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Declarative Speech Acts as a Discursive Practice of Disruption

An Analysis of Same-Sex Marriage and Blessings in German Church Discourse

Abstract This paper discusses how the category of declarative speech acts can be used in the context of discourse analysis. For this purpose, similarities as well as differences between the works of Searle and Foucault are being discussed in order to illustrate the possibilities and challenges of theorizing declarative speech acts as discursive practices. To elaborate on these problems, a study on the felicity conditions of marriage in Islamic as well as Christian cultures is critically reviewed. The paper ends with an analysis of the discourse of same-sex marriage as well as blessing ceremonies in German churches and the discursive conflicts revolving around those practices.

Keywords Queer-Linguistics, Declarative Speech Acts, Discourse Theory, Speech Act Theory, Language and Religion

1. Introduction

Looking into introductory literature on speech act theory, one of the most common examples given for declarative speech acts is marriage (cf. Plag et al. 2009, p.184; Mey 2011, p. 122; Becker/Bieswanger 2012, p. 162; Fasold/Connor-Linton 2014, p. 162; Cummins 2019, pp. 186 f. Grundy 2020, p. 33; Birner 2021, p. 178, p. 191; Clark 2022, p. 113; Xiang/Jia/Bu 2024, p. 84). Likewise Austin (1962, p. 5) and Searle (1976, p. 20) have used marriage for the sake of illustration. In each case, the purpose of these examples is to show how language use creates social reality, in the sense that a person (in some cases a priest) creates a marriage by declaring a couple to be married. Building on the works of Austin, Searle (1976, pp. 2–16, 2010, p. 69) theorizes declarative speech acts to be one of five universal types of illocutionary acts (assertives, commissives, emotives, and directives) that are grounded in the nature of language and the human mind. In this theoretical framework, Searle (1976, p. 13) defines declaratives as speech acts in which the “successful performance of one of its members brings about the correspondence between the propositional content and reality”.

Except for Xiang/Jia/Bu (2024), Plag et al. (2009) and Grundy (2020)¹, in all of the literature referenced above, a man marries a woman. The point of addressing this is not so much to criticize a lack of diversity or conservatism in introductory literature, but rather to pose the question of whether reflecting on heteronormative conceptualization of marriage affects the way we theorize declarative speech acts. Taking this point one step further, if we, as Searle (2010, pp. 145–173) suggests, consider declaratives to be dependent on institutional systems, we may ask how legal conflicts and political dynamics in the discourse about same-sex marriage may impact our understanding of marriage as a declarative speech act.

1 Grundy (2020) being the only one who explicitly references the topic of same-sex marriage whereas Xian et al. (2004) and Plag et al. (2009) do not mention any genders of the married couple.

Looking at marriage not just as an abstract textbook example, questions arise of who has the authority to declare marriage and blessings of same-sex couples and what counts as genuine marriage in what context. In the case of Germany, despite same-sex marriage being legalized in civil law in 2017, there has been a lot of debate in the Protestant Church on whether priests should be allowed to marry or bless same-sex couples in church contexts (cf. Lausen 2021, pp. 362–396). Likewise, even though in the Roman Catholic context marriage is strictly preserved for heterosexual couples, there has been a lot of debate on how far priests should be allowed to conduct blessings of same-sex couples (cf. Hirschbeck 2023). Despite punishments in past, several priests have held blessings ceremonies for same-sex couples (cf. Lauer 2018).

These dynamics revolving around liturgical language practices and power relations regarding gender and sexuality are of special interest from a discourse analytic perspective (cf. Foucault 1976; Butler 1990, 1993). Likewise, Searle in his later works (1997, 2010), who was also inspired by Foucault (cf. Searle 2010, pp. 153–155), tried to connect his works on language theory with the analysis of society and institutional power. Accordingly, this opens the question of how far the concept of declarative speech is applicable to the discourse analytic methods for analyzing the relationship of power and language.

Taking the discourse of same-sex marriage and blessings in German church contexts as a case study, this article tries to explore how declarative speech acts can be theorized as discourse practices, which have the potential to reproduce as well as disrupt hegemonic power relations of institutional systems such as churches.

2. Towards a Discourse-Analytic Understanding of Declaratives

Despite Searle and Foucault coming from very different schools of thought (and, as Searle himself states, having a very different style in writing),² they have both influenced each other's works (cf. Dreyfus/Rabnow/Foucault 2007, pp. 45–47; Prado 2006, pp. 24 f.). One of their most common interest is how language constructs reality and how this is affected by institutional power.³ In *The Construction of Social Reality* (1995) as well as *Making the Social World* Searle (2010, pp. 7–15) conceptualizes social reality as consisting of institutional facts which he defines as carriers of a collectively acknowledged status function. The act in which status functions come into existence is the act of declaring them. Foucault on the other hand is interested in how historically contingent discursive orders determine what can be said and how discourses “systematically form the objects of which they speak” (Foucault [1969] 2010, p. 49). Against this background both can be considered constructivist in a very broad sense.

