Religious Studies (2025), **61**, 410–426
doi:10.1017/S0034412524000696

CAMBRIDGE UNIVERSITY PRESS

ORIGINAL ARTICLE

Mulder's hail Mary

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(Received 1 August 2024; revised 24 October 2024; accepted 28 October 2024; first published online 25 November 2024)

Abstract

In a recent article Jack Mulder, Jr gives a Plantinga-style defence of the Virgin Mary's free consent to bear Jesus at the Annunciation. Against Mulder, I argue that a theodicy (rather than a defence) is necessary to undermine my arguments, that Mulder's Catholic appeal to Mary's Immaculate Conception amounts to a kind of freedom-undermining metaphysical grooming, and therefore Marian consent remains invalid.

Keywords: immaculate conception; Marian consent; power differentials; informed consent; metaphysical grooming

Introduction

> If you are ever forced to conceive of anything,
> by a condom or a government that fails you,
> by a Tinder date who ghosts you,
> by God, your father, or by some unholy spirit,
> let it be that you are important and good, like Mary
> but with more choice.
> – Emily Austin, 'Matthew 1:18' (2024, 34)[1]

According to all orthodox Christians and Muslims, the following propositions are all true:

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 morally impermissible.

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In a previous article (Hereth 2022), I argued that VIRGIN BIRTH is false because VIRGIN CONSENT is false, and that VIRGIN CONSENT is false because God's actions would be both coercive and deceptive. I argued, further, that Jack Mulder, Jr's (2012, 2014, 2018) attempts to rescue VIRGIN CONSENT by defending the Catholic doctrine of Mary's Immaculate Conception also fail. Finally, I cautioned Christians and Muslims that defending a doctrine in which a teenage girl is impregnated by God has instilled dangerous beliefs about consent within the clergy and parishioners (Hereth 2022, 696).

Recently, Jack Mulder, Jr (2023) defended VIRGIN BIRTH against my arguments. Like me, Mulder believes VIRGIN CONSENT is required by DIVINE GOODNESS (Mulder 2012, 123). Unlike me, Mulder believes VIRGIN CONSENT is *possibly true*, and thus rejects my claims that Mary would *necessarily* have been coerced and deceived by God at the Annunciation.[2] On Mulder's Catholic view, Mary's free (and valid?) consent was possible at the Annunciation because of her Immaculate Conception, preserving her from Original Sin 'precisely for the purpose of rendering her full and untrammelled consent to God's offer at the Annunciation' (Mulder 2023, 5).

Unsurprisingly, I am not persuaded by Mulder's defence. Even worse, I believe his defence of Mary's consent, like the doctrine itself, to be morally trepidatious. But I think it's instructive to explain *why* Mulder's defence of VIRGIN CONSENT fails. My rejoinder to Mulder proceeds in three stages. First, I argue that Mulder's reliance on a Plantinga-style defence is insufficient to rebut my arguments. A theodicy is needed. Second, I argue that God's preservation of Mary from Original Sin to ensure her assent to God's offer of impregnation is a form of metaphysical grooming, undermining the normative significance of Mary's consent. Third, I show why none of Mulder's replies to my original arguments – that valid Marian consent is impossible due to incentivized offers, power differentials, moral coercion, and deception or non-disclosure of important facts – find their mark. This, in conjunction with my updated critique of the Immaculate Conception as a failed 'lifeboat' for VIRGIN CONSENT, leaves Marian consent undermined absent further argument.

Why Mulder needs a theodicy

Like Alvin Plantinga's (Archard 1994) treatment of the logical problem of evil, Mulder interprets my arguments against VIRGIN CONSENT as claiming that Mary *could not* consent to God's offer of impregnation. Consequently, Mulder concludes that a Plantinga-style defence, designed to show only that Mary's consent is metaphysically possible, is sufficient to rebut my arguments. He writes,

> Thus, my goal is not to provide an independent explanation for how Mary, the first-century Palestinian, *in fact* rendered 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*. … 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 (Mulder 2023, 1).

In fairness to Mulder, I *do* claim that Mary 'could not have consented' to God's offer or command (Hereth 2022, 678). By this, I mean that Mary could not have validly consented to God's offer or command, *given that* she is positionally powerless, coerced, deceived, and so on. In possible worlds where Mary *isn't* coerced or deceived, therefore, her consent inches closer and closer to moral validity. But those worlds are not, I maintain, the actual world.

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Because Mulder misses the point of the argument, he needs a *theodicy* as opposed to a mere defence. The former seeks to explain *what, in fact, justifies* God's actions, whereas the latter seeks to explain *what might justify* God's actions (Walls 1991). As the above quote shows, Mulder is clear that he isn't offering a theodicy (i.e., an argument whose conclusion is that Mary *did* validly consent to God's offer) but rather a defence (i.e., an argument whose conclusion is that Mary *could* validly consent to God's offer). But a defence is inadequate because my arguments against VIRGIN CONSENT are also *probabilistic* (or *inductive*); that is, they support the conclusion that VIRGIN CONSENT is *likely false*. This is consistent with my previous claim that Mary's consent is necessarily invalidated: If, as I argue probabilistically, the power differential between God and Mary does indeed undermine Mary's consent, then it does so necessarily. For example, as I argue in my original essay, the decisive asymmetry of power between Mary and God makes her free consent more unlikely than likely:

> Do power differentials necessarily undermine consent? No, they don't. There are several ways in which power differentials are compatible with consent. … [But] none of the typical "exceptions" to consenting amid power disparities applies to Mary's case (Hereth 2022, 686).

