulated adults' (*ibid.*). Since the latter seems implausible, the former should, too. Hereth's second concern is that Mary and God do not consent to *the same extent*, as Hereth argues the two should do if this were a case of normatively significant consent. Hereth writes that Mary's

consent is less normatively robust than God's, since God bears more causal responsibility for the facts that (a) Mary desires to P, (b) Mary's desire that P is uninhibited by Original Sin, and (c) Mary chooses to P . . . By implication, Mary's consent is, to a non-trivial extent, normatively weaker than God's: whereas the normative scope of God's consent for Mary to receive his seed is exhaustive, the normative scope of Mary's consent to receive God's seed isn't. But normatively weaker consent is the moral equivalent of partial non-consent, which is wrong. (*ibid.*)

Thus, Hereth argues that the extent of Mary's and God's consent is lopsided in favour of God's consent, and this shouldn't be if Mary is to give her fully free consent.

Let us respond to both of these contentions in turn. The first argues that if Mary's consent is sufficient for moral responsibility, then the 'preschool-manipulated adults' are also morally responsible. But, says Hereth, shouldn't it go the other way around? Here again I want to insist on a disanalogy between divine-human interactions and human-human interactions. All humans are influenced in very broad strokes by their cultural context, history, and so forth. However, we tend to recognize that certain forms of intentional 'conditioning' are more malicious precisely because they try to undermine the relevant agent's autonomy. When I raise my children, I try to form them in the faith I hold. I try to give them explanations for why I hold what I do and why I think it is true, good, and beautiful. But I certainly don't want to undermine their autonomy. Quite the contrary. I want them to be able to exercise their autonomy, even to reject the faith I hold, precisely *because* when they are adults they will have been given the resources to consider it. I don't see my case as one of manipulating my children, though I've certainly been doing what I've described – unrepentantly – since their preschool days.

The point of this example is to say that we reasonably make a distinction between things like faith formation in children and manipulative conditioning that stifles children's own thought and development. What will the former look like? It seems to me that it will transmit an awareness of the creaturely conditions we're operating under, a sense of who God is thought to be, along with a desire to clear artificial (i.e. human-made) obstacles to the free use of one's autonomy. But here it is important to remember that the doctrine of original sin holds that human-made (or at any rate, creature-made)³² obstacles to the use of our autonomous choice are the *only ones there are*. The fact that we operate under creaturely conditions in which our highest good is God does not mean that when our eyes are made clear to see this fact we are somehow for this reason *less* free. When humans chose to sin and the predicament of original sin began, we chose ourselves, 'over and against God, against the requirements of [our] creaturely status and therefore against [our] own good' (Catholic Church (1997), §398). Accordingly, post-fall human

beings are pointed away from their own good in a way that has *already* manipulated us to think that our good consists in something other than God. Thus, to be reoriented towards our true good is to be *more* free, not less. The fact that the consent literature tends not to consider divine–human interactions with a view towards our spiritual destiny is not as much of a problem with the consent literature as it is a problem with the supposition that we could expect it to function in a way it was never designed to do.

Hereth's final suggestion, recall, is that God's causal contribution to Mary's consent is lopsided when one considers Mary's contribution. Part of this, of course, will get into the notoriously knotty territory of primary and secondary causes in regard to how God and creatures concur in creaturely free action (see for example, Quinn (1988)). But, assuming that Hereth doesn't want their claims on Marian consent to hang on a controversial position on that issue, let's try to consider Hereth's work aside from that. Theologically, we might start by remembering that (in the Catholic tradition) Mary is redeemed, only in a more sublime manner than the rest of us. Thus, she, like all the rest of us, can merit nothing for the purposes of salvation, on our own. Rather, God's first movement towards our redemption, the 'first grace', as Aquinas puts it, is gratuitous, and *in this respect*, 'all merit is repugnant to grace'.³³ But this just means that the fact that we have been, if we have been, properly oriented towards our highest good is not something for which we are worthy of praise. *Within* the scope of grace, we can utilize the gifts given to us and the virtues we are given the ability to develop and this can redound to our merit, but only within the scope of this gratuitous gift.³⁴ This simply means that all of creation is, broadly, in the same predicament with Mary here, from the point of view of the Catholic tradition I reference. Our 'freedom' amounts precisely to finding our happiness in God or rebelling against doing so. That is what I meant in earlier work, and what Milton meant, when the latter noted that Satan preferred reigning in hell to serving in heaven.³⁵