Despite this similarity, the differences in their thinking outweigh what they have in common. In his comparative book on Searle and Foucault, Prado (2006, p. 28) points out that one of the key differences lies in how they conceptualize truth. Even though both think that there is a material reality beyond thought and language, Searle (1999, p. 10) considers a sentence to be seen as true to be dependent on whether it adequately represents the world. Despite being a constructivist, Foucault does not deny the material reality, he just thinks that “extralinguistic reality plays no epistemic role in the determination of what

2 <https://www.youtube.com/watch?v=yvwhElhv3N0&t=42s> (last accessed 30-1-2024).

3 For a more general overview regarding the relationship of speech act theory and discourse analysis see Reisigl (2018, pp. 166–168), Fairclough (2003, pp. 9 f.) and Kammler (2021, p. 61).

is deemed to be true or to constitute knowledge” (Prado 2006, p. 29). Unlike Searle, Foucault considers truth to be a product of discursive language practice dependent on epistemic orders and power relation within a specific historically and sociopolitical constellation.

I want to argue that this understanding of how language and the extralinguistic reality correspond to each other results in huge differences in how power and social conflicts are conceptualized (not just by Foucault, but also in discourse theory more generally). This can be illustrated using the following example taken from *Searle’s Making the Social World*:

An important feature of political conflict is that it is a conflict over social goods, and many of these social goods include deontic powers. So, for example, the right to abortion is a political issue because it involves a deontic power—the legal right of women to have their fetuses killed. (Searle 2010, p. 171)

Whilst the “right of women to have their fetuses killed” is considered an institutional fact constructed by declarative use of language, the fetus as a living being is considered a “brute fact” (Searle 2010, p. 9), meaning that its facticity is rooted in the physical material world and is thus independent of human thought and language. A discourse analytic view especially in the tradition of feminist discourse analysis (cf. Lazar 2007) would reject this interpretation and instead argue that the status of the fetus as a living entity is also socially constructed and discursively serves the purpose of legitimizing the restriction of reproductive rights (cf. Hahn 2014, p. 57). In this sense, language does not merely depict the material reality in a neutral way but rather provides different and often hegemonic perspectives on how it can be conceptualized (cf. Felder 2013, pp. 15–25). Taking Butler’s (1993, p. 13, pp. 106 f.) understanding of speech acts, declaratives⁴ can be considered a discursive practice that does not merely constitute abstract social entities such as money or laws but affects the way we give meaning to material reality and thus conceptualize bodies as being gendered or being carriers of life.⁵

Yet, performative speech according to Butler is not merely to be understood as a means of stabilizing normative discursive orders, but also a way of destabilizing and disrupting them in their contingency. At one point Butler talks about instability and the limits of discourses and how what remains outside of discourse can become the basis in how symbolic orders become disrupted:

But of equal importance is the preservation of the outside, the site where discourse meets its limits, where the opacity of what is not included in a given regime of truth acts as a disruptive site of linguistic impropriety and unrepresentability, illuminating the violent and contingent boundaries of that normative regime precisely through the inability of that regime to represent that which might pose a fundamental threat to its continuity. (Butler 1993, p. 53)

Disruption can thus be understood as “the occasion for a radical rearticulation of the symbolic horizon” (Butler 1993, p. 23) within a discursive system. Applying this idea of the disruptive potential of performative speech to Searle’s theory of declarative speech acts, the question arises in how far declarative speech does not merely constitute institutional systems but also contributes to their disruption.

To summarize my argument, a fundamental difference between speech act theory’s (according to Searle) and discourse theory’s understanding of linguistic constructivism is that,

4 As Butler primarily comments on the works of Austin, they don’t use the term declarative and instead speak of performative speech.