Imagine a case akin to my *Parent-Child Context* case wherein 'Parent, aged 30, asks Child, aged 15, for a sexual favour' (Hereth 2022, 684). Even supposing that such a request was possibly consensual (e.g., if the power disparity between God and Mary was opaque to Mary (Hereth 2022, 10), it is *probably* non-consensual. The same holds for other cases in which extreme power differentials are manifested, including the God-creature context (Hereth 2022, 685–686). Moreover, the point of reconstructing beliefs Mary likely held (Hereth 2022, 679–681) was designed to support an inductive case against her free and informed consent. What Mulder needs is an argument, such as that developed by David Boonin (2022), that power differentials don't themselves – even *ceteris paribus* – undermine informed consent. Following established convention, I refer to free and informed consent as *valid consent* (Dougherty 2021, 12–14).

To summarize: As *possibly X* is no counterexample to *probably* $\sim X$, Mulder's mere defence leaves my inductive arguments untouched. So, absent further argument, my inductive case against VIRGIN CONSENT remains undefeated.

Metaphysical grooming

While Mulder doesn't provide a theodicy, his arguments (2012, 2014, 2018, 2023) for Mary's Immaculate Conception can easily provide the basis for one.

> IMMACULATE CONCEPTION
> The Virgin Mary was free of Original Sin and therefore lacked sinful or 'disordered' inclinations. (Mulder 2012, 127)

Within the Catholic tradition, at least as Mulder understands it, Mary's immaculate conception serves as a *preserver* of her libertarian freedom rather than a detractor to it. That is, whereas Original Sin 'threatens to undo the fullness of freedom that presumably God would desire her to have' (Mulder 2012, 134), the prevention of Original Sin via immaculate conception preserves Mary's freedom, which Mulder characterizes as 'an openness to God' (Mulder 2012, 131; cf. Mulder 2023, 7). In effect, this ensures Mary's 'preferences are *corrected* so that they are more, and most, authentically hers' (2022, original emphasis), since we are (again, on Mulder's view) most authentically ourselves when freed from the shackles of sin and its distortions.[3]

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When corresponding with Mulder about this, I expressed concern that such ontological tinkering with Mary's nature and preferences struck me as 'metaphysical grooming'. By that, I mean God *brings it about* that Mary is a willing supplicant, a fine-tuned Stepford Wife, whose will is wholly subservient to God.[4] However, Mulder was and is wholly unbothered by this possibility. He writes,

> 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. (Mulder 2023, 7)[5]

Indeed, I suspect there *are* more fundamental disagreements lurking about. For instance, I believe that a person's flourishing and freedom are not only distinct but can be opposed to one another (Correia 2016). For example, agents who choose wickedness over goodness are not less free by virtue of their immoral choices. The extent to which an agent's consent is morally valid does *not* depend on the moral 'excellence' of their choice.[6] Thus, I part ways with Aristotle and Aquinas on the relationship between freedom and flourishing, as John Duns Scotus (Williams 2017, 280–281) and William of Ockham (Osborne 2012) – themselves devout Catholics – did for similar reasons.

Additionally, I am deeply sceptical of Mulder's underlying assumption that it would be sinful or somehow 'disordered' for Mary to decline or desire to decline God's offer to impregnate her. This claim requires further defence from Mulder.[7] Until this case is made, we should presume that Mary's declining (or desiring to decline) God's offer would have been morally permissible, following the general presumption that actions are morally permissible absent some reason for thinking otherwise (Schlossberger 2003). If Mary's declining or desiring to decline God's offer is *consistent with* her immaculate conception, then Mary's immaculate conception does not guarantee she will accept God's offer. More strongly: If Mary's declining or desiring to decline God's offer is neither *inconsistent with* nor *made improbable by* her immaculate conception, then Mary's immaculate conception provides no evidence whatsoever that she would have been inclined to accept God's offer (as a result of her immaculate conception). Nor is it evidence that Mary wouldn't have feared divine retaliation or punishment. As previously mentioned, David Boonin has recently challenged the view that positional 'inequality can invalidate consent, even in the absence of coercion, deception, and incompetence' (Boonin 2022, 378). However, there are two reasons why Boonin's arguments do not undermine my own, and thus do not undermine my case against Mary's valid consent. In their article, Boonin considers various cases involving the fictional actors Alice and Barbara. In one case, Barbara is Alice's therapist and pursues a sexual relationship with Alice. Writing about this case, Boonin writes that 'if a reasonable fear of retaliation is what invalidates Alice's consent to have sex with Barbara, after all, then it's coercion that invalidates her consent' (Boonin 2022, 385), not power differentials *per se*. Because fear of retaliation as a result of declining God's offer of impregnation is *consistent with* Mary's immaculate conception, neither the immaculate conception nor Boonin's argument provides an escape for Mulder.

These disagreements notwithstanding, my concern about metaphysical grooming persists *even if Mary is free*. Freedom is only one component of valid consent; other components include competency, disclosure, and understanding (Beauchamp and Faden 2014, 1683). My principal concern is Marian *consent* and not Marian freedom. Groomed persons are not necessarily unfree tout court, or unfree vis-à-vis their groomer; however, the power differential

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between them is exacerbated by the fact that the *groomer* determines their desires. That is, the groomer desires A and brings it about that the victim also desires A. The victim doesn't bring it about that they desire A, and the victim actualizes A as a result of the groomer's bringing it about that they desire A. Here, the groomer's actions are manipulative – not at the time of the victim's decision, but well beforehand, to ensure the victim is predisposed to act in the way the groomer desires. This sort of case is described helpfully by Jerry Walls, whose thought experiment I cited in my original essay:

> Imagine a preschool that is run by a woman who is psychologically savvy, and deliberately does various things to condition the children, unknown to their parents. Some of the children she conditions to grow up and behave as virtuous persons typically do, and to live productive lives. Others, she conditions to behave in a perverse manner, some of whom even become rapists or child molesters. Let us assume she completely succeeds in her project and each of the children turns out just as she intends (Walls 2011, 86).