One might find this is a narrow set of options, but that is deeply biblical. For St Paul tells us that 'you are slaves of the one you obey, either of sin, which leads to death, or of obedience, which leads to righteousness'.³⁶ Or, as Bob Dylan (in his brief Christian phase) famously reminded us, 'you're gonna have to serve somebody'.³⁷ When Christians consider all that we hold God does for us, our contribution will seem quite small. Our praiseworthiness has only a thin sliver within which to operate given the scope of God's massive grace. On the other hand, our blameworthiness, since it requires consistent rebellion against God to fashion our hell in which to reign, is of our own making.³⁸ This seems impossible when we're talking about human–human interactions and the reason it seems that way is because it is. We share a world with others and we're not their creatures, but, on the sort of Christian view Hereth attacks, we are God's creatures and we live in God's world. This means that, when things are going well, we are pointed towards our ultimate good, namely, God, and our agency is thereby enhanced and restored. God has made more of a contribution to that than has Mary, God's creature. But in the Annunciation, she does her part, as Eve did not. Thus, it is not an objection that Mary's positive consent is a smaller contribution than God's; this is precisely what Christians should expect.

Conclusion

In this article I have argued that Mary's consent is possible at the Annunciation, in response to Hereth's contentions to the contrary. Additionally, I am concerned that aspects of Hereth's views on Mary's moral psychology at the time of the Annunciation misrepresent the biblical narrative. While, as a philosopher, I do not venture to claim that my view is the only way to interpret the biblical text or Mary's ancient near eastern milieu, I offer a more traditional and Catholic understanding as a *defence* (in Plantinga's

sense) of Marian consent. This helps us to see that Mary needn't have held every belief Hereth ascribes to her.

I next argued that Hereth's attack on Marian consent, suggesting as it does that Mary must have been coerced due to incentivizing offers, power differentials, and moral coercion, misconstrues the divine-human relationship. This is especially true in a context where, *ex hypothesi*, Mary is free from original sin and its consequences (notably concupiscence). To suggest that Mary is deceived or has reasonably relevant information withheld also misconstrues the divine-human relationship because (a) God understands and has immediate access to Mary's psychology in ways that we do not, and (b) Mary's priorities for any potential children could have already been expressed to God in prayer. God is disproportionately responsible for any good act of the creature. That is, minimally, the doctrine of grace.³⁹ But grace, so far from nullifying consent, enables it in the divine-human relationship, or at any rate in Mary's. Because creation and grace are not the operative categories in human-human relationships, the standards for consent are different in the two spheres.

In contrast to other Marian doctrines, such as the Perpetual Virginity, the doctrine of the Immaculate Conception took time to formulate (see Mulder (2012), 120–122). In order to be ready to formulate such a doctrine, the Catholic Church needed to get sufficiently clear (for its purposes) on other contested doctrines, such as the doctrine of original sin, the nature of our redemption in Christ, and, indeed, the nature of Mary's divine Son. It is precisely out of respect for what the conjunction of these doctrines entails about the Blessed Virgin Mary that the Church grew ready to formulate what popular devotion had long preceded it in knowing: that Mary is the *Panagia* (or the 'All-Holy'). She alone was ready to receive the singular privilege of bearing, and divine request to bear, the Son of God for the salvation of the world. Hereth suggests that the Annunciation narrative pictures God coercing a teenage girl to bear a son, and suggests that the Church's moral travails are partially a result of imitating this scandal (Hereth (2021), 20). In contrast, I hold that, in Mary, we are given the very model of holiness and receptivity before God, and I dearly hope that we reap precisely what God has sown in her.⁴⁰

