Guide to Adventist Theologians, 2

Review of White Estate on Numbers

SPECTRUM

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THE CHURCH & THE COURTS

'Hierarchy' in Landmark Decisions

Is the Church Responsible to the State?

A New Doctrine of the Church?

Neal Wilson Talks About Court Cases

SPECTRUM

Association of Adventist Forums

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In This Issue

About This Issue

Within a period of six months (September, 1977-March, 1978), the denomination has settled out of court two long-standing suits, one of which had been in litigation for five years. The federal agencies suing the Pacific Press and Pacific Union regarded the basic issue as inequality of payment to female employees. Denominational leaders and lawyers viewed the issue as whether or not the Church was protected by the constitutional, first amendment right to free exercise of religion. The article by Douglas Welebir and the interviews with Neal Wilson review the arguments on both sides.

As the cases proceeded through the legal process, denominational leaders gave depositions under oath, signed affidavits providing written testimony, testified orally in court and approved extensive legal briefs. The articles by John Van Horne and Ron Walden analyze how denominational leaders, in this large body of public documents, describe the nature, purpose and structure of the Seventh-day Adventist Church.

Why study documents arising out of court cases that are now settled? Because Adventists have rarely taken the time to discuss the nature of their denomination. These cases forced the leaders of Adventism to state their understanding of the Church's structure.

Elsewhere in this issue, James Londis carries on the series acquainting Adventists more fully with their theologians. Jack Provonsha discusses an aspect of homosexuality, a problem that an increasing number of Adventist ministers say is growing, and Gary Land reviews the White Estate's critique of Numbers' *Prophetess of Health.*

This is the last issue which Charles Scriven has coedited. He has begun a full-time doctoral program in constructive theology at the Graduate Theological Union, Berkeley, California, and has decided that his studies demand his full energies. In addition to pastoring, teaching and writing articles and books, Scriven has refashioned journals to appeal to wider audiences. He had a major role, as the first associate editor, in creating *Insight,* the replacement for the *Youth's Instructor.* When he became coeditor of SPECTRUM, he had definite ideas about content and was responsible for changing the journal's appearance.

Scriven will continue as a member of the Board of Editors and has already agreed to edit two future clusters of articles. Readers will be glad to know that SPECTRUM will continue to be a major commitment to one of the denomination's finest editors.

The Editors

Church Settles Court Cases

Recently, the Seventh-day Adventist Church has settled out of court the two cases involving employment and pay practices and charges of discrimination on the basis of sex. The following articles summarize the settlements and the church's rationale for settling, as explained by Neal Wilson.

The Editors

Department of Labor — Pacific Union Case

At the end of September 1977, the United States Department of Labor, the Pacific Union Conference and its codefendants entered into stipulations for settlement and future compliance. It was stipulated that the case against Loma Linda University would be settled, without admitting any violations of the F.L.S.A., for the sum of $6,737.60.

As part of the settlement, LLU represented and affirmed that it was its policy "to pay all of its teachers and administrative personnel and all of its housekeepers, janitorial or custodian personnel in accordance with the provisions" of the F.L.S.A. and further represented that it intended "in the future to continue to pay such employees in accordance with said provisions of the Act."

In the stipulated settlement with the remaining defendants, again without admitting any violations of the F.L.S.A., it was agreed that the defendants would pay to the Department of Labor the sum of $650,000. The settlement check to be made payable to "Wage and Hour Labor," the Department was to distribute these monies to defendants' teachers and school administrative employees. If any of these individuals should refuse to accept such sums or were incapable of being located, those funds were to be paid by the Clerk of the Court to the Treasurer of the United States.

They further agreed to conform their pay practices, with respect to their teachers and school administrative employees employed in the State of California, to the F.L.S.A.; specifically, they agreed not to:

> discriminate, within any establishment in which such employees are employed, between employees on the basis of sex by paying wages to employees in such establishment at rate less than the rate at which [he] pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance of which requires equal skill, effort and responsibility and which are performed under similar working conditions, except where such payment is made pursual to (i) a seniority system; (ii) a merit system; (iii) a system which measures earnings by quantity or quality of production; or (iv) a differential based on any other factor other than sex: Provided, That an employer who is paying a wage rate differential in violation of this subsection shall not, in order to comply with the provisions of this subsection, reduce the wage rate of any employee.

Upon the receipt of the settlement funds and upon the filing of the stipulations, the case was dismissed with prejudice (i.e., without the possibility to refile an action based on the same alleged violations) and with both parties to bear their own costs.

Douglas Welebir

Wilson's Response to Pacific Union Settlement

Roy Branson interviewed Neal Wilson at the General Conference, November 1977.

Branson: Why did the denomination, after continuing the *Labor Department* v. *Pacific Union* case for such a long while, decide to settle out of court, rather than pursue the case further?

Wilson: There are a good many reasons why this seemed the prudent thing to do. First, we had no real contention over equal pay for equal work. This was something the Church, in its general policies, had already settled. Our continuing the case would have led some to think that we wanted to suppress women in some way or that we must be reluctant to admit that women should have equality. Second, continuing the case would have misled some into concluding that we considered the Church clearly and definitely above law, and that we were fully exempt from all civil law as a Church, because of the first amendment. In fact, this view became rather widespread in some circles because of certain statements that actually did appear in the documentation of other cases, such as in the Merikay Silver and *EEOC* v. *Pacific Press* cases, where we indicated that, in our opinion, laws enacted to regulate and protect interstate commerce and trade and nonreligious enterprizes do not apply to the internal operations of the Church, as we are wholly exempt from such laws. Third, prolonging the case would have led others to believe that we objected to government agents coming onto our campuses asking questions or inspecting our records. It is true that basically we don't believe that that's a very good role for government. But we were quite aware that if the case had gone to trial, there would have been individuals, voluntarily or under subpoena, who would testify that agents of government have already come onto campuses for any one of a dozen reasons: to inspect farms, to look at fire hazards, to even ask questions about finances or pursue questions of fairness and equity raised by students. We've never considered these governmental activities any particular threat to the Church, and continuing the case would have allowed some to think that we had changed our position. Frankly, it was just a combination of a lot of things that would probably have been misunderstood had the case been carried on. Reviewing the whole matter, we determined that for the sake of harmony within the Church, the case was not worth pursuing. It is unlikely that we would have had the opportunity of explaining our position to the Church at large, and to our members, in a way that would have been totally understood without printing a book on it, and certainly the issue was not worth that.

Branson: By settling out of court, what has the Church conceded, or does it stand by everything it said in its briefs?

Wilson: Before answering, I must say that, in my judgment, the government (and I'm speaking of the Department of Labor) has exceeded the expectations of many in its desire to settle with the Church in the most amiable way consistent with what it considered to be its responsibility to protect civil rights and to enforce equal pay for equal work. I really feel that the Department of Labor has shown that it had no intention to hurt the Church. In the settlement negotiations, it showed a sensitivity which I think was most commendable and ought to be cited. Now, as to your question specifically, the only thing that the government asked us to concede was that we did agree to equal pay for equal work as outlined in the Fair Labor Standards Act.

Branson: So that paying a penalty was a way that the Church publicly acknowledged that it was willing to obey the law with respect to equal pay for equal work?

Wilson: Right. Actually, the sum which the government asked for did not represent the total amount that might have been involved during 1972 to 1974, the period the Department of Labor considered us in violation. The payment was a way for the government to be able to say to the Church, "We

know that you recognize that it would have been better if you had been in harmony with the law from the time that it was implemented; that you now believe, for whatever reason, that it is a good law, and that you recognize and admit that equal pay for equal work is not immoral and that this is not a violation of your free exercise of your faith."

Branson: What was the total amount that the Church agreed to pay?

Wilson: $650,000.

Branson: How has the settlement affected the Church's statements in its briefs concerning entanglement of government in affairs of the Church?

Wilson: The settlement was not a consent decree ordered by the court. The court has simply dismissed the case. If we were to go into court on a similar case, we would have to develop new briefs, although we might take over some of the things that were in these briefs into the new ones, because we still hold many of the principles that appear in the briefs for this case.

Branson: So the Church stands behind the statements that it made on what it considered to be the basic issue, namely, the extent to which the government could involve itself in the workings of church-related institutions?

Wilson: I think that we might rephrase some things a little differently; we might get at it from a little different perspective. Also, there are still unresolved areas in church-government relationships, and we hope that somewhere down the road there will be a clarification of some of these, so that we will all know our relationships better than we presently do.

Branson: Does your settlement with the Department of Labor set any precedent for settling similar suits that might arise from claims of women in other parts of the country?

Wilson: No. The two-year statute of limitations has run out. As of 1976 no one could appeal what happened between 1972 and 1974, and at that time (July 1974) we began to come into compliance with the law. By the middle of 1975 we were in full compliance. So time has run out for filing complaints for the period when we were not in compliance. Only those women who are covered by the present settlement covering the Pacific Union will be paid as a result of this settlement. Of course, anyone today might appeal to a goverment agency or bring into court what he considers a case of discrimination, violating some existing regulation or statute, but I doubt that it would be in the area of equal pay.