Mulder's view asks us to believe that these virtuous children-turned-adults are somehow *freer* or *more responsible* for their good characters than their vicious counterparts are, purely on the grounds that the wills of the virtuous adults are oriented toward the Good.[8] But that is so counterintuitive as to be preposterous. Indeed, Mulder appears to bite this bullet:

> When Christians consider all that we hold God does for us, our contribution will seem quite small. … 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 then 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 (Mulder 2023, 12).

In this passage, Mulder makes a critical error: He ignores the enormous moral difference between *contributing to your salvation/rescue*, where your consent isn't typically required for the rescuer to have acted permissibly, and *contributing to your impregnation*, where your consent *is* typically (if not always) required for your impregnator to have acted permissibly! If Mary contributes little or nothing to her own salvation and God supplies all the will, then God's saving action is as unobjectionable as if God had pulled a feeble or unconscious Mary from a raging river. But, importantly, *that is not all God does*. God also impregnates Mary, and her will cannot be weak or absent (Dougherty 2022b, 281–282) if God's rescue-by-impregnation is morally permissible.

Walls doesn't describe *how* the preschool teacher 'conditions' children to be virtuous. If she merely *teaches* them how to be virtuous, engaging and developing their rational capacities, then it is unclear why we should evaluate their adult selves as non-responsible for their good natures. After all, moral education and training of this sort is how most virtuous persons became virtuous. But suppose someone akin to a preschool teacher took a different approach, more akin to the kind of metaphysical grooming God conducted with Mary, as described in the following case:

> *Genetic Groomer*
> A paediatrician wants to spare his patients a lifetime of pain, so he develops a novel means of editing their genetic codes before birth. He's also aware of a strange side

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> effect of the intervention: It will give his patients a strong, unrivalled sexual attraction to him, their doctor. Although the paediatrician discloses this side effect to the parents, the parents nevertheless consent to the genetic intervention, knowing that it will be an extreme benefit to their children. However, once the children are grown, they pursue sexual relationships with their paediatrician – who gladly takes advantage of the genetic side effect he caused.

The paediatrician's actions are horrendously immoral. And that is true regardless of whether his former patients can, as adults, consent to a sexual relationship with him. Thus, metaphysical grooming can be morally objectionable *even if* the victims act consensually.[9] However, there is reason to believe these former patients, despite now possessing the moral status and capacities of most adults, *cannot validly consent* to a sexual relationship with their paediatrician: namely, because they are not *competent* to do so.

Competence is a contested concept within bioethics, where it is typically listed alongside voluntariness, understanding, and disclosure as necessary conditions for valid consent. In a recent paper, Melissa Rees and Jonathan Ichikawa examine a fictional case of grooming between a professor and a student:

> Taylor, a 20-year-old university student, enrols in a course taught by Gregory, a professor in his mid-40s. Impressed by his knowledge and his charm, she gradually develops an infatuation with him, which he notices and cultivates. He starts mixing in personal messages along with his academic feedback in emails and office hour conversations; as their correspondence becomes more intimate, he also starts, including sexual innuendo. All of this is flattering and exciting to Taylor, who never imagined that her sophisticated professor would have any interest in someone like her. One day, after Gregory expresses frustration with his marriage and 'accidentally' admits overtly that he is attracted to Taylor, she kisses him. They go on to have a secret affair that lasts a couple months (Rees and Ichikawa 2024, 3).

To explain why Gregory's actions are impermissible, Rees and Ichikawa consider (and later reject) the possibility that Taylor is *domain-relative incompetent* (Buchanan and Brock 1989, 18). That is, Taylor is incompetent within the domain of maintaining a sexual relationship with her professor, who exerts influence over and dominates (in Pettit's 1999, 2012, 2014, republican sense) her. Something similar is occurring in the *Genetic Groomer* case, leaving the former child patients narrowly incompetent.

There are two important ways in which things are worse for the former child patients in the *Genetic Groomer* case. First, whereas Taylor's sexual desire for Gregory arises naturally and is not created (even if encouraged) by Gregory, the former patients' sexual desires don't arise naturally but are rather intentionally created by their paediatrician. Second, whereas Taylor is an adult capable of resisting Gregory's advances, the former child patients have no such resource. These considerations *deepen* the extent to which the children-turned-adults are narrowly incompetent: Their natures, and the choices that result (contingently, we'll assume) from them, are predominantly caused by another agent. While none of us choose our natures, few of us have our natures so finely curated by another agent. When another agent grooms us in this manner, we cannot exercise competent decision-making with them, at least not with respect to the desires or other parts of our nature they have carefully crafted. The reason for this is because when our desires are chosen *for* us, resisting those desires – and, therefore, exercising control – is made significantly harder by another agent. Rejecting such desires, whether by eliminating them or resisting acting

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upon them, inevitably requires effort and may require sacrifice. In cases where our 'higher-order' desires are also curated by another agent, even *wanting* to alter or resist our desires is an uphill task. The proverbial deck is stacked against us and in favour of our groomer, and retaining the ability to do otherwise merely prevents our groomer's influence from being utterly deterministic. To be clear, I am not claiming that agents who find themselves with manipulated desires *are morally better* if they resist and change those desires than if they reflectively choose to accept and act on them. Rather, my claim is that agents who do choose to resist their implanted desires will find it difficult to escape their groomer's influence.

Returning now to Mary. Her alleged preservation from Original Sin functions similarly to other forms of grooming. Her ontology is top-to-bottom created and intentionally curated by God. True, Mary does not have *sex* with God. True, God's intentions are not perverse as the paediatrician's intentions are. But unlike Taylor and the former child patients, Mary is *not* an adult (Hereth 2022, 7). Created without Original Sin, Mary desires the Good and *desires to desire* the Good, both of which reflect substantial influence over Mary's nature and emerging choices. Mary is, in a word, God's *product*. Her assent is *manufactured* by God as a result of metaphysical grooming. And her competency to consent is curtailed by this.

