Aiming for a Just Society: A Theological and Constitutional Response

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ABSTRACT

I think it is time that theologians, as well as the Church at large, speak up and speak to the social injustice we are faced with because of the economical collapse in Iceland in autumn 2008. If we think theology (i.e. the discourse about God) does not happen in a vacuum, if we think it is affected by, and is also affecting its context, then theology must have a part to play in the political discourse. If we think everything related to our human condition is affecting our understanding and our talk about God, then all theology has to be political in the most inclusive sense of the word. In this article the intention is to test major theological terms against the situation we are faced with in our society, which is recovering from an economic collapse. Thus the question: to what extent are key theological terms useful when we need to address the outgrowth of social injustice and self-inflicted economical catastrophe?

Keywords: Constitutional Council; economic collapse; exploitation of power; good works; hubris; human rights; Iceland; Icelandic Constitution; imago Dei; just society; responsibility; sin; national church; stewardship; welfare system.

The time has come. The moment of truth has arrived... It is the KAIROS or moment of truth not only for apartheid but also for the church.²

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- 2. http://www.sahistory.org.za/archive/challenge-church-theological-comment-political-crisis-south-africa-kairos-document-1985

This citation is from the beginning of the first chapter of the Kairos Document from 1985, a document written by theologians and Church people responding to the political crisis in South Africa during the time of apartheid.

Since the economic collapse in Iceland in the Fall of 2008 there has been a strong sense that it is time for the moment of truth to arrive in our society. The Report of the Special Investigation Commission delivered to our Parliament on April 12, 2010 was in fact a serious attempt to tell the truth about "the process leading to the collapse of the three main banks in Iceland." Many were shocked, angry and frustrated by the truth revealed in this report, but there was also a widespread sense of relief: finally we knew what had been going on behind the curtain. Finally we knew the truth that had been hidden from us for much too long. This was an important part of our recovery: knowing why our situation is so bleak helps us to face it, as well as making difficult but important decisions. Bringing people to court is crucial—but it is not enough. The fact is that some of the questionable behaviour will most likely turn out to be legal, even if it is without doubt unethical.

The Kairos Document provides an example of a theological response to an unjust political situation. I have no doubt that we have a lot to learn from this document, in which theological concepts such as sin, forgiveness, repentance, reconciliation, justice, liberation, love, and hope are used to analyse the causes and consequences of injustice in South Africa during the racist governance of a totally white regime. But perhaps the first and most important lesson for us is that political discourse does not belong only to lawyers, economists and political scientists; people of faith also have something to say. The time comes for theologians as well as the Church at large to speak up about situations of severe social injustice.

In Iceland, many believe that theology has nothing to say about worldly matters. After the economic collapse in 2008, a group of Icelandic theologians decided to challenge this notion directly.⁴ Believing that theology (e.g., discourse about God) does not happen in a vacuum, but is always contextual, we decided it was time to play an active part in the political discourse in our country. Our reasoning was simple: if we think everything related to our human condition is affecting our understanding and our

- 3. http://sic.althingi.is
- 4. Convinced about the importance of a theological response to the political situation here in Iceland, eight theologians, four University professors and four practising pastors within the Evangelical Lutheran Church of Iceland, formed a group in 2009 dedicated to a political and theological dialogue. Since then we have been active participants in the political discourse at large, for example by writing essays in the main newspapers, and hosting seminars and meetings.

talk about God, then all theology has to be political in the most inclusive sense of the word. In this article I describe some of our efforts, including my own attempts to speak theologically about the situation we face here in Iceland, as we recover from a major economic collapse. Thus the question: to what extent are key theological terms useful when we need to address the outgrowth of social injustice and self-inflicted economic catastrophe?

In order to provide tools for my theological analysis of what happened in Iceland before and after the economic collapse in the autumn 2008, I start with a short outline of creation theology, with a focus on the goodness of creation and the impact of the fall into sin. After a brief description of "the fall" of the economic system we experienced in Iceland at the beginning of October 2008, I will turn my attention to the preparation of a new Icelandic constitution, which began with a national forum in late 2010, and is still ongoing.