Branson: Despite the action taken at the General Conference session in Vienna, it is not automatically the case that a member who went to the courts after going through all the new conciliation procedures within the Church would be disfellowshipped?

Wilson: No. The member might have a very valid case and it might be over a point where the Church did not really have jurisdiction, and only the courts could ultimately rule. Or, it might be that justice had not been administered through the Church. We cannot deprive a member nor would we want to deprive a member, from exercising his or her civil right and acting in harmony with conscience by taking a case to the courts.

Branson: Is there any prospect of the denomination settling out of court the other outstanding court cases involving the church in governmental regulations requiring equal pay for equal work — the suits of Merikay Silver, Lorna Tobler and the *EEOC* v. *the Pacific Press*.

Wilson: We would be happy to settle every case out of court. We have attempted to settle these specific ones out of court on the basis of back wages, but there are other aspects that become more difficult. One would be reinstatement of individuals in their work roles. Second would be agreeing that this would affect a class of women, not just Merikay and Lorna. Third, there is the demand for a monitoring system which would not be a Church monitoring system but a quasi-government or quasi-public monitoring system installed at the Pacific Press. The court has clearly indicated that the Pacific Press is a religious organization. For the Church to accept a quasi-public or quasi-governmental monitoring system to assure that the affirmative action provisions of the law are carried out by the Pacific Press would

be entirely unacceptable to the Church. Fourth, it would be unacceptable to us to pay heavy punitive damages, legal costs or fees. It is my opinion that such a settlement would also be very objectionable to a large segment of the Seventh-day Adventist Church. For these reasons, we think now that it probably will not be possible to settle out of courts, but we will continue to negotiate.

Merikay Silver — Pacific Press Cases

The cases commonly called the "Merikay Silver" or "Pacific Press" cases were settled out of court in February when attorneys representing the interested parties signed a stipulation agreement that the Federal District Court for the Northern District of California should dismiss the cases. The stipulation said "The parties have settled their differences amicably in accordance with the terms of . . . a settlement agreement," which was attached to the stipulation and submitted to the court.

According to the major points of the agreement, Merikay Silver will receive a gross settlement amount of $30,000. An agreed-upon reference letter will be placed in her personnel file at the Press. And Mrs. Silver's attorneys will receive $30,000, though they had asked at one point for about $150,000.

Lorna Tobler will receive a gross settlement sum of $15,000. An agreed-upon reference letter also will be placed in her file.

Under the agreement, Pacific Press will post a notice for one month stating it will not discriminate on the basis of sex and that it will "continue to conform its pay practices" to Title VII of the Civil Rights Act, though, technically, it "does not believe it is subject to the provisions of Title VII." In addition, the Press and the General Conference agreed to dismiss their motion to assess the plaintiffs for court costs and attorneys' fees.

The women agreed to sign general release agreements and to withdraw all but one of the discrimination charges they filed with the Equal Employment Opportunity Commission (a Tobler charge of October 20, 1972). And, further, they agreed that the cases will be dismissed with prejudice (that they cannot be reopened).

Neal C. Wilson, vice president of the General Conference for North America, said the settlement was considered justified on three grounds: "(1) The legitimate remuneration adjustment needed to meet the provisions of equal pay for equal work during 1971-1973; (2) the anticipated future legal expenses necessary for the denomination to perfect its constitutional argument if the cases continued; and (3) the counsel of Ellen White that we should make every possible effort to reconcile and settle such matters in the church rather than in the court."

Robert Nixon

Is the Church Above the Law? God and Caesar in the California Lawsuits

by Douglas Welebir

"Then he said to them, 'Render therefore to Caesar the things that are Caesar's and to God the things that are God's.' "
Matthew 22:21

The story of the "Merikay case"—the San Francisco litigation involving Merikay Silver and the Pacific Press Publishing Association—is familiar to readers of SPECTRUM. Tom Dybdahl's article ("Merikay and the Pacific Press," SPECTRUM, Vol. 7, No. 2) is a fair and accurate treatment of the history of the case, and articles elsewhere in this issue bring matters up to date. But the Merikay case, together with the litigation which the United States Department of Labor has started against the Pacific Union Conference and its schools, raises questions of special interest to every thinking Adventist, especially to a lawyer.

- What is the relationship between church and government?
- Is the Seventh-day Adventist Church above the law?
- What is the civil responsibility of the church?
- Can it "flout" the laws if it so decides?
- Is it a law unto itself?
- Is it Adventist doctrine that men who head households should be paid more than women?
- Is the payment of unequal wages for equal work thus a matter of conscience so that a law forbidding it can be ignored?
- Are wage mandates government interference with religion?
- Are we free to ignore all regulatory statutes?

These are some of the questions raised by the litigation, and in this article I want to consider these issues, first outlining the positions taken by church leaders and by the government in response, then discussing some general principles in the light of court decisions and of the writings of Ellen White.

The affidavits and briefs submitted by Adventist church leaders and their lawyers in the first stages of the Merikay case assert that the Seventh-day Adventist Church is "hierarchical," that the president of the General Conference is the "First Minister," that the church has orders of ministry, and that our theological aversion to the hierarchical nature of the Roman Catholic Church government has "now been consigned to the historical trash heap so far as the Seventh-day Adventist Church is concerned."

Douglas Welebir, a former mayor of Loma Linda, took his law degree from the University of Southern California and practises in San Bernardino, California. He has practised before the Supreme Court.

Furthermore, Elders Pierson and Wilson contended in their affidavits that participation in lawsuits was contrary to Adventist doctrine:

> Another of the church's teachings, which is well known to all Seventh-day Adventists and is fundamental to a spiritual relationship between the church and its members and subordinate bodies, is this twofold doctrine: 1) Individual believers, so long as they are parcel of the remnant church, "members of the Body of Christ," must yield in matters of faith, doctrine, practice and discipline to the authority of the whole church speaking through the General Conference; 2) Strife must be shunned; any differences between Seventh-day Adventists, or between them and church institutions, must be settled within the church and not brought to civil courts.

"The Seventh-day Adventist Church insists that it is 'wholly exempt' from the cognizance of Civil Authority, and that slight entanglements, practical exceptions and 'reasonable adjustments' are not to be tolerated."

In reply, the government contended that in the Adventist Church

> the bringing of a lawsuit against a church-affiliated organization is not deemed to require disciplinary action. At the hearing on the preliminary injunction, several Seventh-day Adventists of long standing testified that they had never heard of any Seventh-day Adventist's ever being disciplined for having brought a civil action against another Seventh-day Adventist.
>
> It was shown that more than 130 lawsuits involving Adventist and Adventist-affiliated institutions have been filed in only four California Superior Courts within recent years. Among these are some in which individuals sued Adventist-affiliated institutions and some in which the institutions sued individuals.

But for our purposes the most interesting assertion the church made was advanced at the appeals stage, in this now famous statement in the church's appeal brief:

> On the one hand, we insist that the church is carrying out the Commandments of God, preaching the Good News to all peoples, animated by the Great Commandment to "love the lord thy God with all thy heart, and thy neighbor as thyself."
>
> On the other hand, we insist that in doing its holy work, the church is free to ignore, even to flout, measures which bind all others. We stand squarely on that position even though, in practice, there is no discrimination at all.
>
> That is what the First Amendment's Religion Clauses are all about. The government and the churches must leave each other alone (p. 78).

This follows a reference to Elder Wilson's deposition (pp. 74-77, 79) which asserts that:

> The church claims exemption from all civil laws in all of its religious institutions; although it seeks accommodation, it draws a line of its own when dealing with Caesar.

The same Brief argues (p. 80) that:

> As an organized religious denomination the Seventh-day Adventist Church insists that it is "wholly exempt" from the cognizance of Civil Authority, and that slight entanglements, practical exceptions and "reasonable adjustments" are not be tolerated.

The church and its lawyers have repeated, refined and strengthened such assertions in the Labor Department litigation. These lawsuits began in September 1975, when the United States Department of Labor filed a complaint alleging that the Pacific Union Conference of Seventh-day Adventists, with all its conference associations, schools and colleges in California, had violated the Fair Labor Standards Act (FLSA) of 1938 and its amendments by paying unequal wages to workers of different sexes for basically equal work. The church's defense was

prepared by a team of lawyers which included one non-Adventist firm. The defense denied that the church owed any back wages to its employees because of sex discrimination. But it went on to claim that the very existence of the lawsuit violated the freedom-of-religion clauses of the First Amendment:

> Defendants are conferences, legal associations, and educational institutions of the Seventh-day Adventist Church, and that church is an organized and recognized Christian denomination. The mission of said church is to teach all nations the everlasting gospel of our Lord and Saviour Jesus Christ and the Commandments of God; and the education of the young according to gospel principles is an integral part of that Religious mission. All Seventh-day Adventist schools and colleges are wholly owned, controlled and operated by the church, for the purpose of carrying on the ministry of the church and for no other purpose. The persons described in Paragraph VIII of the Amended Complaint as "employees" are persons of religious persuasion engaged in a religious vocation. By reason of those facts:
>
> a) The maintenance of this suit violates the Religion Clauses in the First Amendment to the Constitution of the United States;
>
> b) The prosecution of this suit violates the said Religion Clauses; and
>
> c) No relief in favor of plaintiff can be granted or enforced herein, for the granting or enforcement of any such relief would necessarily involve the United States in violations of the Establishment of Religion Clause and the Free Exercise of Religion Clause in said First Amendment, and in excessive involvement in the affairs of religious institutions.