Undermining Marian consent

Mulder works to defeat my arguments against the actuality of Marian consent by appealing to the Immaculate Conception. Before delving into the specifics, Mulder offers a précis of his approach in the following passage:

> [M]ost 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 (Mulder 2023, 6).

In the previous section, I argued that Mulder's appeal to the Immaculate Conception as a bulwark for VIRGIN CONSENT fails. In the current section, I will defend my original bundle of arguments against Mulder's objections in this order: incentivized offers, power differentials, moral coercion, and deception/non-disclosure.

Incentivized offers

As I argue in my original essay, the Annunciation is a trademark case of a coercive incentivized offer:

> Mary believed her child would be the Davidic Messiah, releasing not only Mary but also her people from the yoke of Roman rule. … For Mary, the price is not money, but her impregnation. Were Stranger to ask Slave to bear his child [in exchange for freedom], we would not hesitate to call it coercion of the worst kind. So, we should not hesitate to say the same of God's request of Mary (Hereth 2022, 682–683).

Even if we grant for argument's sake that Mary believed that another person would bear the Davidic Messiah if she refused, she did not know *when* that would happen – including, importantly, whether it would happen in time to save *her family and friends*. As a result,

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'Mary's action was heavily incentivized with no reassurance of an imminent alternative for bringing about the Davidic Messiah' (Hereth 2022, 683).

Mulder asks how Mary would psychologically receive this request. His answer is that Mary would not experience such a request as an incentivized offer:

> In Mary's case, her union [with God] 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 (Mulder 2023, 6).

The reader will recall Mulder's claim that his view of Mary's psychology is 'consistent with the biblical data' (Mulder 2023, 1). However, Mary is certainly concerned about Joseph's reaction to her carrying another's child (*Matt.* 1:18–20), and her initial reaction to the angel Gabriel's appearance was to be 'greatly troubled' (*Luke* 1:29). Contrary to Mulder's view, then, Mary *does* react as if God's plan is not fully aligned with her own interests. Otherwise, why would Mary be concerned?

Interpretive problems with the biblical data notwithstanding, Mulder's response assumes that Mary's psychological reception to God's offer is determinative of whether that offer is coercive:

> I never make the claim that psychological pressure is a *necessary* condition for coercion or for a threat, so Hereth's two suggested counterexamples 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 (Mulder 2023, 10).[10]

If Mary's interests, desires, and will are aligned with God's, then (Mulder claims) God's offer is not problematically incentivized. As Mulder himself phrases it, she will not 'receive it as a negative; as the "price" of doing business with God' (Mulder 2023, 6). However, as demonstrated in the last section, such psychological reception to God's offer is insufficient to preserve valid consent. If it were sufficient, then a teenaged student's enthusiastic reception to his older teacher's offer of sex – he does not 'receive it as a negative, as the "price"' of doing business with his sexy teacher – is sufficient to preserve the student's valid consent.

Power differentials

My second argument against VIRGIN CONSENT appealed to power differentials. I used the following cases to demonstrate their coercive potential:

> *Parent-Child Context*
> Parent, aged 30, asks Child, aged 15, for a sexual favour (Hereth 2022, 684).

> *Professor-Student Context*
> Professor asks Student, who is enrolled in Professor's course, for a sexual favour (Hereth 2022, 684).

> *Guard-Inmate Context*
> Guard, who watches over Inmate and has control over her prison life, asks Inmate for a sexual favour (Hereth 2022, 685).

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> *God-Creature Context*
> God, whom Creature recognizes as all-powerful and the ultimate normative authority, asks Creature for a sexual favour (Hereth 2022, 685).

Consent is absent in these cases because the less powerful parties have far less bargaining power, or because they occur in a context of generalized fear, or because their assent is produced via institutional power, or because they feel they cannot permissibly refuse. Each of these is true of Mary: She has far less bargaining power than God. As a Jew, she has a generalized fear of God 'who bears the power of the sword' (Hereth 2022, 684). Her assent is produced via institutional power, as God explicitly invokes his authority (and Mary's lack of it) to legitimize his request and thereby induce her assent:

> At the Annunciation, the angel Gabriel makes clear that God, in his position of ultimate power and authority, 'shall' cause Mary to bear a son named Jesus. By invoking his name, God exercises his power; it is not merely a feature of the background relationship between God and Mary. So, … Mary does not consent (Hereth 2022, 686).

Finally, as a devout Jewish woman, Mary doubtlessly feels that her refusal would be impermissible. This does not imply Mary *wants* to refuse but instead assents because she believes obedience to God is her moral duty. Rather, it is to say that Mary's recognition of her lack of normative power contributes to her decision to assent.

Mulder's strategy for rejecting this argument again appeals to Mary's psychology to show that because Mary 'cooperates with God's grace to find her happiness in God's will, she will not find that pressure is actually being exerted' (Mulder 2023, 6). Lacking Original Sin, Mary is not the typical fallen, sinful agent who must 'opt *in* to this cooperative arrangement' (Mulder 2023, 6, emphasis original); rather, she is preserved from a sinful nature and finds herself in full cooperation with the divine will. Mulder's language here, however, is telling, and ultimately demonstrates his commitment to a theory of consent that proves his argument's undoing. Mulder infers that because Mary does not feel pressure, power differentials are not an issue. As he phrases it, 'God's will [does not stand] over Mary's, exerting pressure on her to do something about which she would otherwise have misgivings' (Mulder 2023, 6).[11] But neither *feeling pressured* nor *having misgivings* is sufficient for consent in the face of power differentials – particularly one as decisive as the power differential between God and mere humans.