5 For a more in-depth look at Butler’s theory of performativity in the context of speech act theory see Krämer (2017, pp. 238–260).

unlike the former, the latter considers the practices through which we construct reality as part of broader agonal discursive conflicts and power relations (cf. Spitzmüller/Warnke 2011, p. 43). Thus, linguistic discursive practices do not merely construct social reality dependent on institutional power (in that sense Searle and Discourse Theory are on the same page), they also deconstruct and disrupt hegemonic ways of speaking and thus disrupt dominant constructions of reality (cf. Wrana 2015, p. 134). Even though Searle sees a close connection between power and the linguistic construction of reality, he only considers power to be enacted by individual subjects in positions of authority but rejects the idea of power being enacted through systems such as orders of discourse which transcend the individual subject:

It is a constraint on any satisfactory discussion of power that whenever one talks about power one should be able to say, who exactly has power over exactly whom to get them to do exactly what? (Searle 2010, p. 152)

I want to argue that if we want to analyze declarative speech from a discourse analytic perspective, we need to take these discrepancies into consideration. In order to illustrate my point further, I want to take a closer look at a study on the felicity conditions of same-sex marriage coming from the perspective of speech act theory.

3. The Felicity Conditions of Same-Sex-Marriage

Before I am going to provide my own analysis of marriage and blessings of same-sex couples in German church discourse, I want to critically examine a study by Al-Husseini and Al-Shaibani (2016) in which they investigate the “Felicity Conditions in the Same-Sex Marriage Discourse” in Christian and Islamic contexts. Felicity conditions (FC) in reference to Austin (1962, pp. 14f.) in this context refer to the condition for a speech act to be successfully performed. As suggested by Searle, Al-Husseini/Al-Shaibani (2016, p. 61) also consider marriage to be a declarative speech act. Although the topic implies otherwise, they do not come from a discourse-analytic perspective and only use categories from speech act theory.

From my view, the biggest problem of the study is that the authors assume there is a homogeneous “Christian Western culture and Islamic Arab culture” (ibid., p. 61) thus disregarding the diversity of different traditions in Islam and Christianity across different countries all over the world as well as the traditions which got lost in the course of history. On the basis of reviewing conservative arguments against same-sex marriage as well as analyzing a few selected Bible and Quran verses, they conclude that there are no FC for marriage in Christianity and Islam:

It was noticed that both religions, Christianity and Islam, prohibit and condemn the homosexual practices and this fact is explicitly declared in the cited Biblical and Quranic verses. This means that same-sex marriage has no FCs in terms of religious conventions. (Al-Husseini/Al-Shaibani 2016, p. 70)

The paradox that despite allegedly having no felicity conditions, Christian⁶ as well as Islamic⁷ marriages have been taking place in the past (even years before the paper was published in 2016) is not addressed.

6 <https://www.mcctoronto.com/20-years-of-marriage-equality/> (last accessed 30-1-2024).

7 <https://www.france24.com/en/20120402-islam-homosexuality-muslim-gay-marry-france-ludovic-mohamed-zahed> (last accessed 30-1-2024).

It must be said that even though the authors base their argumentation in referencing conservative political and exegetical positions, they never explicitly subscribe to these views themselves. The problem however is that they frame those positions as being the only legitimate and genuine views of a homogeneous Christian and Islamic Culture, thus disregarding any alternative perspectives coming from Queer-Christian and Queer-Islamic theology and activism (cf. Tonstad 2018; Mahomed 2016) as well as the research that has been done on the relationship on queerness and religion (cf. Wilcox 2021). The fact that the words *discrimination* and *discriminate* are not mentioned even once illustrates this point very well.

The purpose of my criticism is not to accuse the authors of heteronormativity, but to highlight that the very terminology they use cannot adequately capture the political and theological dynamics as well as jurisdictional complexities that are at the core of the practices and discourse they analyze. By assuming that speech acts can only be performed by fulfilling mutually agreed felicity conditions within a culture or institutional system, one necessarily must dismiss any practices that diverge from these conventions as unsuccessful. Nevertheless, this does not mean that we have to disregard the idea that speech acts and more specifically declarative speech acts rely on conventions and institutional systems, but that we also have to consider how we can adequately analyze practices that disrupt and challenge these norms and conventions.

This is where a discourse analytic understanding of declarative speech acts can become helpful, as we may not only ask how declarative speech acts are dependent on hegemonic institutional powers but also take into consideration how these powers are subverted and disrupted. This shall be illustrated in the final chapter. It should be said that as my expertise lies within Christian but not Islamic contexts, I will only focus on Christian same-sex marriage and blessings.

4. Marriage and Blessings as a Form of Protest and Disruption

The discourse of same-sex marriage and blessing ceremonies comes along with a long history of complex jurisdictional as well as theological and social conflicts, which I can only reconstruct on its surface and regarding the topic of declarative speech acts. For a detailed overview and elaborated analysis of this topic see Lausen's (2021, pp. 352–396) *Ordnungen der Trauung* (Orders of Marriage) in which she analyses the discourse in church about same-sex marriage in Germany.