In early 1976 the defendants, that is, the church, filed a motion with the court for summary judgment, supporting their motion with points and authorities and 27 supporting affidavits signed by Adventist church officials and educators. The thrust of virtually all the affidavits is that the education of young people is a part of the Adventist religious mission to preach the Gospel unto all nations. "In the highest sense the work of education and the work of redemption are one," the defendants assert, quoting *Education,* p. 30. The affidavits emphasize that Adventist schools are religious, that teaching is carried on in a religious atmosphere, that prayer and worship are undertaken throughout the day and week. They argue that teachers in those schools respond to a religious vocation, in the pure sense of a divine call to God's service, that Seventh-day Adventist colleges are permeated with religious inculcation, and that Seventh-day Adventist schools and colleges are specifically maintained for the purpose of gaining adherents for the church. The documents go on to claim that when a regulatory statute collides with an activity which constitutes an exercise of religion, the statute cannot validly apply. Some of the affidavits claim that an investigation, even one carried out, pursuant to court order, by the church itself, to examine the allegations set forth in the complaint would itself be unconstitutional entanglement.

"The documents go on to claim that when a regulatory statute collides with an activity which constitutes an exercise of religion, the statute cannot validly apply."

In the affidavit signed by Robert Pierson (on February 5, 1976), the General Conference president denies that sex descrimination had taken place (at least after 1972) but focused on what was in his view the larger issue, the exemption of the church from civil regulation:

> The Church believes that committed women in the remnant church should be given every consideration and opportunity to develop their God-given talents. We believe also that they should be fairly remunerated for their labors. If women are doing work traditionally done by men, they should not be penalized financially. The Seventh-day Adventist Church has

been moving in this direction, and although some problem areas still need attention, we are rapidly nearing the goal. The Church has made and will continue to make needed changes. It is and has been, however, the desire and purpose of the leadership of the Church, including myself as its first minister for the time being, to identify problem areas and make needed changes in the spirit of the Master, and not in the spirit of the world around us. In this as well as all other areas of our ministry, we propose to be guided by God's will, rather than by the will of mankind. We believe that by so doing, and by recognizing that here as elsewhere we must bow to the teachings of our Lord, and not to the ordinances of mankind, the Church will be consistent with its message, and will be better enabled to preach the gospel to the world, and to have the gospel message heard and understood by the world.

Elder Neal Wilson, in his capacity as General Conference vice president for North America, submitted an affidavit which made some of the same points, but even more definitively:

Based upon my position and responsibilities in the Seventh-day Adventist Church and my knowledge of its policies and practices, I am able to say and I do say categorically that the broad charge that the defendants "have wilfully violated and are violating" the equal pay provisions of the Fair Labor Standards Act is not true. I am not able to say that there have not been some or a few instances in which one or more schools failed to conform; but the policy has been (as will be shown in more detail below) and is to conform to the standard of equal pay for equal work. To the extent that, historically, the policy departed from that standard, the reasons for that departure were theological reasons whose application was itself an exercise of religion. Any other departures, if there were any, were in violation of Seventh-day Adventist Church policy; I am unaware of any such.

Elder Wilson then asserted that the Seventh-day Adventist Church

has never believed and does not now believe that laws designed to enforce fairness to workers in a commercial setting were intended to apply, or could constitutionally be validly applied, or could in their very nature be possibly applied, to workers in an institution whose character, purpose and mission is not commercial but religious.

He summarized the church's position as follows:

Notwithstanding everything said above, the fundamental basis on which the church defends this case is not that it has not violated the Act, although it believes it has not, and has every intention of conforming in the future. The defense instead, on which we ask the Court to end this litigation *now,* is the First Amendment's freedom of religion clauses. This we do for several reasons:

a) The Seventh-day Adventist Church believes in religious liberty and the separation of church and state, not merely as a matter of consitutional law but as a matter of faith and doctrine; this belief is a religious belief, based upon the teachings of Our Lord. . . . For the church to participate in litigation in a secular court of the question whether discrete violations of the Act had occurred would be a denial of this belief.

b) The Seventh-day Adventist Church believes that statutes like the Fair Labor Standards Act do not in their very nature apply to the work of a church. . . .

c) The investigation necessary to determine whether *any* departure from the equal pay standard with respect to *any* teacher or administrator has occurred at *any* of 147 schools and colleges over the past 3½ years would be very, very costly in terms of time, talent and treasure. The funds of the Seventh-day Adventist Church come from the tithes and offerings of faithful people, and the education ministry represents the most costly part of the Church's mission.

d) It is our belief, based upon the government's answers to defendants' inter-

rogatories, that the government has little or no evidence of any departures from the equal pay standard, and that such little evidence as it may have is inconclusive, speculative and relates to very few of the 147 schools at which violations are charged.

e) To conduct an investigation as to whether *any* departures from the equal pay standard have occurred since July 1, 1972 would require the expenditure of many thousands of hours by officials of and counsel for the defendant conferences and schools, including review of all personnel and salary records of 147 schools; locating and interviewing not only present but former employees of those schools concerning duties and responsibilities; and the making of judgments, which would often be subjective evaluations, concerning - "equality" of work. But if we are right in our position concerning religious freedom, then the inquiry would be totally irrelevant, and the investigation would be unnecessary.

f) For defendants themselves, through lawyers, to make such an investigation by order of a Court of the United States, or even as a part of court-sponsored discovery proceedings, would be disruptive of the teaching ministry, would create religiopolitical strife and be subversive of religious freedom.

g) It would be even worse if such an investigation were to be made by agents of the government. That would constitute surveillance and involvement in the affairs of religious institutions, to a degree which the Seventh-day Adventist Church would regard as intolerable.

h) For all of the foregoing reasons and others to follow, the church is unwilling to require or permit any such investigation to be made by anyone. A full understanding of this position on the part of the church requires detailed theological and historical documentation to show that: i) the maintenance of a denominational school and college system is an integral part of the gospel ministry of the Seventh-day Adventist Church; ii) teaching young people is for Seventh-day Adventists an exercise of religion, just as are preaching and literature evangelism; iii) Seventh-day Adventist schools and colleges are not secular or commercial, are not mere denominational counterparts of public or independent schools and colleges, but are religious institutions. . . .

Thus, Elder Wilson argued in his affidavit that "Free Exercise" and "non-Establishment" clauses of the First Amendment simply mean that government will not by law or regulation seek to control religious organizations in any way, to determine their internal, basically ecclesiastical policies, or to threaten the self-determination of a spiritual body by arbitrary interference which would jeopardize its ultimate survival.

Although one can imagine the government's reaction to such claims, it is worth outlining the position which the Department of Labor actually took in opposing the statements of the Adventist leaders. This quotation fairly summarizes the government's approach:

> Defendants make no claim that observance of the Act's wage standards would violate any tenets of their faith. The affidavits and supporting materials submitted by them show rather that observance would be entirely compatible with Seventh-day Adventist religious views. And the Act's requirement of equal pay for equal work comports completely with the views of the recognized prophet of the Seventh-day Adventists, Ellen White, who objected to paying women less than men, saying:
>
> This is making a difference, and selfishly withholding from such workers their due. God will not put his sanction on any such plan. Those who invented this method may have thought that they were doing God service by not drawing from the treasury to pay these God-fearing, soul-loving laborers. But there will be an account to settle by and by, and then those who now think this exaction, this partiality in dealing, a wise scheme, will be ashamed of their selfishness. . . . When

> self-denial is required because of a dearth of means, do not let a few hardworking women do all the sacrificing. Let all share in making sacrifice. God declares, "I hate robbery for burnt offering" (*Evangelism*, p. 492).*

So, the government contends, since the church has no objections as a matter of faith to complying with the Act's minimum labor standards, the Act does not interfere with the free exercise of religion. It has long been established that nondiscriminatory laws enacted for the general good must be observed even if they incidentally impinge on the conduct of individuals as they practice their religion. For example, one cannot violate the minimum wage law even if the religious workers were willing to work for less. The enactment of minimum standards of compensation does nothing to "establish" any religion, church, creed, belief or nonbelief.

The government then refers to the discussion by Justice Black (in *Everson* v. *Board of Education*)[1] of government neutrality in matters of religion and applies his tests to this situation. The Act creates no church, supports no church, favors no religious belief over another, punishes no religious dissident, taxes no religious activity, and authorizes no participation by the State in the activities of a religious organization. It simply protects a wide class of employees against substandard or unfair compensation for work performed.

"It has long been established that nondiscriminatory laws enacted for the general good must be observed even if they incidentally impinge on the conduct of individuals as they practice their religion."