As just one instance of this, suppose Child found Parent sexually desirable, did not feel pressured to have sex with Parent despite Parent invoking their parental authority, and had no misgivings about sex with Parent. Sex between them would remain *at least* presumptively non-consensual owing to the stark asymmetry in power. Like Parent, God explicitly invokes (via Gabriel) his divine authority to secure Mary's assent. So, even if Mary desires to bear God's child, feels no pressure to bear God's child, and has no misgivings about bearing God's child,[12] her free consent is not thereby assured any more than Child's is assured. So, Mulder's reply fails to rescue VIRGIN CONSENT from the threat of power differentials.

Before proceeding to consider the role of moral coercion in undermining Marian consent, let's briefly return to Boonin's critique of positional inequality as grounds for invalidating consent. In another of Boonin's cases, Barbara is Alice's therapist and sells Alice her (Barbara's) car. Of this case, Boonin writes:

> [In one case,] Barbara tells Alice to her face that she wants to have sex with Alice, and Alice says yes in response to Barbara's personal request. But in the case where Alice consents to buy Barbara's car, Barbara simply posts an impersonal notice on a

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> website inviting offers from anyone who is interested in buying her car, and Alice simply happens to come across the ad and decides to respond to her invitation. This difference between the two cases means that if Alice decides not to buy Barbara's car, Barbara will never know that Alice decided not to buy it. Barbara will have no way of knowing that Alice noticed her offer online in the first place and so Alice can decline to buy Barbara's car without feeling pressured into buying it or running the risk of disappointing Barbara if she doesn't buy it. But if Alice decides not to have sex with Barbara in the story we began with, she'll have to tell Barbara that to her face, knowing that Barbara will be disappointed. This may very well lead Alice to feel pressured into saying yes to Barbara and concerned that Barbara might retaliate against her in some way if she doesn't (Boonin 2022, 383).

Call the two Barbaras 'Barbara S' (for sex) and 'Barbara C' (for car), respectively. Boonin's analysis in this passage is informative for thinking about the Annunciation. At the Annunciation, God does not follow Barbara C's approach, shouting from the heavens and soliciting someone, anyone, to carry the Messiah.[13] Rather, God's actions resemble Barbara S's actions: God confronts Mary in a private, intimate setting (i.e., her bedroom) and asks her, personally and directly, to carry the Messiah. Even *that* is misleading: God does not *ask* Mary to carry the Messiah, but rather informs Mary that *she will carry* the Messiah. Mulder asks us to believe that Mary, due to her preservation from Original Sin, wouldn't fear saying 'no' to God – that she would fear neither divine retaliation/punishment nor divine disappointment – despite being familiar with numerous biblical passages wherein those who refuse God's offers are severely punished (Hereth 2022, 3).

Moral coercion

My third argument against VIRGIN CONSENT appeals to moral coercion. My argument claims that (1) Mary likely held moral beliefs B1–B3 and B5–B7 (recounted below) and (2) God's command that Mary accept divine impregnation forced her into a moral dilemma in which she had no choice but to violate one of her moral convictions.[14] The harm to Mary is 'surrendering [her] moral autonomy' (McConnell 1981, 562).

What is characteristic about moral coercion is the *foreclosing of permissible options* (Bazargan 2014, 9). Prior to God's offer, Mary had a wealth of permissible options for living a devout life: to reproduce with Joseph or someone else, to have one child or many,[15] to remain a virgin (as Catholics like Mulder claim she did) or not, to name her child Jesus or something else, and so on. All that changed once God's messenger appeared in Mary's bedroom and informed her of God's commanded (i.e., 'You *shall* bear a son' and 'You *shall* call his name Jesus') plan: to impregnate her *sans* Joseph, to have only one child, to remain a virgin (again, as Catholics like Mulder claim), and to name her child Jesus.[16] Because God's commands are obligatory, once-permissible courses of action became impermissible, depriving Mary of a significant degree of moral freedom to shape and define her own life. More importantly, it required Mary to *violate* several of her deeply-held moral beliefs, as I explain in the following passage:

> 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, generating a 'bastard' like the Nephilim-produced Giants of old. So, as the moral agent she is, Mary cannot comply with God's request (cf. Mason 2012). Nor can

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> she reject it, however, as she is committed to obeying God's commands (B3) and neither delaying nor preventing the arrival of the Davidic Messiah (B2). Mary can either abandon her integrity or abandon significant parts of her self-made moral agency. And her doing so is obligatory (Hereth 2022, 689).

Mulder concurs with me (and the biblical account) that Mary's impregnation by God is asexual (Mulder 2023, 7). Strangely, however, Mulder treats this as an enormous concession on my part and takes a premature victory lap:

> For Mary to be so assured [that God will maintain her virginity], 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. … 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 (Mulder 2023, 7, 8).

As this passage does not detail how Mulder responds to *all* of Mary's implicated moral beliefs, I offer a comprehensive (albeit paraphrased) review of them here:

(B1) *My child will be the Davidic Messiah, the one who will restore Israel and end imperial Roman occupation.*
(B2) *I am morally obligated neither to prevent nor to delay the coming of the Davidic Messiah.*
(B3) *I am morally obligated always to obey God's commands.*
(B4) *I am morally prohibited from questioning or bargaining with God.*
(B4*) *Questioning or bargaining with God risks divine punishment.*

As he says nothing about them, I will assume Mulder leaves these beliefs uncontested and holds that although Mary believed she was obligated to accept God's offer of impregnation, it was not an obligation she *resented* or *resisted*. Rather, she was supremely open to the divine will. Even if this is true, however, Mary's moral autonomy nevertheless becomes more constrained as she now views accepting God's offer as her solemn duty. Turning, then, to beliefs of Mary's Mulder *does* dispute, we have the following triple:

(B5) *I am morally obligated to remain sexually/reproductively faithful to Joseph.*
(B6) *Humans ought not to procreate with spiritual beings.*
(B7) *God is a spiritual being.*

Regarding (B5), Mulder claims Mary would have regarded her impregnation by God as *not* undermining her commitment to Joseph. He speculates that she may have held the following mindset:

> [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 women 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

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> after all the maker of the heavens and the earth, and with whom I've had an intimate spiritual relationship since I can remember) (Mulder 2023, 4).