A Good Creation and Our Sinful Situation

The emphasis creation theology puts on the goodness of creation and our responsibility as its caretakers makes an important starting point for a theological analysis of our situation. In more than one sense, Iceland has been a rich country, a privileged one; we, the people of Iceland, only 320,000 in total, have had a lot to be grateful for. But in many ways we have failed in our stewardship as a nation. We have not been cautious enough. We dozed off when we should have been fully alert; we slept, when we should have stayed awake. It is important that we recognize our responsibility and complicity in the economic collapse, even if we are not all equally responsible for the current situation.

In order to help us understand what happened, it is critical to name and address the abuses of power practised by a select group of investors. An example of the exploitation of power which took place is the privatization of the Icelandic banks, together with major businesses and institutions owned by the state. The privatization, which took place toward the end of the twentieth century and at the beginning of the twenty-first, seems to have been carried out as a favour to political supporters, instead of being governed by professional prospects and national interests. Our legal system appears to have accommodated itself to what suited the privatized banks and big investors. Thus our system at large favoured a small group of people to the detriment of Icelandic citizens: the interests of the few were more important than the betterment of the many.

Hubris is a term worth exploring in this context. When we forget about others, when we forget who we are as stewards of God's good creation,

when we ourselves become the centre of our universe, we bend in towards ourselves and become twisted, ingrown. To be fully bent in on ourselves is what it means, theologically, to be *caught in sin*. Sin is a relational concept. It signifies a broken relationship to God, our Creator, as well as our neighbour, nature, and even ourselves. Sin also has a social dimension, as it signifies a broken relationship between individuals and groups, and supports an unjust distribution of the good gifts of life. Systems can be "sinful" in the sense of supporting unjust rules and regulations.

The antithesis to hubris is the notion of a good creation, and our responsibilities as created in the *imago Dei*. As human beings created in the image of God, we have been called to stewardship, to care for the creation and to carry the responsibilities which come with it. The message of the creation stories in the first two chapters of the Genesis are summed up in the first sentence of the Apostle's Creed: I believe in God, the Father almighty, creator of heaven and earth.

The Judeo-Christian tradition has sometimes been accused of supporting an irresponsible attitude towards God's creation by not paying attention to the mistreatment of nature.⁵ In this context it is important to make a clear distinction between use (l. usus) and abuse (l. abusus). The biblical notion of stewardship is the call to take care of God's good creation and to maintain it.⁶ If someone has transformed her or his call to stewardship into sheer domination and selfishness, use turns into abuse. Pollution, greed and exploitation are consequences of a short-sighted and selfish perspective, which goes against prioritization of the benefit of the many. On the other hand, sustainable living and a fair distribution of material goods are in accordance with good stewardship. All things considered, the notion of stewardship is a clear antithesis to any form of hubris, including the exploitation of the environment.

The stories about the creation of human beings and their "fall into sin," at the beginning of Genesis, are meant to tell us about our purpose in life, and why our situation is as it is. In other words, those stories help us understand the human predicament. Our human situation is as it is because our relationship to God is a broken one. The original equilibrium, which was a part of the good creation, is no longer there. The "sinful situation" is caused by disobedience, and we are suffering from the consequences.

To understand sin not as an evil act, word or thought, but a condition or a stand, shifts the focus to human relationships. Because we are a part

^{5.} Kathryn Tanner, "Creation, Environmental Crisis, and Ecological Justice," in *Reconstructing Christian Theology*, ed. Rebecca S. Chopp and Mark Lewis Taylor (Minneapolis: Fortress Press, 1994), 99–103.

^{6.} Ibid., 109-113.

of a fallen humanity, or a fallen creation, a gap has occurred between us and our Creator. We were created in the image of God, imago Dei, for a relationship with God; we were created to live in peace and harmony with our social and natural context. Instead, we have used our freedom in ways that are counter to God's will for us and that rupture our relationship with the creation. We are captive to sin, totally bent in on ourselves (1. incurvatus in se)—and persons who are totally bent in on themselves are not able to see beyond themselves. We are out of touch with our context, with God, with neighbour, and indeed with the whole creation. We are unable to fulfil our task as stewards of the creation. We make wrong decisions, based solely on our own interests—decisions that run counter to the will of God and the wellbeing of the creation. We might realize what is right, but we do not act accordingly.7 When Augustine spoke of original sin he was talking about this brokenness, this tendency to act against a better knowledge. Drawing on the story of Adam and Eve in the Garden of Eden, Augustine maintained that sin was not originally a part of human nature: because creation was originally good, sin entered at a later stage. Augustine, unlike Pelagius, was convinced that we were not capable of saving ourselves. He therefore directed our attention to God, and God's gift of salvation, based on grace (or God's love for us) instead of our own good works.