Thus, the government claims the meaning of the church's position is that religious organizations may choose whether to observe the Act or not, and that if they choose not to do so, the First Amendment shields them from enforcement proceedings. And the First Amendment says the government was never designed to do this.

On March 23, 1977, Judge Manuel Real upheld the position of the Department of Labor. He wrote:

> We are not, however, faced with governmental impingement on religious beliefs. We are concerned with provisions of the FLSA requiring equal pay. With that purpose the defendants agree. [The judge then quotes with approval the passage from *Evangelism* cited above.]
> . . . it is those persons — who though deeply religiously motivated—hold lay positions in the educational facilities of defendant that are the subject of the [Labor] Secretary's concern. Nothing in the Act would prevent those persons — if they so desire — from remitting all or any portion of their salary to their Church. There is, then, no impingement on the exercise of religion.
>
> Defendants also misconceive who it is that must make the operative decisions regarding the conflict between constitutional protection of religion and government regulation. Religious freedom is recognized in this nation by the secular enactment of a constitution governing our societal relationships. Without it, religious freedom would have no meaning. That same constitution has reposed in the courts the power and the obligation to interpret its provisions and prevent any violation of the rights announced and protected therein. Maintenance of an ordered society can and sometimes does conflict with religion. When that happens, it is the courts and not the church involved that must weigh and decide whether the societal right intrudes on religion in an unconstitutional and not a theological sense. Courts have been most zealous in that responsibility. It is with this principle in mind that this Court finds no constitutional infirmity in the application of the provision of the FLSA to defendants' educational activities.
>
> The motion for summary judgment is denied.

*In this passage Ellen White was actually objecting to paying women *nothing at all*, although the government lawyers do not indicate this.—The Eds.

After this defeat, the church filed a Motion to Reconsider (April 15, 1977), which cited some new legal precedents and made two additional points. First, the church's lawyers argued, any inequality in pay for men and women which Adventists may have practiced was based on the Bible and therefore a religious practice: "To decide the case, the Court would have to overrule the Bible-based determination of the governing body of the Seventh-day Adventist Church concerning the wage policies of church institutions." The Bible basis is apparently that the husband is the head of the family and may receive a "head of family" allowance. The lawyers allude to various passages in Paul and quote *Adventist Home* (p. 115) in support of this point. And citing "the Church's First Minister, Elder Pierson," the new motion claims that "the Church's philosophy of remuneration is based on the scriptural and spiritual imperative, 'Give us this day our daily bread.'"

Second, the new motion states that the church cannot and will not litigate questions of violation or religious liberty, evidently on the grounds that its religious principles forbid its presence in court. So if the order denying the motion for summary judgment stands, "the church would still find some way to avoid the litigation of discrete violations. What precise form that would take is impossible to say, but a way would certainly be found."

Here is the government's response to the first point:

> In the motion to reconsider, the church changes its original position and now contends that the "head of household" allowance which initially was available to men only and which the Secretary of Labor considers violative of the Equal Pay Act was doctrinally mandated and is therefore protected by the First Amendment. . . . the fact that the "Head of Household" allowance was abandoned in stages over the past several years shows clearly that Seventh-day Adventist dogma does not require that that allowance be maintained as a matter of doctrine. Defendants' suggestion that it does, thus, is not in accord with defendants' practice. Policies which are so readily abandoned cannot be accorded the dignity of "doctrine."

It is perhaps not surprising to learn that the church lost this second motion as well. On May 2, 1977, the United States District Court denied both the Defendants' Motion for Reconsideration and the Petition for Interlocutory Appeal, and ordered the Pretrial Hearing for June 20, 1977.*

"For Adventists to claim that the state may never have anything to do with church affairs contradicts court decisions. More than that, it contradicts Adventist practice and even goes beyond Adventist teaching."

Now that we have seen what position the church has taken in court, let us consider for ourselves the relationship between church and government. Is the Seventh-day Adventist Church, or any church, above the law? Can it "flout" the law if it so decides? Are wage mandates really government interference with religion? Is the church free to ignore all regulatory statutes?

The courts have held that churches are in-

*The current status of the litigation, as set forth by Douglas Welebir at the beginning of September 1977, is as follows:

"On June 6, 1977, the court ordered the church to submit to discovery procedures. The church filed an appeal on June 13, 1977 in the Circuit Court of Appeals for the Ninth Circuit (San Francisco) seeking relief from the June 6 order on the grounds that the order was in violation of the First Amendment of the United States Constitution. On July 5, 1977, the appeal and attendant motions were denied.

Thereafter, the church sought relief through a motion filed with the Circuit justice in the United States Supreme Court; this motion was also denied.

On August 15 and 16, two of the defendants answered interrogatories stating that the case was being defended on the same grounds as set forth in their motion for summary judgment, the motion for reconsideration and the above-mentioned appellate motions and in the supporting affidavits, exhibits and memoranda. The church thereby reasserted the position on which the courts have already issued their opinions."—The Eds.

deed free from some forms of government control. For example, churches may enjoy exemption from some taxes.

In the now famous case of *Walz* v. *Tax Commissioner* (1970)[2] the United States Supreme Court held that the grant of tax exemptions by the state and local governments to churches does not violate the establishment clause of the First Amendment, even though it results in a direct financial benefit to the church.

Also, the First Amendment does not permit a State or the Federal Government to determine property controversies between two factions of a church on the ground that one deviated from the tenets of faith. In *Presbyterian Church* v. *Mary Elizabeth Blue Hull Memorial Presbyterian Church* (1969), the Supreme Court has ruled:

> First Amendment values are plainly jeopardized when church property litigation is made to turn on the resolution by civil courts of controversies over a religious doctrine and practice. . . . The Amendment therefore commands civil courts to decide church property disputes without resolving underlying controversies over religious doctrine.[3]

However, in 1970 the court determined that state courts are not barred from adjudicating property controversies between different groups within a church where the resolution of the dispute involves no inquiry into religious doctrine.[4]

In other words, the courts have held that the government sometimes may and sometimes may not intervene in church affairs. For Adventists to claim that the state may never have anything to do with church affairs, therefore, contradicts court decisions. More than that, it contradicts Adventist practice and even goes beyond Adventist teaching.

Society has an inalienable interest in protecting public peace, good order and safety. Adventists willingly accept and emphatically assert their rights not to have the premises of a purveyor of alcoholic spirits within a specific distance from any church or school. Those mandates that protect us and ours are created by the state, reviewed by the state, investigated by the state and enforced by the state. And the courts agree that a municipality has the authority to impose regulations and ordinances to assure the safety and convenience of the people. "One would not be justified," asserted the Supreme Court in 1941, "in ignoring the familiar red traffic light because he thought it his religious duty to disobey the municipal command or sought by that means to direct public attention to an announcement of his opinion."[5]

The government requires the church as an employer to withhold from the paycheck of its employees their Federal and State Income tax, Social Security Insurance and State Disability Insurance; and the church has readily acceded to the mandate.

The Occupational Safety and Health Act (OSHA) regulations apply to our institutions and, in the event of accidents, OSHA inspection teams are dispatched to conduct investigations into the cause of the accident and to issue citations if necessary and to make recommendations. In our church's hospitals, accreditation teams from the Joint Commission for the Accreditation of Hospitals are admitted without question as a necessary step to maintain a high level of health care and to insure that they continue to be eligible for reimbursement from the Medicare and Medical programs.

Church-owned vehicles are licensed by the state in which they are registered. Yearly license tax is paid and use tax and transfer fees are paid upon sale. State regulations apply to teachers and dictate that they must have certain training and credentials so as to maintain the school's accreditation. We vigorously seek and accept exemptions from state, federal and local property and income tax on church property and church-related activities. State licenses are required to practice medicine, dentistry, nursing, physical therapy and all other related medical activities, and it is the state that specifies who may preside at a church wedding to make the union official.

When a new church building is constructed, or a hospital, or school, market, publishing house, etc., the plans must receive approval from the appropriate governmental entity. The fire department, the building department, engineering, water, public health,

planning and other agencies must approve the plans; and without the approval the building will not be built. These departments seek to assure the safety of the public by making certain that the building as designed will remain standing and be healthful, that it has sufficient parking, that it complies with air pollution emission requirements, that its elevators are inspected periodically, and so on.

The church has and does comply with all these regulations because the law says that they must. They clearly do not involve a matter of conscience, though just as clearly they do affect the church financially and they do involve inspections of church plans and do involve mandating certain actions of the church. By complying with all these rules, the church contradicts the broad assertions of its leaders in the Merikay and Labor Department litigations.

Not only church practice, but also the teachings of the Bible and Mrs. White are hard to reconcile with the church's statements in court. In Romans 13:1-7, Paul writes:

> Let every person be subject to the governing authorities. For there is no authority except from God, and those that exist have been instituted by God. Therefore he who resists the authorities resists what God has appointed, and those who resist will incur judgment. For rulers are not a terror to good conduct, but to bad. Would you have no fear of him who is in authority? Then do what is good, and you will receive his approval, for he is God's servant for your good. But if you do wrong, be afraid, for he does not bear the sword in vain; he is the servant of God to execute his wrath on the wrongdoer. Therefore one must be subject, not only to avoid God's wrath but also for the sake of conscience. For the same reason you also pay taxes, for the authorities are ministers of God, attending to this very thing. Pay all of them their dues, taxes to whom taxes are due, revenue to whom revenue is due, respect to whom respect is due, honor to whom honor is due (RSV).