Notes

1. Luke 1:26–38.
2. Hereth uses they/them pronouns.
3. Literally the portion of her response here rendered 'I have no relations with a man' is 'ἐπεὶ ἄνδρα οὐ γινώσκω'. Or, 'since I do not know man'. Here 'know' is being used in a sense that connotes sexual intimacy, as in the Hebrew *yada'*, which is also used in the Hebrew Bible to connote sexual intimacy, as, for example, in Genesis 4:1.
4. Augustine (1999), §4.4, p. 69. When I cite an ecclesiastical or patristic source, I will give the paragraph, section, or chapter number in addition to the page number, if the latter is available.
5. If Mary is informed that 'You will bear a son with such and such properties', the following reply makes no sense: 'But how? I haven't had sex yet.' Blessed John Duns Scotus argues that every vow, no matter how absolute, involves the condition 'if it pleases God', and he thus argues against Aquinas's view that there was a conditional vow before the betrothal. Scotus takes the view that Mary did vow virginity absolutely and contracted the marriage to Joseph in such a state. Of course at some point either view could be true and makes some sense of the data we have, but I don't think Scotus's objection is especially serious. One could simply replace 'a conditional vow' with 'an other-things-being-equal resolve' to remain a virgin, and then everything stays the same. See Scotus (2012), Question 3, p. 85. I will cite Aquinas's *Summa Theologiae* with part, question, and article, as this is a widely used convention. This citation is from ST III.28.4, reply to objection 1.
6. ST III.28.4, reply to objection 1.
7. ST III.28.4, reply to objection 3.
8. Here we need to remember that the betrothal was, for all intents and purposes, the execution of the marriage contract. The couple's living together (and wedding celebration) usually began at a later time. Thus, after they

had been betrothed but before they began living together, Joseph could have in mind to *divorce* Mary quietly (Matthew 1:18–19). See Luz and Koester (2007), 93. I thank David De Jong for some conversation on this point.

9. For a somewhat popular but certainly competent and thought-provoking treatment of this, see Pitre (2018).

10. This sketch is essentially the one given in Arias (2015) where we read:

Accordingly, Mary and Joseph exchange true matrimonial consent, being open to consummation according to God's will. This allows their contracting of marriage to be both valid and virtuous. After contracting marriage, by divine grace (but in a way not clearly specified by Saint Thomas), Mary and Joseph discern with certainty that God wills their marriage to be virginal in perpetuity. Consequently, with mutual consent they vow virginity absolutely. (*ibid.*, 68)

11. See Luke 1:34. Pitre suggests that we imagine her statement that she does not 'know' man should be interpreted along the lines of someone who might say 'I do not smoke', with the idea that this springs from resolve and that resolve continues into the future (see Pitre (2018), 106).
12. Luke 1:35, italics mine.
13. While Mary is called the spouse of the Spirit in the Catholic tradition (see John Paul II (1988), §26, p. 98), it is not quite right to say that the Holy Spirit as such is the Father to Jesus. Here we might consider Scheeben (1946), 80, where we read:

Yet by this operation the Holy Ghost does not stand in the relationship of father to Christ: (a) He appropriates the humanity to the person of the Son of God as a second nature, for this human nature is not taken from the substance of the Holy Ghost and hence is not similar to His nature; (b) He uses the divine substance in the person of the Logos for the composition of Christ, for He communicates it, not as something which arises from Himself, but as something which is the principle of its own being.

Thus, we needn't say that Christ has two fathers, one by way of his eternal begetting of the Father, and the other by way of his temporal begetting by the Spirit and Mary. Rather, the second person of the Trinity has God the Father for his Father, and Mary for his mother (in the human sense in which he has a mother), though in regard to the conception of Jesus of Nazareth in Mary's womb, the Holy Spirit is the principal divine actor.

14. The alternative is not that hard to seek: if not merely human then (at least in some sense) divine – what with having a divine Father and all.
15. Hereth claims that 'most Jews' at the time 'would have believed' that 'procreation with spiritual beings – whether angels, demons, or God – was forbidden' (Hereth (2021), 4, emphasis original), but their argument is confined to the first two categories.
16. See John Paul II (1988), §14, p. 69, who compares Mary's faith with the faith of Abraham. Kierkegaard's famous text, *Fear and Trembling*, is also something to consider here. The pseudonymous author of that text (Johannes de Silentio) compares Mary's faith to Abraham's as well (see Kierkegaard (1983), 64–65).
17. See Galatians 4:4.
18. See Mulder (2012, 2014, and 2018).
19. This presupposes that Mary was, in the Christian sense, and as the 'first to believe' (John Paul II (1988), §26, p. 100), 'redeemed in a more sublime manner' precisely by the anticipated merits of her Son, which is what the Catholic tradition claims about Mary (John Paul II (1988), §10, pp. 61–62).
20. See Philippians 3:8.
21. It is worth noting here that Hereth never actually answers the question of whether all divine requests, on their view, would be coercive. I leave it as an exercise for the reader to figure out what would become of biblical theology if this were the case.
22. The claim is not just that Mary won't *feel* pressure being exerted but that pressure *isn't* being exerted. As I argue later, if one approaches this case with a eudaimonistic picture of morality and the good, then it's a misunderstanding to suggest that asking someone to direct their will towards their ultimate good is a case of coercion, especially when they are in a position to appreciate that it is their ultimate good and they remain able to choose against it.
23. For a helpful introduction to a Catholic understanding of deification, consider Keating (2007).
24. This is the position Aquinas develops in *ST I-II*, QQ. 1–5. Here Aquinas is channelling Boethius' view (see Boethius (2001), III.10, p. 75). This list of Christian thinkers who hold this view or something like it will go on and on.
25. For interesting points of comparison, one might consider the Gideon cycle (Judges 6–8), the Samson cycle (Judges 13–16), and the call of God to Moses, especially Exodus 3:12 where we read 'this shall be your proof