Before we start our analysis, we need to specify the relationship between the act of blessing and the act of marriage as they have different theological meanings in Protestantism and Catholicism. Unlike Protestantism, Catholicism considers marriage to be a sacrament,⁸ meaning a “sign that refers to a divine reality and thus has a sacralizing effect” (Weyel 2021, p. 189, transl. J.T.). In the tradition of Luther, Protestantism instead considers marriage to be a secular bond and a wedding ceremony to be the act of blessing a marriage (ibid.). Thus, whereas in a catholic wedding ceremony the couple consents to the sacramental bond of marriage, a protestant wedding ceremony is a public blessing on the occasion of a marriage (cf. Wagner-Rau 2015, pp. 202f.). Blessing in this context can be understood as an

⁸ For a more detailed look on the sacramental understanding of marriage see Baumann (2022).

expression “that the promise of grace accompanies the couple on their journey” (ibid., p. 202, transl. J.T.).⁹

In this sense a blessing may be considered a rather directive speech act (asking God for his grace) or emotive speech act (expressing that wish), while the act of marriage is to be considered a declarative speech act, as marriage is officially reregistered in church books, thus making it an institutional fact in the form of a standing declaration (cf. Searle 2010, p. 13). However, I also want to consider blessings in part as declarative speech acts, because there are also institutional rules as well as social and theological norms to who can enact a blessing, what can be an object of a blessing and when a blessing is considered genuine and legitimate. This aspect is specifically relevant for the case of blessings and marriages of same-sex relationships since many conservative Christians argue that homosexual relationships are a sin and thus cannot be blessed or married, thus dismissing same-sex marriages as genuine marriages in a supposedly Christian sense. This shows an important aspect of blessings, namely that even though they are carried out in conventionalized practices, the meaning given to them can vary a lot depending on context and the people being involved:

The religious content in the narrower sense, which is associated with the occasion-related blessing by the communicative actors, can vary greatly. This situational attachment and simultaneous openness to interpretation is a characteristic of many blessings, [...]. (Leuenberger 2015, p. 5, transl. J.T.)

The current situation in protestant churches in Germany is that whether same-sex couples can have a public wedding and/or blessing ceremony depends on the 20 regional churches and their synods, although this has become possible in most places in recent years.¹⁰ It should be noted that even before civil marriage became possible in 2017, churches in Nassau and Baden have held wedding ceremonies for same-sex couples. The situation in the Roman Catholic Church due to this hierarchical structure is very different, as the Vatican has the hegemonic authority to define marriage as a sacramental bond between man and woman, thus making any form of same-sex wedding ceremony impermissible. However, there has been a lot of discussion whether priests should be allowed to bless same-sex couples. Similar discussions regarding blessings have been held in protestant church discourse in the past. One of the main caveats, both in protestant as well as catholic contexts, was that blessing ceremonies in their liturgical form should not be mistaken for “genuine wedding” ceremonies.

In her analysis of the discussion on the discourse of *Trauung für alle* (‘Marriage for all’) in the Protestant Church in Germany, Weyel (2021, p. 193) argues that this “symbolic ritual differentiation” (transl. J.T.) of marriage and blessing serves as a discursive discriminatory strategy to enforce a heteronormative understanding of marriage. Many theological arguments have been used against this differentiation to demonstrate that same-sex marriage is worthy of blessing and wedding ceremonies. One of the most common arguments here is, that since homosexuality is just as natural as heterosexuality it has to be seen as part of god’s creation, which is why same-sex love is intended by God (cf. Lausen 2021, pp. 371–373). Linguistically speaking, these discussions can be seen as agonal metapragmatic (cf. Felder 2013; Spitzmüller 2013) conflicts regarding both the meaning of the act of marriage

⁹ It should be mentioned that wedding ceremonies consist of several speech acts, for example the commissive acts of the spouses committing themselves to marriage. Although these are important to take into consideration, I primarily want to focus on the declarative act of marriage itself.

¹⁰ For an overview see Bechthold/Kampf/Süßmann. (2023).

and blessing as well as marriage and blessings as a status function (in the sense of Searle) being assigned to a couple.