Within a generation of the founding of the church, the relation of the Christian to the state had become an urgent problem. It has remained so ever since, and Christian teaching about it has often been confused. Under pressure, Christians have either granted the state too much latitude, or else have refused to concede to it what it is fully entitled to claim. As a result, they have been unduly subservient in some periods, while in others they have allowed no satisfactory place in their thought for the necessary functions of the state. The problem of church-state relationships has always been that the Christian always belongs to two communities, and has loyalties to both. Sometimes the one, sometimes the other, claims to be predominant, and a simple affirmation of their separation certainly does not settle all the problems involved.

Paul here tries to combat the tendency of Christians to repudiate secular authority on the basis of their claim of sole allegiance to "King Jesus." He hurls his anathemas against anarchy, not intending that they should be quoted in defense of tyranny. The general principle which Paul states here so unequivocally is the duty to be good citizens. He argues from the nature of organized society, the purpose of God which it is designed to promote, and the right and proper service which the individual therefore owes. While we as Christians look for the coming of another kingdom, we are subjects of an earthly government and this inevitably leads

"No one can claim that special privilege gives him exemption from civil obedience, nor can he insist that special insight puts him beyond the reach of the state's demands.

to a conflict of loyalties. There are times when the Christian must declare that it is his duty to serve God rather than men; but normally it will be his responsibility faithfully to

accept and conscientiously to discharge his obligations as a citizen. Since it is the danger of failing at the latter point which causes Paul concern, it is with this that he is exclusively preoccupied.

No one can claim that special privilege gives him exemption from civil obedience, nor can he insist that special insight puts him beyond the reach of the state's demands. It is clear that it was not in the first century alone that men have been tempted to plead a religious right in order to evade their duties as citizens. Under all ordinary circumstances, it is the Christian's duty and responsibility to serve the commonweal. It would perhaps be well if Christians asked themselves whether in their dealings with the civil power they are not more concerned to claim immunities than to accept responsibilities.

Ellen White, who, of course, urges us to be loyal to the civil authorities,[6] also writes that on the day when "the laws of earthly rulers are brought into opposition to the laws of the Supreme Ruler of the universe, then those who are God's loyal subjects will be true to Him."[7] But in deciding *whether* that day has come in the events that now confront the church, we must carefully scrutinize the effect of the regulations and laws that appear to be troublesome and threatening. Does the regulation seek to interfere and impose itself upon a question of church doctrine, dogma, faith or conscience? Obviously, we would continue with our doctrines, belief and faith in God whether or not we had exemption from taxation. The fact that the state requires contributions to Disability Insurance, Social Security, Workers' Compensation, etc., does not affect doctrine or dogma; it merely seeks uniformity in protecting the interests of both the employee and the government (so that the taxes are collected through withholding). As for the equal-pay-for-equal-work provisions which are in dispute in California, are not they, too, laws which leave the Adventist faith untouched, laws in which the government exercises its proper authority, laws to which "one must be subject, not only to avoid God's wrath but also for the sake of conscience?"

NOTES AND REFERENCES

1. 330 U.S.
2. 397 U.S. 664
3. 393 U.S. 440
4. *Maryland and Virginia Fellowship of Churches of God* v. *Church of God at Sharpsburg, Inc.* (1970) 396 U.S. 367.
5. *Cox* v. *New Hampshire* (1941) 312 U.S. 569,85 Law Ed. 049.
6. See, for example, E. G. White, *Testimonies,* Vol. 6, pp. 394-397.
7. E. G. White, *Testimonies,* Vol. 5, p. 713.

How Hierarchical Views Of the Church Emerge

by Ron Walden

In a recent "Report to the Church" printed in the *Review and Herald*, Robert Pierson outlined the position of the Adventist leadership with regard to a number of lawsuits in California involving the denomination. This article assured church members that no change in church organization was under way, in spite of the presence in the denomination's court briefs of some rather unusual language, such as "hierarchy" to refer to Adventist polity and "first minister" or "first elder" to refer to the General Conference president. As it happens, the briefs and affidavits filed by our church leaders and their lawyers are full of theology. These leaders placed on public record a long compendium of Adventist doctrine and life. At the heart of the doctrinal statement is a fairly clear view of the church, which all the legal documents, and Elder Pierson's *Review* article as well, express or at least presuppose. That theological picture of the church is the subject of the present essay.

So this is not a summary of the litigation itself (for that see pp. 23-25 of this issue). Nor is it a discussion of the important issue of simple justice involved in the Merikay case nor of the caricatures of women which still tyrannize us. Instead, it is a series of musings about the idea of the church which Elder Pierson and his associates have made their own.

It took a dispute to force the leadership to trace the outlines of a doctrine of the church more clearly, but that should be no surprise. In Christian history, conflict is the mother of doctrinal clarity. The first doctrine ever officially legislated by the Christian church—in other words, the first "dogma"—had to do with the full divinity of Jesus, which was defined at a council called to calm an uproarious controversy. Without Arius, there would have been no Council of Nicea and no clear doctrine of the divinity of Christ. Of course, the church had acted all along as if Christ was divine; it had prayed to him from the beginning, after all, much to the scandal of the Jews; but only in A.D. 325, after a battle to the death with Arianism, did the orthodox party declare that He was "one in substance with the Father." So, in our century, it is no surprise when a controversy spawns a clearer Adventist doctrine of the church than calm ever did.

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Nor is it unusual for a clearer theory of the church to emerge from a struggle with the state. If conflict in general sharpens doctrinal clarity, conflict with civil authority in particular hones the edges of the church's teaching about its own nature. At least that is what history seems to show. The first theories of the church concentrated on the prerogatives of its central authority when these were challenged by kings. It was during the "Investiture Controversies" between the Gregorian popes and the German emperors in the last half of the eleventh century that the first full theological accounts of papal office and power were written.[1] The bone of contention was who would get to name bishops—the church or the state. At one point, the dispute climaxed in the unforgettable scene described in *The Great Controversy,*[2] when the Emperor Henry IV stood barefoot in the snow outside the castle at Canossa awaiting the forgiveness of Pope Gregory VII.

While the theology of the church written around 1100 focused on papal office, around 1300 we find theological tractates on the church as a whole; and once again these arise from a context of church/state conflict.[3] This time the issue is not who names the church's officers, but who controls the church's property. The main *dramatis personae* are Pope Boniface VIII and Philip the Fair, king of France. The most vigorous theological defense of the church's rights to its money was Boniface's famous bull *Unam sanctam,*[4] which has always horrified protestants. It is quite normal, then, that our own church too seeks to define its nature when it thinks the state attacks its right to name its personnel and to do what it likes with its money.[5]

Another interesting parallel is that lawyers are the first to write a theology of the church! In the Middle Ages, canon lawyers at the papal court and civil lawyers at the royal courts were the ghost-writers of the documents church leaders signed. In the 1970s, briefs and affidavits expressing a clear and important doctrine of the church have been drafted by lawyers and then submitted by (or on behalf of) church leaders. So, it is probably not fair for us to draw firm conclusions about the theology in the briefs from the interesting linguistic clues offered by the choice of vocabulary and phrasing. Indeed, Elder Pierson has asked us not to do so,[6] because the church's lawyers are not all Adventists. But surely the *ideas* in the briefs and affidavits are the leadership's own, even if the language is not.[7]

The church leaders contend that the California litigation is a dispute about religious liberty. "It is because we feel," writes Elder Pierson, "that basic issues of religious liberty . . . are involved that we are seeking redress."[8] The church's opening brief in the Merikay case makes the point even more sharply. "The Government seeks an injunction which would control the internal affairs of the Church and dictate the manner in which the Church carries on God's work in the world."[9] In language that conveys a crescendo of outraged feeling, the brief goes on to complain of "impermissible governmental entanglement in church affairs"[10] and insists that "the Church must and does take the position that civil officers are not to cross the threshold of Christ's church to execute their secular writs."[11] Indeed, the brief claims, "religion is *wholly exempt* from civil law."[12] Even when the church does obey, "obedience to civil law is not for its own sake; it is only one aspect of obedience to God's law. . . . The Church strives to comply, not because it regards all or even some civil laws as binding upon it, but solely in obedience to the higher law of God."[13] And, finally, "The Church claims exemption from all civil laws in all of its religious institutions; although it seeks accommodation, it draws a line of its own when dealing with Caesar."[14]

In the medieval controversies, too, the church claimed to be defending itself against an attack on religious liberty by the lay, civil authorities. The arguments used by Boniface VIII parallel the reasoning of the Seventh-day Adventist briefs, though Boniface's language is even more extreme:

> That laymen have been very hostile to the clergy antiquity relates; and it is clearly proven by the experiences of the present time. For not content with what is their own the laity strive for what is forbidden

> and loose the reins for things unlawful. Nor do they prudently realize that power over clerks or ecclesiastical persons or goods is forbidden them: . . . in many ways they try to bring them into slavery, and subject them to their authority *(Clericis laicos,* A.D. 1296).[15]
>
> The one sword, then, should be under the other, and temporal authority subject to spiritual (*Unam Sanctam,* A.D. 1302).[16]

In both cases, the medieval and the Adventist, "religious liberty" means freedom for the *church,* freedom to carry on God's work without interference. It does not mean freedom for the *individual,* freedom from coercion of one's conscience by church or state in matters religious. Nor does it mean freedom for the *state,* freedom from domination by the church over the life of civil society. Rather, religious liberty means institutional freedom for the church. Elder Pierson says there are three questions involved in the present litigation:

> 1. Does the church have the right to determine who shall and who shall not author the books and articles printed by our publishing houses?
>
> 2. Does the church have the right to structure its own system of remunerating its workers, or does the State control this important factor in church administration?
>
> 3. Does the church have the right to employ whomsoever it will to carry on its work in institutions and other areas of its ministry?[17]

Each of these questions is about the institutional rights of the church.