Mulder conveniently ignores the possibility of *asexual* reproductive partnerships. Any partnership in which gametes are donated for the purpose of (and resulting in) procreation are reproductive partnerships in my sense. Of course, ancient Jews viewed sexual and reproductive fidelity as inseparable *in practice*, but that does not mean they did not value reproductive fidelity (in the above sense) as intrinsically important.[17] In fact, just the opposite is true, as preservation of the patristic line was highly valued and a central part of fidelity expectations for betrothed Jews (Cohick 2009, 79), the general presumption against marrying Gentiles was principally a concern with preservation of patriarchal genealogy (Hayes 1999, 11, fn. 23).[18] The same holds for procreation with the Watchers of 1 Enoch and 2 Enoch, who impregnated human women:

> The key to this tradition, however, is not (as some might expect) the *sex* between angels and humans, but the result of the sex [i.e., the "bastard" Nephilim] (Hereth 2022, 680).

Interestingly, Mulder claims I offer no argument for the conclusion that 'Mary would have believed it impermissible to procreate, not only with the Watchers … but also *with God*' (Mulder 2023, 4, emphasis original). That is simply false. As Stuckenbruck emphasizes, reproduction with the Watchers was unholy because the offspring 'embodied within their nature a forbidden mixture of heavenly and earthly spheres which should be kept separate' (Stuckenbruck 2017, 154). Like the Watchers and all purely spiritual beings, God occupies the heavenly sphere, and so procreating with God would also violate the taboo on mixing heavenly and earthly spheres. So, the onus is on Mulder to show that Mary believed procreation with God was an exception to the moral rule expressed in (B6).

Finally, it is highly likely that Joseph, to whom Mary was betrothed, would have believed that his marriage to Mary would likely result in the preservation of his family/genetic line, and that Mary's vow of fidelity would preserve that possibility.

In a final attempt to rebut the argument from moral coercion, Mulder appeals to two cases. First, he notes that the angel Gabriel made Mary aware of her post-menopausal cousin Elizabeth's miraculous pregnancy, thereby demonstrating 'God's remarkable ability to do such humanly impossible things' (Mulder 2023, 8) as impregnating someone without sexual intercourse. Second, Mulder claims that Mary would have been keenly aware of God's command to Abraham to sacrifice Isaac:

> 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 own son as a burnt offering (Mulder 2023, 4).

Because she would have viewed God's command to Abraham as permissible, she would also have accepted God's command (or request) to procreate with a spiritual being (i.e., God). Or so Mulder argues.

Neither of these responses does what Mulder needs it to do. Even if Elizabeth's miraculous pregnancy were somehow proof that God can impregnate Mary *sans* sexual intercourse (which we have every reason to doubt, given that Elizabeth was married to, and presumably sexually active with, her husband Zachariah), that alone would not have preserved Mary's reproductive fidelity to Joseph (as in (B5)), as reproductive fidelity is distinct from sexual

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fidelity and important in its own right. Nor does Mulder's appeal to the disturbing case of Abraham and Isaac help his case. Ironically, God's command to Abraham to sacrifice his only child is an even more straightforward case of moral coercion![19] Furthermore, and at the risk of stating the obvious, Abraham *doesn't* – thanks to an angel's last-minute intervention – sacrifice Isaac. Even supposing Mary did not regard God's command to Abraham as morally problematic (which she, like most ancient Jews, almost certainly did not), she also knew *that God prevented (and prohibited) Abraham from following the command to sacrifice Isaac*. In the story, God appears at the last minute to stay Abraham's hand and offer an alternative sacrifice: a nearby ram caught in a thicket. Had Mary believed her case was analogous to Abraham's, then, she would likely have believed God would find another way than to impregnate her – an act that, much like child sacrifice, God himself condemned (i.e., (B6)) – in which case she did not consent to impregnation because she believed God would pursue some other means of bringing about the promised Messiah and securing humanity's salvation. So, we should reject Mulder's claim that the preservation of Mary's sexual virginity is sufficient to avoid moral coercion with respect to B5-B7. The case for Mary's moral coercion by God remains undefeated.

Deception/non-disclosure

My fourth and final argument against VIRGIN CONSENT centres on Mary's lack of informed consent. This comes in two forms: *deception* (providing misleading information) and *non-disclosure* (withholding important information). What information must be disclosed for informed consent? In my original essay, I defended the following principle:

> REASONABLE RELEVANCE
> If S makes offer O to person S* at time *t*, S* accepts O at *t*, S conceals some fact F from S* at *t*, and F is reasonably relevant or important to accepting (or deliberating about accepting O), then S* didn't consent to O at *t*.

Are there some reasonably relevant facts God fails to disclose to Mary? Yes, and they contradict some beliefs Mary likely held:

(B8) *There is only one God existing as a single person, Yahweh*.
(B9) *Any child I bear will be (merely) human/I will not be God's parent*.
(B10) *God has not preordained my child's brutal torture or murder*.

According to Christians, God does not exist as a single person but rather as three distinct persons,[20] Jesus is not merely human, Mary is God's parent, and God preordained Jesus' brutal torture and murder. Yet God never informs Mary (a) that her child will be divine, (b) that God has a triune nature, or (c) that Jesus's destiny is to be brutally tortured and murdered. Mulder disputes (a) on scriptural grounds, questions the relevance of (b), and offers a protracted response to (c). I will focus my attention on points (b) and (c).