Individuals are not the only ones who are captive to the "sinful situation." Social establishments, political powers, and institutions can also abuse and manipulate in ways that are counter to God's intention for creation. They can, for example, engage in an unjust distribution of assets and opportunities, and create situations of iniquity and evil. The key to a just society lies therefore not only in the individuals who want to change their course in life, but in a radical transformation of societal structures. This is especially evident in Iceland as we work on reforming our society in the aftermath of the economic collapse. The need is particularly great regarding the financial institutions and regulatory authorities within the financial spectrum.

Repentance and penance—religious terms so often reduced to mere clichés and therefore drained of their original meanings—are vitally important concepts in relation to sin. "To repent" means "to turn around, "to come to oneself." The one who has lost track of her direction in life comes to herself and decides to do something about it. Thus repentance starts with a decision to get back in touch with one's Creator, to acknowledge one's

^{7.} What Apostle Paul describes in his letter to the Romans in the following way: "For I do not do the good I want, but the evil I do not want is what I do" (7:19).

Cf. Lk. 15:17.

mission in life, and to choose a way of living which enhances the well-being of the whole creation.⁹

To become aware of our sinful situation, as individuals, and as a nation, is the prerequisite for something new to happen. Repentance implies a change in direction and opens up new opportunities. To acknowledge our responsibility, and to acknowledge the injustice that has been going on in our society is the prerequisite for justice to prevail. An example is the situation of individuals who are deep in debt because of loans they took prior to the economic collapse. Of course they are themselves responsible for accepting loans (sometimes in foreign currency), which grew out of proportion when the value of our currency decreased significantly in the fall of 2008. Very often the loans were totally out of synch with what the borrowers, individuals or firms could be expected to repay. But we also have to ask about the responsibility of others, for example those who provided the loans, or determined the rules and regulations which made it possible for the financial institutions to offer such loans.

Just as the concept of sin has been hijacked by moralism, the message about salvation from sin has also had a tendency to lose its social significance. If the gospel about God's forgiving grace is first and foremost the good news about the renewal of broken relationships between us and God, between us and our neighbour, and between us and the rest of the creation, then the social significance of the gospel is obvious. Thus the message is clear: the good news about God's forgiving grace renews our whole existence, and calls us to a social responsibility and solidarity with the rest of creation. This message clearly has strong relevance in Icelandic society today.

The Icelandic Situation in the Wake of an Economic Collapse

Since the collapse of the Icelandic banks in 2008, our society has been faced with the enormous consequences of the selfish and irresponsible conduct of a relatively small group of people. Because of their actions, thousands of families in Iceland have been unable to make ends meet, or are really struggling to do so. The percentage of unemployed has been exceptionally high, people have lost their homes, and the number of bankrupt businesses is increasing. The consequences are huge and nobody—not a single person—is unaffected. The value of our currency (the Icelandic krona) sank greatly, and the prices of imported necessities like food and gas have increased significantly. Our entire welfare system has suffered, including our health-care

^{9.} Barbara Brown Taylor, Speaking of Sin: The Lost Language of Salvation (Cambridge, MA: Cowley Publications, 2000), 66.

system, and our schools. The future of our nation is bleak and the future of our children uncertain. There is a real danger that future generations will inherit our debts and be forced to repay what we could not.

On October 6, 2008, Mr. Geir H. Haarde, the Prime Minister of Iceland, announced the collapse of the three main banks of Iceland in a speech on national television. He concluded by asking God to bless Iceland, which symbolized to most people how serious the situation really was. The following weekend people gathered in front of the Parliament building in downtown Reykjavik in order to protest and demand the resignation of the government. The protests continued every Saturday afternoon until the end of January 2009, when the government did in fact resign and a new parliamentary election was scheduled at the end of April.