that it is I who have sent you: when you bring my people out of Egypt, you will worship God on this very mountain'. While not an exact parallel for Mary's case, it is interesting that God offers as proof a future event.

26. There is no reason to expect that Mary has or would need a worked-up idea of what Incarnation would involve. Nor, even if Mary imagines that there is only one divine person, need we hold that Incarnation of that one person is impossible. Here we might consider ST III.3.7. The point is not that Mary has read the *Summa*. The point is that there are lots of hitherto unimagined possibilities for God and that is probably the operative belief for Mary. In correspondence, Hereth has noted that the fact that one is metaphysically or psychologically linked to two other people (as in the Trinity) should be disclosed. Whether this is the case may depend on one's view of the Trinity, and I cannot take up this issue here.

27. In correspondence, Hereth distinguished a pre-reproductive wish or condition and a post-reproductive wish or condition, suggesting that the case of the Maccabean mother is relevant only to post-reproductive wishes or conditions and so disanalogous to Mary's case. I think this is false. It is only if the Maccabean mother weighs never having brought her son into the world as higher than her son suffering martyrdom on the way to eternal glory that she would have pre-reproductively asked never to have brought her son into the world. I think that would be a very strange way to read this text.

28. That doesn't mean that's what consent is for; a somewhat more vexed issue. But we need to be careful about bringing in issues of autonomy or self-ownership in this context. Most Christian traditions make some point about our not being our own but belonging to God. The clearest (to my knowledge) is from the *Heidelberg Catechism* of the Reformed tradition. There Question and Answer 1 reads: 'Q. What is your only comfort in life and in death? A. That I am not my own, but belong – body and soul, in life and in death – to my faithful Savior Jesus Christ.' See Christian Reformed Church (1975), 2.

29. One might wonder whether Mary could be wistful about the seeming missed opportunity of bearing children given how fundamental Mary's openness to every disposition of God was in the foregoing. But this is only an apparent conflict. For, despite her vow of virginity, Mary retains a desire for *something that God also desires for her*, namely motherhood. She is simply unaware of how this could be possible given her virginal state. Gabriel informs her that, not only is it possible, it is precisely the invitation being extended.

30. These are cases of parking tickets (which manifest the coercive power of the state but do not manifest – much – psychological pressure) and a case of incest in which a parent coerces a child but makes no explicit threat.

31. The comparison between Mary and Eve is a common trope in the Church Fathers (see Catholic Church (1964), §56 and Gambero (1999)).

32. The relevant doctrines may be original sin and the creation of angels (some of whom will later fall and tempt humanity), for example, but the point remains.

33. ST I-II, 114.5.

34. See ST I-II, 114.3 and 8.

35. See Mulder (2014), 265.

36. Romans 6:16. This means that I think, somewhat tentatively, that Mary's declining of God's offer, when it is made clear that this is the thing in which her good consists, would be sinful. Whether that would be required of a view like mine is another question.

37. See Dylan's 'Gotta Serve Somebody' in Dylan (1979).

38. One might recall that, in C. S. Lewis (1973), hell feels expansive when one is in it, but, viewed from the point of view of heaven, it is nearer the size of an anthill.

39. I thank Matthew Levering for some conversation on this point.

40. I am grateful to Blake Hereth for many helpful comments on an earlier draft of this article. I also wish to thank Provost Gerald Griffin and Hope College for an internal summer grant that supported my work on this article.

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