Why is disclosing God's triune nature important for Marian consent? Mulder complains that I 'offer no argument for how it is relevant to this question' (Mulder 2023, 8). Fortunately, one answer is rather straightforward: because without this information, Mary doesn't know the identity of her procreative partner, including whether there is more than one of them, or the full extent of her child's genetic (or broadly metaphysical) parentage. Nor does Mary know that her procreative arrangement is not between two people (Father and Mary), but four (Father, Son, Holy Spirit, and Mary). As knowledge of these matters is plausibly required for valid consent to procreation, the fact that Mary lacks knowledge of them undermines her valid consent.

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Turning now to (c), that Jesus's destiny is to be brutally tortured and murdered. Here, Mary's biological material is used by God, who does not inform Mary that her material will be used to create a 'sacrificial lamb'. Failing to inform a person about how their biological material will be used is standardly viewed as invalidating consent (Liberto 2017, 139). Mulder's response is to argue that Mary would have borne Jesus even if she'd known about God's plan for Jesus to be tortured and murdered. That is, Mulder claims Mary would '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,' perhaps expressing this preference to God in prayer (Mulder 2023, 9). Indeed, Mulder goes so far as to claim that Mary would 'value her Son's prophesied eternal fate over *any* earthly fate' (Mulder 2023, 10, my emphasis).

I am sceptical that Mary's psychology was quite so laissez-faire. However, I will set that aside in favour of another critique: If Mary in fact held this view and was willing to let her child suffer *any and all* harms, then she possessed a morally bad preference and acted impermissibly. Even worse, she is willing to do this because she has been primed to value allowing herself and anyone she loves to suffer in any way God wills. Prospective parents shouldn't be willing to let their child suffer simply *any* harm, for simply *any* duration, even for the sake of some profound good (Chambers 2019). For example, most think it's impermissible to create a child who will inherit an extremely harmful and debilitating illness. In 2016, Pope Francis spoke approvingly of using contraception to prevent pregnancies at high risk of transmitting the Zika virus (Bailey and Boorstein 2016). Every child has a moral right to a life with a minimal standard of decency (Magnusson 2019). If Mary was truly someone of profound moral character, then she would not have held this attitude. Ironically, Mulder's own view of Mary as immaculately conceived and thus lacking Original Sin precludes the very possibility that Mary held such a permissive attitude.[21]

Conclusion

Previously (Hereth 2022), I argued that the Virgin Mary did not consent to be impregnated by God, and that this forces Christians and Muslims to deny either DIVINE GOODNESS or the doctrine of the VIRGIN BIRTH. In that article, I offered multiple arguments for this conclusion: that Mary was *coerced* vis-à-vis incentivized offers, God's infinitely superior positional power, and by forcing Mary to betray her moral principles (Hereth 2022, 5–13); and that God *deceived* or *failed to disclose* reasonably relevant information to Mary (Hereth 2022, 13–17). Finally, I argued against Jack Mulder's attempts (2012, 2014, 2018) to preserve VIRGIN CONSENT with the Catholic doctrine of Mary's Immaculate Conception are unsuccessful.

Responding to Hereth (2022), Jack Mulder (2023) recently offered a protracted defence of the Immaculate Conception against my arguments. (Mulder also contests a few of my arguments *without* appealing to the Immaculate Conception.) The crux of Mulder's rejoinder is that because my arguments entail the *impossibility* of VIRGIN CONSENT, demonstrating its possibility is sufficient to rebut my charges. Thus, Mulder explicitly pursues a *defence* strategy, aiming to demonstrate that Mary's Immaculate Conception entails that VIRGIN CONSENT is *possibly* true (2023, 1), rather than a *theodicy*, which would (if Mulder pursued it) aim to demonstrate that Mary's Immaculate Conception entails the *actual* truth of VIRGIN CONSENT. Mulder's central contention is that Mary's preservation from Original Sin ensures her will is utterly aligned with God, such that she would not receive God's offer of impregnation 'as a negative; as the "price" of doing business with God', but rather would 'accept "the loss of all things and … consider them so much rubbish, that [she] may gain Christ"' (2023, 6).

In the present article, I responded to Mulder's Immaculate Conception defence. First, I argued that Mulder's defence falters because he misunderstands my original position, which is that coercion and deception/non-disclosure make VIRGIN CONSENT *improbable*, not

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metaphysically impossible. Second, I showed that the Immaculate Conception also fails as a theodicy against my original arguments. So, absent further argument, Marian consent remains undermined.

Acknowledgements. Thanks to Kevin Timpe for educating me about freedom of the will, both as it has been historically (mis-)understood by Aristotelians and Thomists and more contemporarily by free-will libertarians. I'm not a metaphysician, but Kevin helps me hide it far better than I would without his help. Thanks to Michelle Panchuk for her very helpful comments and discussion on an earlier draft of this paper. They improved the paper substantially, and I am grateful to Michelle for her support on this project and our shared commitment to advancing feminist concerns in analytic theology.