With very few exceptions, the protest was a peaceful one. It was "a revolution of pots and pans," or an example of the non-violent resistance of people who literally bang on their pots and pans in order to make their demands for justice known. A persistent demonstration was maintained week by week in front of our Parliament."

From the Report of the Special Investigation Commission delivered to Parliament in April 2010, it was clear that a drastic clean-up needed to take place. Most people agreed that policies, rules and regulations needed to be reevaluated, while the demand for the Icelandic Constitution to be rewritten grew louder.

A New Constitution

The Icelandic Constitution, handed to us by the King of Denmark in 1874, was in its original form a slightly adjusted version of the Danish Constitution. When Iceland became a republic in 1944, necessary amendments were made, without a thorough revision of the whole document. Additional amendments were added repeatedly towards the end of the twentieth century. Thus it can be rightfully argued that an Icelandic Constitution has never, actually, been written.

In the summer of 2010, Althingi, the Icelandic Parliament, passed a bill calling for the formation of a Constitutional Council with 25 members, each of which was to be chosen in a general election. In November 2010, 520 Icelandic citizens put their names on the ballot and 25 were ultimately elected to the Council. They came from many different backgrounds and professions, including three medical doctors, three lawyers and two theologians, one of them the author of this article. The Council

- 10. A documentary film about the collapse was named "God bless Iceland." See: http://www.youtube.com/watch?v=KMvekzd-Vfg&feature=player_embedded#
 - 11. http://www.guardian.co.uk/world/2009/jan/22/iceland-protests-recession

assembled at the beginning of April 2011 and was given four months to write a bill for a new constitution. During that time, the public had wide access to the Council's work through the Council's website, where people could write comments and offer suggestions to Council members. On July 29th, the Council handed the bill for the proposal of a new Constitution, unanimously approved by all delegates, to the Speaker of Althingi. A national referendum was held on October 20, 2013, in which 67% of those who voted (the turn out in the referendum was a little less than 50%) responded affirmatively to the following question: 1. Do you wish the Constitution Council's proposals to form the basis of a new draft Constitution? Over 80% said they wanted natural resources that are not privately owned to be declared national property, while 58% wanted to see provisions in the new Constitution on an established (national) church in Iceland. Parliament is still to decide what will happen to the bill in light of the results from the referendum.

In order to help prepare for the work of the Constitutional Council, Althingi appointed a committee of seven specialists in the summer of 2010. Its main task was to host a National Forum, to propose important changes on the Constitution, and to collect a database for the Constitutional Council. A National Forum was held at the beginning of November 2010. A simple random sample of 950 individuals, from 18 to 91 years old, met for one day to discuss cares and concerns relating to the governance of our country. The aim of the National Forum was to elicit principles and values the people of Iceland consider necessary for the future of our society. ¹⁴

The Constitutional Council went to great lengths to make the structure and the text of the bill for a new constitution accessible to everybody. Throughout its work, the Council was guided by three basic principles from the National Forum: distribution of power, transparency and responsibility. In order to increase the distribution of power, greater emphasis was placed on a sharper division between the three branches of power (legislative, executive and judicial). Increased public participation in decision-making, so as to broaden the distribution of power, was another point of emphasis.

- 12. http://stjornlagarad.is/english/
- 13. http://eng.innanrikisraduneyti.is/news/nr/28296
- 14. http://www.thjodfundur2010.is/english/
- 15. http://stjornlagarad.is/english/
- 16. Article 2 in the Constitution of the Republic of Iceland reads:

Althingi and the President of Iceland jointly exercise legislative power. The President and other governmental authorities referred to in this Constitution and elsewhere in the law exercise executive power. Judges exercise judicial power (http://www.government.is/constitution/).

At the beginning of the proposal for a new Constitution of the Republic of Iceland is a preamble, a sort of manifesto, where basic values and principles are delineated. The aim of the Constitution is emphasized in the first sentence, namely, "to create a just society" where everyone is equal. Here follows the Preamble in its entirety:

We, the people who inhabit Iceland, wish to create a just society where every person has equal opportunity. Our diverse origin enriches our society and together we are responsible for the heritage of generations, our country and its history, nature, language and culture.