Similar discussions can be found in the context of the Roman Catholic Church regarding blessing ceremonies. An important document here is the *Fiducia supplicans* ('Supplicating Trust'), which was published in December 2023 by the Dicastery for the Doctrine of the Faith. Since the document allows priests the "blessings for couples in irregular situations and for couples of the same sex" (Fernández 2023), it caused a lot of media attention and discussion. In this context, many theologians and activists have criticized that even though this document may be a step towards more acceptance of same-sex relationships, the text clearly states that the Vatican "remains firm on the traditional doctrine of the Church about marriage" (ibid.). Accordingly, the act of blessing is not to be mistaken for a convalidation of same-sex relationships or civil marriages. As outlined for the context of the Protestant Church in Germany, the document also demands the aforementioned symbolic ritual differentiation of marriage and blessing so that in its liturgical form the former is not to be mistaken for the latter:

Within the horizon outlined here appears the possibility of blessings for couples in irregular situations and for couples of the same sex, the form of which should not be fixed ritually by ecclesial authorities to avoid producing confusion with the blessing proper to the Sacrament of Marriage. (ibid.)

An important aspect is that the document is to be understood as an attempt to reinforce a hegemonic understanding of marriage and blessings, which in the light of debates in the past has become ambiguous and raised questions. This "Dubia of some Cardinals" (ibid.) (doubt regarding the meaning of blessings of same-sex relationships), can be seen as a result of public controversies in the past.¹¹ Thus, blessings of same-sex couples in the terms of Butler (1993, p. 53) can be seen as a moment in which the "symbolic horizon" and the "contingent boundaries of [the] normative regime" of the catholic church become disrupted.

In this context, an important recent discursive event was a church-service, that took place on the 20th of September 2023 in front of the Cologne Cathedral. During the event, 30 both heterosexual as well as homosexual couples have been blessed publicly by 8 priests.¹² These blessings were a form of protest directed towards Cardinal Woelki who rebuked a priest due to him blessing same-sex couples. As the event was supposed to attract public awareness and set out a statement for acceptance of same-sex love, these forms of public blessings can be seen as a form of critique and political positioning (cf. Dang-Anh 2023). Furthermore, even before this event, several churches of the initiative of #Liebegewinnt 'Lovewins', which was a reaction to an official Statement from the Vatican that prohibited same-sex blessings (cf. Ladaria Ferrer 2021), have held several blessing ceremonies as a "sign of solidarity and pastoral care" (transl. J.T.).¹³ Likewise, the group HuK 'Homosexuals and Church' has organized blessing ceremonies for same-sex couples and provides liturgical materials for such events.¹⁴ Lastly, it should be mentioned that in 2023, the Synodale Weg ('Synodal Way'), a discussion forum consisting of the German Bishops' Conference

11 For an overview of the debate see <https://www.huk.org/themen/segnung-trauung/95-segnung-romisch-katholisch> (last accessed 30-1-2024).

12 https://www.focus.de/panorama/protostaktion-in-koeln-priester-segneten-gleichgeschlechtlichepaare_id_209642190.html#:~:text=Der%20Segnungsgottesdienst%20vom%20Mittwochabend%20war,eine%20Welle%20der%20Emp%C3%B6rung%20ausgel%C3%B6st. (last accessed 30-1-2024)

13 <https://www.liebegewinnt.de/2021/05/10/dankbar-und-hoffnungsfroh/> (last accessed 30-1-2024).

14 <https://www.huk.org/themen/segnung-trauung/81-segnung-und-trauung-evangelisch> (last accessed 30-1-2024).

and the Central Committee of German Catholics, agreed on a reform proposal, that suggest the authorization of blessing ceremonies for same-sex couples.¹⁵ Those debates have been commented on by many both conservative as well queer-supportive groups within the Roman Catholic Church in Germany.

All these discursive events, groups, and practices described above show, that hegemonic notions of what counts as a legitimate relationship based on Christian beliefs as well as the practices affirming them (declarative acts of blessing and marriage) have become more and more contested in agonal discourse formations. The point of my analysis was to show that the question of whether there are commonly accepted felicity conditions for the declarative speech acts of marriage and blessing is not helpful if we want to understand the discursive dynamics of declarative and potentially disruptive forces that result from them. In order to analyze declarative speech acts as discursive practices constructing social reality depending on hegemonic institutional systems, we have to look at the reciprocal dynamics of how these practices produce as well as deconstruct the institutional power relations enabling them. Declaratives are not only – as one might take from the works of Searle – a mechanism in which institutional systems and symbolic orders stabilize and reproduce themselves, but similarly what constitutes their instabilities and what transforms them. For the purpose of analyzing declarative speech acts as discursive practices, this means not only looking at cases in which the status of institutional practices and their legitimacy appears to be clear but also looking at contexts in which it is being challenged and has become ambiguous and contested.

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15 <https://katholisch.de/artikel/44006-synodaler-weg-segensfeiern-fuer-homosexuelle-paare-ermoeglichen> (last accessed: 30-1-2024).

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