Notes

1. Cited with permission of the author and the publisher.
2. To be clear, I believe the Annunciation didn't occur, as its occurrence would undermine DIVINE GOODNESS.
3. Mulder and Michael D. Bertrand (2017) argue that *some* accounts of libertarian freedom, such as Robert Kane's, are incompatible with the sinlessness of Jesus. Because Jesus was sinless, he could not voluntarily accord value to an immoral desire. Presumably, the same is true of a sinless Mary, even if Mary is not *essentially* sinless. This implication is recognized by Mulder and Bertrand (2017, fn. 1 and 33).
4. An anonymous reviewer disputes my claim that metaphysical grooming/tinkering of any sort occurs when God preserves Mary from Original Sin, since Mary lacks a pre-existing agency or nature to groom. But they are wrong for two reasons. First, grooming does not require a pre-existing agency to manipulate; indeed, the children in Jerry Walls's thought experiment lack pre-existing agencies, as very young children almost always lack such agency, yet they are certainly groomed by their teacher. Indeed, the objective of grooming is often to *create* a particular dispositional nature (typically, a compliant one), not to *alter* or *reshape* an existing dispositional nature. Second, Mulder characterizes God as 'saving' Mary, which implies God made Mary better off than she would have otherwise been. This implies changing or tinkering with Mary's nature, albeit (Mulder claims) beneficently.
5. Mary's immaculate conception, while not guaranteeing her capacity to consent, would nevertheless provide a lifetime shield against sinful or disordered barriers to valid consent. When conjoined with Mulder's view that rejecting (or desiring to reject) God's offer of impregnation would have been sinful or disordered, it follows that even a five-year-old Mary wouldn't have rejected (or desired to reject) God's offer of impregnation.
6. My thanks to Kevin Timpe for helpful discussion on this point.
7. One way to defend this claim, suggested by Kevin Timpe, is to argue that incarnation via Mary's impregnation is the only way to secure humanity's redemption and that saving humanity is obligatory – for Mary, at least, if not for God (Gould 2008). However, there is little to recommend this view, which is perhaps why it appears to be a minority view among Christian theists.
8. A weaker interpretation of Mulder's view, suggested to me by Kevin Timpe, is that such persons aren't 'freer' but rather 'more perfectly free', where 'perfect freedom' concerns the *quality* and not *quantity* of freedom. That interpretation, even if it renders Mulder's position more plausible, also makes it beside the point: Walls's virtuous children are not *freer* than their vicious counterparts, and it is Mary's quantity or degree of freedom that is in dispute.
9. This is the view defended by Rees and Ichikawa (2024, 5).
10. Mulder claims that (a) psychological pressure is a sufficient condition for invalidated consent and (b) Mary does not experience psychological pressure viz. God's offer to impregnate her. I claim that (c) psychological pressure isn't a necessary condition for coercion and (d) that Mary was coerced. Thus, Mulder's apparent relief at the absence of *a single sufficient condition* for invalidated consent is rather puzzling, as it doesn't affect my claims whatsoever and an infinite number of sufficient conditions for invalidated consent are absent in Mary's case (e.g., God does not hold a literal gun to her head).
11. Cf. Mulder's language in his attempt to rebut my argument from moral coercion: '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' (Mulder (2023), 7).
12. As a reminder, I differ with Mulder's view that Mary has *no* misgivings.
13. Perhaps this makes no difference in God's case, since God (unlike Barbara) will know who hears his call but doesn't respond to it.
14. While I interpret God's language as *commanding* Mary to accept her impregnation, name her child 'Jesus', etc., most Christians and Muslims interpret God as *offering* to impregnate Mary. However, I have designed my arguments to cover both interpretations: Either God is *offering* to impregnate Mary, in which case my arguments

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from incentivized offers, power differentials, and deception/non-disclosure apply; or God is *commanding* Mary to accept divine impregnation, in which case my arguments from moral coercion, power differentials, and deception/non-disclosure apply.

My thanks to an anonymous reviewer for encouraging clarification on this point.

15. In conversation, Michelle Panchuk makes the astute observation that this possibility may never have occurred to Mary, who lived in a world without birth control or much free agency for women.

16. An anonymous reviewer disputes my claim that God commanded Mary to accept divine impregnation. They offer four reasons for this: (1) Mary could have blamelessly walked away or bargained with God; (2) Mary had no reason to worry about divine retaliation; (3) had Mary opted out, God could have devised another way to save humanity; and (4) my interpretation of the word 'shall' in the biblical passages describing the Annunciation as imperatives – as opposed to permissions or predictions – is implausible. Regarding the first and second points, my original essay offered reasons to believe that Mary would have believed that walking away from or bargaining with God risked divine retaliation. On the third point, it is true that God *could have* devised another way to save humanity, but Mary had no guarantee that God *would* do so or that God would do so *without further delay*. On the fourth and final point, I am of course aware that 'shall' is ambiguous between 'must', 'may', and 'will'. However, the reviewer misstates my position: I don't hang my entire argument on the angel's use of 'shall', but rather on the context in which this language was uttered. For example, it is implausible to suppose that the angel is merely *predicting* what Mary will do, or telling her what she is *permitted* to do. (Was Mary unsure whether she was permitted to name her child 'Jesus'? I hardly think so.) Moreover, Mary's response – 'I am the Lord's servant' – indicates that she views herself as complying with a divine command or expectation.

17. Nor does it mean that they *did*. However, it is unlikely that persons from antiquity conceived of sexual and reproductive fidelity as separate things.

18. As further evidence of this, Hayes points out that although *Jubilees* 'bans sexual intercourse between Gentiles and Israelites, whether marital or nonmarital, in equal terms' (1999, 15, fn. 35), the further ban on inter*marriage* indicates a concern broader than sexual relations.

19. I expressed this worry to Mulder in correspondence, noting that the story of Abraham and Isaac is not only a textbook case of moral coercion but also an infamously thorny theological problem (Curley 2013). Attempting to rescue one ethically murky action by appealing to an ethically murkier action is epistemically suspect.

20. Notably, Islam avoids non-disclosure problems associated with the Trinity since they accept (B8).

21. Suppose, contrary to my and Mulder's view, that Mary *did* hold this attitude and was willing to procreate with God no matter the cost to Jesus. Would that make it impermissible for God to proceed with Mary's impregnation? I'm uncertain, but my weak intuition is that it would by virtue of making God complicit in Mary's immoral approach to procreating and parenting.

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Cite this article: Hereth B (2025) Mulder's hail Mary. *Religious Studies* **61**, 410–426. https://doi.org/10.1017/S0034412524000696

https://doi.org/10.1017/S0034412524000696 Published online by Cambridge University Press