Iceland is a free and sovereign state with freedom, equality, democracy and human rights as its cornerstones.

The government shall endeavour to strengthen the welfare of the country's inhabitants, encourage their culture and respect the diversity of the life of the people, the country and its biosphere.

We wish to promote harmony, security and happiness amongst us and coming generations.

We are determined to work towards peace with other nations and respect for the earth and all humankind.

In light thereof we set a new Constitution, the supreme law of the land that all must observe. T

During the work of the Constitutional Council it was clear that our aim was to write a new constitution which would guide us on our way towards a just society. Thus the chapter *Human Rights and Nature* is particularly important, in which a necessary balance between rights and responsibilities is emphasized, echoing the idea of good stewardship in the first chapters of Genesis.

Our idea of a just society is to a great extent based on our Christian heritage, which has been a dominating faith tradition in Iceland for the past 1000 years. Fundamental to that tradition is the belief that we are all created in the image of God, which is, again, crucial for our basic principle of the equal status and equal rights of all citizens. Still, the fact is that we are not all equal, which is why we need to do better in order to secure true equality. Article six in the proposed bill is a rewriting of the current article on equal rights. It reads:

We are all equal under the law and shall enjoy our human rights without discrimination, such as due to gender, age, genetic character, place of residence, economic status, disability, sexual orientation, race, colour, opinions, political affiliation, religion, language, origin, ancestry and position in other respects. Men and women shall enjoy equal rights in every respect. ¹⁸

- 17. http://stjornlagarad.is/other_files/stjornlagarad/Frumvarp-enska.pdf
- 18. http://stjornlagarad.is/other_files/stjornlagarad/Frumvarp-enska.pdf

To some members of the Council it was sufficient to maintain that we are all equal under the law and shall enjoy our human rights without discrimination. But the majority thought it was necessary to list reasons often used in order to discriminate against members of our society. For the same reason, it was decided to keep the reiteration in the current constitution, regarding the equality of women and men.

The rationale behind an extended list of reasons for discrimination in the article on equal rights is clear: it is simply because we do *not* live in a just society. Nevertheless, we aim for it. The list of reasons for discrimination is hardly definitive, nor is it intended to be; its purpose is to make absolutely clear that discrimination in our society is not to be tolerated. Citizens who endure discrimination for any reason should be able to count on the fact that their rights are nevertheless guaranteed.

Of the 35 articles on "human rights and nature," 13 are new. They are: the right to life (art. 7); human dignity (art. 8); information (art. 15); freedom of the media (art. 16); freedom of culture and academia (art. 17); and prohibition against compulsory military service (art. 31). The inclusion of articles dealing with nature and the environment (art. 33) and natural resources (art. 34) in the chapter on human rights is meant to underscore the close connection between the rights of those who "live off the land" and the rights of the land itself. Sustainability is key. Article 33 reads as follows:

Iceland's nature constitutes the basis for life in the country. All shall respect and protect it.

All shall by law be accorded the right to a healthy environment, fresh water, unpolluted air and unspoiled nature. This means that the diversity of life and land must be maintained and nature's objects of value, uninhabited areas, vegetation and soil shall enjoy protection. Earlier damages shall be repaired as possible.

The use of natural resources shall be such that their depletion will be minimised in the long term and that the right of nature and coming generations be respected.

The right of the public to travel in the country for lawful purposes with respect for nature and the environment shall be ensured by law.

Articles 33 and 34 are among the most controversial of the proposed constitution. Those who support the current distribution of rights to fishing (the quota system) worry about the future of the fishing industry, which is to a large extent controlled by those who "own" the quotas. Hence, to state that fish are public property is a major obstacle to many. Article 34, on natural resources, reads as follows:

Iceland's natural resources that are not private property shall be the joint and perpetual property of the nation. No one can acquire the natural resources, or rights connected thereto, as property or for permanent use and they may not be sold or pledged.

Publicly owned natural resources include resources such as marine stocks, other resources of the ocean and its bottom within Iceland's economic zone and the sources of water and water-harnessing rights, the rights to geothermal energy and mining. The public ownership of resources below a certain depth under the earth's surface may be determined by law.