This limited view of religious liberty was standard in Roman Catholicism until Vatican II. It is an extreme position, a defensive one, staked out by a church which saw itself under attack. For the sake of balance, we must concede that the official modern Catholic statement on the subject (the "Declaration on Religious Liberty" of the Second Vatican Council[18]) draws on a more complete Catholic tradition and now explicitly defends, on the basis of human dignity, the rights of all individuals and groups to hold to and practice even erroneous religious tenets without coercion or interference. And, of course, Adventists have vigorously defended the same freedoms. But these legal documents are silent about them, since the church's case in the California litigation evidently does not require the larger view of religious liberty.

However, if the church concentrates on institutional liberty for itself, as sometimes it must, it may risk denying personal liberty for single consciences or social liberty for the state. The church did not, in fact, become a puppet of the German emperors in the Middle Ages, and for that we may be glad; but it did institute the inquisition. Just so, the Adventist church will not, we hope, be run by the Department of Labor; but we must also respect the freedom of conscience due to a Merikay Silver or a Lorna Tobler.

"If the church concentrates on institutional liberty for itself, as sometimes it must, it may risk denying personal liberty for single consciences or social liberty for the state."

The church's defense of its institutional freedom in the California cases is also parallel to the position of the Roman Catholic church in its various struggles with the state. Briefly, the line of defense is: every organization of the church is in essence the church itself. After the French Revolution, the Catholic church found itself fighting against the new anticlerical European states for control of the schools. In that battle, the church insisted that the schools essentially were the church, so the state must keep its hands off them. In the high Middle Ages, the church made similar claims for the entire clergy as a group. It refused to concede to the state the right to try any cleric in civil court for any offense. If he was ordained, he was the church, and only the church could try him! The squabble that led to the martyrdom of Thomas Beckett in 1170 started when civil authority, in the per-

son of an English nobleman, tried a priest for murder and executed him. Beckett, the Archbishop of Canterbury, never disputed the facts of the case—everyone agreed that the priest had done the murder—but he insisted the priest should have been tried only in church court. So he excommunicated the nobleman, and the quarrel was on.

Similar assertions, though not so extreme, are found in the Adventist documents. "Those who work for the Seventh-day Adventist Church," the opening brief in the Merikay case contends, "respond to a religious vocation in exactly the same sense as does a cloistered nun. Man's law is by its very nature not applicable."[19] In the same vein, the reply brief speaks throughout of "the sacramental nature of the publishing ministry,"[20] and quotes Neal Wilson as saying that "it is the position of the SDA church that publishing houses are in essence the Church."[21] Like claims are made for Adventist schools in the affidavits and memorandum submitted in the Labor Department case.

The officers of the Pacific Press and the General Conference claim that when a religious issue is litigated, the court may ask only two questions. The first is whether the issue will indeed,

> fall within the definition of "religion"? . . . If so, the second question arises: What does the church say? If the church is a hierarchical one, as the Seventh-day Adventist Church is . . . , the resolution of the matter by whatever body in which the church reposes determination of ecclesiastical issues is conclusive. . . . In this case, that is the General Conference.
>
> It is only to this extent, therefore, that religious doctrine can be in issue in litigation: is the asserted doctrine one we recognize as religious, and what do the elders say concerning it? Beyond these two narrow questions the Government may not go.[22]

In Elder Pierson's article, he says that when the Government does press beyond its just limits the church may simply shut its program down, or even pursue something like civil disobedience![23]

In medieval times, the church's position required it to develop an enormous body of church law alongside civil law. Indeed, it was a copy of that very *Codex of Canon Law* which Martin Luther burned, along with the papal bull excommunicating him, in the fateful bonfire of December 1520. Of course, all organizations need regulations and established procedures. But some Adventists are bound to regret it, if our church's rules, written in Working Policies and Manuals and sets of "guidelines," are invested with such extraordinary sanctions that a "Thus say the Elders" becomes the functional equivalent of a "Thus says the Lord." Sometimes, as the passages cited above show, the church's court papers suggest that equivalence. Then our policies start to look like an embryonic canon law.

For our theological analysis, the most striking parallel between the classical Roman Catholic doctrine of the church and the doctrine found in the Adventist court documents is this: Both concentrate the powers and essence of the church in the highest church offices. Once again, Catholic theology went far beyond the Adventist court papers, but both travel in the same direction. After the Council of Trent and up to about World War I, Catholic doctrine of the church, or ecclesiology, was almost reduced to "hierarchiology"[24] or even "papology." Only the pope and his assistants counted for much, and finally, at Vatican I, an official council conceded to the pope "immediate" and "ordinary" jurisdiction over every church officer and every church member, not only in doctrinal matters but also in disciplinary ones, and declared him infallible in his solemn pronouncements on faith and morals.[25]

By contrast, other important elements of the church were neglected, both in theology and in official statements. Not much was made of local churches and their place in the divine plan, of bishops as their representatives, of the laity, of diverse forms of genuine Christianity, even of those (such as Uniate Churches) which were loyal to the pope but not part of the Latin Church.

Perhaps it is natural for a church on the defensive to concentrate on the institutional guarantees of unity, to point to these and say, "Here is the Church." The Catholic church

certainly did so in the four centuries preceding Vatican II. And the Adventist leadership, in their court documents, do so as well, though in a much weaker way. Again and again, the papers say, "The church has determined. . ." or "It is church doctrine. . ." or "Adventists have always taught. . ." or "The church has found Merikay at variance. . . ." When one asks, Who is this "church"? the documents have a clear answer. The church is the General Conference:

> So the term "General Conference" has three overlapping meanings:
>
> a. The embodiment of the Remnant Church as a Christian denomination, in a unified worldwide organization to which all baptized Seventh-day Adventists owe spiritual allegiance;
>
> b. The actual quadrennial meeting of delegates, the General Conference of the Church, the only body having authority to alter the structure of the church either in doctrine or organization;
>
> c. The permanent staff at world headquarters in Washington, D.C., which, acting through the Executive Committee, attends to the work of the Church between the quadrennial conferences.[26]

This entire paragraph serves to explain the clear statement which precedes it: "The General Conference, then, is the Seventh-day Adventist Church."[27]

This sort of remark has an important theological function, namely, to defend the church's unity. Naturally enough, that is what the church leaders try to do in dealing with any controversy—protect unity by rallying us round the central authority. It is quite natural, when the church seems to be attacked, to cry, "Press together, press together." At such moments, it seems vital to say that the church *is* its highest authority, whether that authority be the pope or the General Conference Executive Committee. In times of perceived danger, there is much talk of "the voice of God on earth."

We must understand the unfortunate expressions "hierarchy" and "first minister" in this context. In his *Review* article, Elder Pierson comes very close to apologizing for using such language. Even though the briefs do have a section on "The Orders of Ministry,"[28] Elder Pierson reminds us that "we do not have various 'orders,' with some outranking others."[29] Yet, throughout the briefs, in the Merikay case and in the Labor Department case, the church's lawyers insist that Adventist polity is "hierarchical." In several places in the briefs and affidavits, Elder Pierson is called, and calls himself, the "first minister" of the church. Now Elder Pierson would have us put such expressions away, as we shall gladly do.[30] Here we are interested only in the ideas expressed by the words. And in each case the idea seems to be to safeguard the unity of the church by emphasizing its highest authority.

The idea behind the expression "hierarchical" seems to be crucial to the church's legal case in the Pacific Press suit.* Evidently, the reasoning goes like this: Merikay Silver sues the Press for sex discrimination. If the Press then fires Merikay, it is retaliating for her action in bringing the suit, and such retaliation is against the law. However, if the Press "is" the church, it has a right to hire only Adventists in good and regular standing, and the officials of the Press and the General Conference think that anyone who sues the church is not an "Adventist in good and regular standing." Merikay disagrees. Who decides whether Merikay is "in good and regular standing?" Well, the church does—everyone concedes that. But does "church" here mean: a) the local congregation, as the *Church Manual* has it, b) the Press itself, which "is" the church according to the defendants' brief, or c) the General Conference (meaning the Executive Committee)?