In the use of natural resources, sustainable development and public interest shall be used for guidance.

The public authorities, along with those using the natural resources, shall be responsible for their protection. The public authorities may, on the basis of law, issue permits for the use of natural resources or other limited public goods, against full payment and for a modest period of time in each instance. Such permits shall be issued on an equal-opportunity basis and it shall never lead to a right of ownership or irrevocable control of the natural resources.

If approved, this article will make a real difference, and help us, as a nation, move towards a fair distribution of our oceanic resources.

While a good number of articles are new, others have been revised, as is the case with the article on the freedom of religion (18) and the church (19). To include these articles in the chapter on human rights (they are currently in a separate chapter) is a new proposal, intended to emphasize the importance of religion or religious world-views in human society. The following is an updated version of the article on the freedom of religion:

All shall be assured of the right to religion and a view of life, including the right to change their religion or personal convictions and the right to remain outside religious organisations.

All shall be free to pursue their religion, individually or in association with others, publicly or privately.

The freedom to pursue religion or personal convictions shall only be limited by law as necessary in a democratic society.

The need to update the article on the freedom of religion is based on the difference between our current context and the situation back in 1874, when the article on the freedom of religion was written into the first Icelandic Constitution. Back then the main concern was the freedom of Christians outside of the Evangelical Lutheran Church to practise their faith according to their convictions. From the middle of the sixteenth century until the king of Denmark handed the constitution over to the Icelandic nation in 1874, the Evangelical Lutheran Church was the only "legal"

faith-community in Iceland. As we consider our country at the beginning of the twenty-first century, such language is no longer appropriate. The number of diverse Christian faith communities, as well as faith communities of different religious convictions, is growing, and there are also some who have formed communities around their atheistic beliefs.

The Constitutional Council unanimously decided it was not within its purview to decide about the future of the Evangelical Lutheran Church of Iceland as the National Church. Eventually, the majority voted for the following article:

The church organisation of the state may be determined by law.

In cases where Althingi amends the status of the church of the state the matter shall be referred to the referendum of all qualified voters in the country for approval or rejection. (Article 19)

The nation is clearly divided on this issue, but it is hard to say what the majority really want. I think it is up to the Church itself to initiate an open debate about the pros and cons of a National Church. Until now the dispute has been limited to those who are strongly for or against, and whose voices are the only ones in the public forum. The majority of the population has not entered the debate and is most likely "lost" somewhere in between the two extremes

A Step in the Right Direction

Apathy and passivity towards injustice and evil is a problem world-wide, and it is certainly the case in our society. The economic collapse we experienced in 2008 was, in many ways, a wake-up call for us. When injustice and evil are no longer only somebody else's problem, but also yours and mine, things suddenly look very different. When Icelanders realized that what the banks and the investors had been doing was affecting them personally, they decided it was time to do something about it. That was when they started gathering together, bringing their pots and pans along, in order to protest and call for justice.

When citizens ignore their civic responsibilities, there are bound to be consequences, one of which may be that societal structures will fail to provide or guarantee equal rights under the law. Then we all suffer, individually and communally, as injustice abounds and evil flourishes. In order to get back on track we need to acknowledge what has gone wrong, and do something about it. In the wake of the economic fall of October 2008 there has been a strong appeal for justice in Iceland, but also that those who are responsible will be held accountable. This is an important part of our Christian heritage: to acknowledge our responsibility, not only

in court, but also in front of our community (l. coram hominibus), and in front of God, our creator (l. Coram Deo). When we acknowledge that life has been entrusted to us, we are bound to look at it as part of a bigger picture, and not simply as a thing we can manipulate to suit us—which seems to be what got us into so much economic trouble in the first place. To believe that we belong to God's creation gives us a purpose and a meaning in life. It helps us deal with the difficulties we face now, when the economic picture is still quite bleak. That is why I think theology can help us pave the way towards a just society. A new constitution for the Republic of Iceland is aiming for exactly that. The proposed new constitution is hardly perfect, but it is undoubtedly an important step in the right direction.¹⁹

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