Evidently, there are (from the viewpoint of the law) only two kinds of churches—"hierarchical" ones, in which matters such as membership and discipline are ultimately decided by the highest authority; and "congregational" ones, in which such matters are settled by local congregations. The Press's lawyers decided we are a "hierarchical" church, for these purposes. The Executive Committee of the General Conference has, in fact, found Merikay "at variance," although no procedure for such a finding is established

*On this point, see John Van Horne's article on p. 23 of this issue.

in the *Church Manual,* where questions of discipline are left to local congregations. But if the Adventist church is (for legal purposes) "hierarchical," then the Press can fire Merikay for being a bad Adventist, because the General Conference Committee has said she is one. And that is not retaliation. (Apparently, the mere fact that the Committee based its finding only on Merikay's persisting in her lawsuit does not count.)

But it is not the church's only valuable quality. Another treasure of the church is its diversity. In the theology of genuinely congregational churches, diversity is the great good. Local churches are the real focus, the concrete examples of the notion "church"; local churches show forth the marvelous variety of the Christian message. All believers are "priests," officials of the church, and if they choose some to lead out, these act on behalf of all.[31]

One flaw in congregational theory is that it slights the New Testament teaching that a minister's authority (especially an apostle's) comes from God and can sometimes be exercised against the consent of the congregation. Genuine hierarchical churches have the opposite problem. Church authority there is said to flow downwards from God, not upwards from the people. So "hierarchs" tend to forget that they act with, and sometimes even on behalf of, the whole people of God, that in some ways their authority depends on their accountability to the people.

"The documents have the effect of emphasizing structure rather than life, authority rather than freedom, the organization's rights rather than the individual's."

So hierarchical polities emphasize unity, and congregational ones diversity. Hierarchical ministers are accountable upwards, to God; congregational ministers downwards, to the Christian people. As I understand Adventist history and polity, we wanted both unity and diversity, both accountability to God and representative structures. So we chose a polity combining elements of each.

Even unabashedly hierarchical churches, such as the Roman Catholic church, have preserved elements of diversity and congregationalism. The ecclesiology of Vatican II carefully balances universal cohesion and local variety. It gives a place at last to the laity, as well as the hierarchy. It glories in the manifold riches of particular churches, even of non-Latin rites. It proclaims the principle of collegiality, which teaches that the pope does not exercise his authority in isolation, from above to below, but rather with and surrounded by the "college" or assembly of bishops; that bishops do not act alone in their dioceses, but together with their college of priests; that priests too are responsible to and surrounded by the lay people of their parishes. No longer (in theory at least) is obedience and submission the great churchly virtue. Vatican II insisted that the church's ministers have responsibilities downwards and to the side, not just upwards, and that lay people have rights as well as duties. It is as though the Catholics at the Council were groping towards the kind of mixed church organization which inspired the nineteenth-century Adventist pioneers, while the modern Adventist leaders, in their court briefs, painted a vision of the church something like the one which nineteenth-century Catholics held dear.

I am sure our denominational leaders did not intend to create a new doctrine of the church when they commissioned and signed the legal documents we have reviewed. But nevertheless, as we have seen, the documents shift the center of gravity in the church towards the "hierarchical" principle and away from the "congregational" principle. Thus the documents have the effect of emphasizing structure rather than life, authority rather than freedom, the organization's rights rather than the individual's. Neither pole can be abandoned. Unity is important, but diversity is, too. If diversity, individual rights, freedom, life and the congregational principle are neglected, and only their opposite pole emphasized, the result is a grotesque theology of the church and a tyrannical

church organization. Because the church's legal papers tend in that direction, they have an effect on Adventist life. They are important.

This article is not written to attack the church leaders for causing these documents to be placed on public record, although my reservations about their effect on our theology are clear enough. Instead, I think we all have a responsibility simply to remember that the church is not only like Jesus's seamless robe, but also like Joseph's coat of many colors. For Joseph, the differences were not divisive. They were beautiful.

NOTES AND REFERENCES

1. Of course, Christians appealed to the Bishop of Rome as a center of unity from very early times, as Cyprian's correspondence shows. But only at the end of the Dark Ages do we find fairly complete theological treatises on the papacy.

2. Ellen G. White, *The Great Controversy Between Christ and Satan: The Conflict of the Ages in the Christian Dispensation* (Mountain View, Calif.: Pacific Press Publishing Association, 1888), pp. 57-58.

3. See Yves Marie-Joseph Congar, *L'Eglise: De saint Augustin à l'époque moderne*. Histoire des dognes, Tome III (Christologie—Sotériologie—Mariologie), Fascicule 3. (Paris: Editions du Cerf, 1970), ch. 9.

4. Extracts in Henricus Denzinger and Adolfus Schönmetzer (eds.), *Enchiridion symbolorum, definitionum et declarationum de rebus fidei et morum* (33rd ed.; Barcelona: Herder, 1965), sects. 870-875 and Henry Bettenson (ed.), *Documents of the Christian Church,* 2nd ed. (London: Oxford University Press, 1963), pp. 115-116.

5. Robert H. Pierson, "When the Church Is Taken to Court," *Review and Herald,* March 24, 1977, p. 6.

6. *Ibid.*, p. 7.

7. I am sure the Adventist leadership will stand by the ideas in their legal documents, even if they do regret some of the phrasing. After all, they have insisted on the same from Lorna Tobler and Merikay Silver. One of the church's documents says of a brief submitted for Sisters Tobler and Silver that "despite the fact that it is signed by their attorney, it is their brief, not hers." This is an important point, because the church's document draws theological conclusions from Merikay and Lorna's brief, saying that their brief is "chock-a-block with denial of faith in the cardinal doctrines of the church" and that, therefore,

> It is clear that their present conduct has brought reproach upon the cause, that they have adhered to and taken part in a divisive and disloyal movement, and have for a long time been guilty of persistent refusal to recognize properly constituted church authority or to submit to the order and discipline of the church (Reply Brief, *EEOC* v. *PPPA,* 20).

In the same way, I believe, we can examine the court papers of the church officials for evidence about *their* views of the nature of the church, which is also, after all, a matter of doctrine, of church authority, and of the order and discipline of the church.

8. Pierson, p. 6.

9. Opening Brief, *Equal Employment Opportunity Commission* v. *Pacific Press Publishing Association,* p. 1. (Hereinafter cited as *EEOC* v. *PPPA.*)

10. *Ibid.*, p. 2

11. *Ibid.*, p. 34

12. *Ibid.*, p. 33

13. *Ibid.*, pp. 32-33.

14. *Ibid.*, p. 104.

15. Bettenson, p. 113.

16. *Ibid.*, p. 115, and Denzinger, p. 873.

17. Pierson, p. 6.

18. See Walter M. Abbott and Joseph Gallagher (eds.), *The Documents of Vatican II* (New York: America Press, Association Press, 1966.)

19. Opening Brief, *EEOC* v. *PPPA,* p. 90.

20. See *Ibid.*, p. 32.

21. *Ibid.*, p. 24.

22. *Ibid.*, pp. 96, 97.

23. Pierson, p. 7.

24. See Yves Marie-Joseph Congar, "Bulletin d'ecclésiologie (1939-1946)," *Revue des sciences philosophiques et théologiques,* 31 (1947), 80.

25. Denzinger, sects. 3060, 3061, 3074.

26. Opening Brief, *EEOC* v. *PPPA,* p. 17.

27. The position of Lorna Tobler and Merikay Silver is equally clear in the church's briefs. They are not in any sense "the church"; they are schismatics:

> At bottom, this is simply a case of schism. Mrs. Silver and Mrs. Tobler have decided that they know better than the Elders of the Church how the Church should behave itself. . . . The Church, *per contra,* has exercised its authority to declare that Mrs. Silver is at variance and has a tendency to ignore Christian counsel. Such disputes are not for judicial arbitrament (Opening Brief, *EEOC* v. *PPPA,* 73).

28. Opening Brief, *EEOC* v. *PPPA,* pp. 18, 19.

29. Pierson, p. 8.

30. After these words were written, however, the church's lawyers filed a *Memorandum* (dated April 15, 1977) in the Labor Department case which repeats the contention that our church is hierarchical. It is not clear now whether Elder Pierson regrets such language, as he had implied in the *Review* article, or not. More distressing still, the new *Memorandum* still refers to him as the "first elder," a curious expression which (perhaps unlike "hierarchical") adds nothing to the church's legal case.

31. For such reasons, when the church's lawyers draft, and Neal Wilson signs, a statement such as this:

> . . . the Seventh-day Adventist Church has a representative or "hierarchical" form of government, as distinguished from the "congregational" denominations,

it makes no theological sense, whatever its legal meaning may be. Theologically, a hierarchical polity is the opposite of a representative one. Elder Wilson's next sentence is much better:

> The official position of the church is that its government is a blend of congregational and presbyterian, with elements of methodism, but can best be described as "representative."

(Wilson Aff., *Marshall* v. *Pacific Union Conference,* ¶. 58, p. 30; February 6, 1976.)

Why Did Church Lawyers Use Hierarchy Language?

by John Van Horne

The Pacific Press Publishing Association's recent involvement in lawsuits with some of its employees and the Equal Employment Opportunity Commission has generated great interest among Seventh-day Adventists. Only the central issue of the Press's treatment of its female employees has captured as much attention as the argument made by PPPA's attorneys that the Adventist Church is "hierarchical."[1] The attorneys went so far as to say that holding otherwise is "false doctrine."[2] This assertion does not sit well with many Adventists. My own reaction as an amateur theology buff is of no moment here. The following is a legal analysis of the attorneys' argument. In carrying out the analysis, I will consider 1) why such an argument was made; 2) whether it is a good legal argument; and 3) whether the argument could have been made in a less abrasive way. Let me repeat that I have no desire to comment on the theological or sociological correctness of the "hierarchy" argument. Similarly, I have no intention of expressing opinions on the merits of the lawsuits or on the actions of PPPA; however, the reader should not infer from arguments made for PPPA's position in this article any agreement with PPPA's overall position in the lawsuits. I must emphasize that this is simply a *legal* analysis of the "hierarchy" argument.

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To understand why the "hierarchy" argument was made, we should review the basic elements of the litigation.[3] The initial lawsuit, *Silver* v. *PPPA,* filed January 31, 1973, resulted from an inability of the Press and one of its employees, Merikay Silver, to resolve a dispute over whether Mrs. Silver was entitled to the pay and benefits of a male employee performing similar work. *Silver* v. *PPPA* is a class action charging the Press with violating Title VII of the Civil Rights Act. The issue in *Silver* v. *PPPA* is whether the Press discriminated against its female employees in its wage and benefits policies.

A second lawsuit, charging violations of the Equal Pay Act, was filed against the Press in the summer of 1973 by the Department of Labor. A third suit against the Press was filed by the EEOC on September 20, 1974. This suit charged the Press with engaging in acts of retaliation against Mrs. Silver and a fellow employee, Mrs. Tobler, because they had

filed complaints with the EEOC against the Press. The purpose of this suit, *EEOC* v. *PPPA,* was to maintain the status quo until the basic discrimination issue was resolved. Before *EEOC* v. *PPPA* came to trial, the Press, acting on the recommendation of the General Conference Committee, terminated the employment of Mrs. Silver and Mrs Tobler. The dismissals became, of course, additional instances of the alleged retaliation at issue in the lawsuit.

The Press's opening brief in *EEOC* v. *PPPA* does not clearly explain why it was necessary to call the Seventh-day Adventist Church "hierarchical." The brief states:

> If the church is a hierarchical one, as the Seventh-day Adventist Church is. . . , the resolution of the matter by whatever body in which the church reposes determination of ecclesiastical issues is conclusive. . . . In this case, that is the General Conference.[4]

This statement appears in an argument that the Establishment Clause of the First Amendment protects the defendant's conduct, even if it would otherwise be considered "retaliation." There are other isolated references to hierarchy or related notions.

"The brief speaks of the emergence of the General Conference in 1863 as a unification of local churches into 'a central and representative (hierarchical) organization.' "

The brief speaks of the emergence of the General Conference in 1863 as a unification of local churches into "a central and representative (hierarchical) organization."[5] It refers to "the hierarchical structure" of the church,[6] to Mrs. Silver's "ecclesiastical superior,"[7] to the Press as "an ecclesiastical organization,"[8] to Robert Pierson as "the Church's First Minister."[9] A quotation from Elder Pierson's affidavit refers to "the leadership of the Church, including myself as its first minister for the time being."[10] Neal Wilson, president of the North American Division, is described as having "ultimate responsibility for all Churches, institutions and church members" in North America.[11] The Press's Reply Brief contains the following argument:

> A "hierarchy" simply means any system of persons or things ranked one above the other. While etymologically it meant government by priests, since the Greek compound "hierarchon" means a "holy leader," it today means no more than the body of officials or organizations in a church, considered as forming an ascending series of ranks or degrees of power and authority. . . . A "hierarchical" church is one in which final decisions are made at the top of the organizational ladder, in contrast to a "congregational" church organization in which every local group, like the Baptists and Unitarians, is free to go its own way.[12]

These isolated assertions about church structure are not tied to other points in the brief so as to lead to some logical conclusion. Consequently, I must hypothesize that PPPA's attorney had something like the following argument in mind; at least, if I had been arguing for the defendant, my reasoning would have gone something like this:

To avoid the retaliation charge for terminating employees engaged in a discrimination complaint, the Press must show that there were valid reasons, unrelated to the discrimination complaint, for the terminations. A 1972 amendment to the Civil Rights Act in effect permits a religious organization to discontinue employment of anyone not in good standing with that organization.[13] So, if the Press can show that the employees are no longer in good standing with the church, there is a valid basis for the dismissal that does not involve retaliation.

If such a train of thought may be assumed, the question becomes, How can the Press show that the employees are not in good standing with the church? In *EEOC* v. *PPPA* evidence produced to show this was limited to statements issued by the General Conference Committee.[14] But, the employees could attack this evidence on the grounds that

under the church's procedural rules, persons remain in good standing until disfellowshipped by their local congregations. How, then, can the court be made to accept the General Conference Committee action as determining the employees' status in the church without going into the question of internal church procedures? The Press's attorneys must have discovered the Supreme Court decision in *Kedroff* v. *Saint Nicholas Cathedral*[15] which held that a court may not question the resolution, by the highest body in a *hierarchical* church, of an issue of doctrine or discipline arising in an intrachurch dispute. This discovery, as I imagine, led the attorneys to argue that the Seventh-day Adventist Church is, in fact, a "hierarchical" church. Selling the court on this argument would keep it from going into the procedural correctness of the decision about the employees' status in the church and thus aid the Press in fending off the retaliation charges.

Now, we can turn to the question of whether the argument is legally sound. The two key steps in this argument are: 1) To what extent a court will go behind a church's resolution of an intrachurch dispute, whether of doctrine or discipline, and 2) from the legal viewpoint, what kind of organization the Seventh-day Adventist Church has. Before going into these issues, we need to review the cases relied on in *EEOC* v. *PPPA,* as well as other similar cases.

The Russian Orthodox Church cases: PPPA relies primarily on *Kedroff* v. *Saint Nicholas Cathedral*[16] which, along with a later related case *Kreshik* v. *Saint Nicholas Cathedral*[17], tells a story of years of litigation over the rights of competing Russian Orthodox archbishops to occupy and enjoy the use of Saint Nicholas Cathedral in New York City. In the political turmoil that followed the Russian Revolution, the patriarch of the church in Moscow granted considerable autonomy to the dioceses until normal conditions returned. These circumstances generated an American separatist movement which, in 1945, asked the patriarch and the members of his Synod in Moscow for autonomy.

The patriarch's response required, among other things, that the North American churches declare their agreement to abstain "from political activities against the U.S.S.R." The American churches rejected the proposal and later sued for the recovery of the "use and occupancy" of Saint Nicholas Cathedral from the archbishop appointed by the Russian religious authorities, in order to give it over to the archbishop elected by the American churches. In other words, they sued to get a civil court ruling on who was to be the archbishop. The American churches relied on a 1945 New York statute which purported to take all the New York church property of the Russian Orthodox Church out from under the control of the patriarch in Moscow and transfer it to the jurisdiction of the autonomous American diocese. After ruling as unconstitutional the New York legislature's attempt to determine by statutory fiat who should use Saint Nicholas Cathedral, the Supreme Court awarded the use of the cathedral to the archbishop whose appointment came from the highest church authorities in Moscow.

The Presbyterian Church case. The other case PPPA relies on is *Presbyterian Church in the United States* v. *Mary Elizabeth Blue Hull Memorial Church.*[18] Mr. Justice Brennan describes the Presbyterian church as

> an association of local Presbyterian churches governed by a hierarchical structure of tribunals which consists of, in ascending order, 1) the Church Session, composed of the elders of the local church; 2) the Presbytery, composed of several churches in a geographical area; 3) the Synod, generally composed of all Presbyteries within a State; and 4) the General Assembly, the highest governing body.[19]

The dispute in question began in 1966 when the membership of two local Presbyterian churches in Savannah, Georgia — Hull Memorial Presbyterian Church and Eastern Heights Presbyterian Church — voted to withdraw from the general church because they believed that certain actions and pronouncements of the general church violated its own constitution and doctrine. After attempts at conciliation failed, the general church acknowledged the withdrawal of the local leadership and proceeded to take over

the property of the two churches. The local churches responded by suing in the state courts, seeking to enjoin the general church from trespassing on the disputed property. The case went to the jury on the theory that Georgia law allows the general church to control local church property only so long as the general church adheres to the tenets of faith and practice existing at the time of the

"In considering the 'hierarchy' argument put forth by the Pacific Press, we have concluded that there was a legitimate reason for making the argument and that the argument is based on sound legal theory."

affiliation of the local churches. The jury was asked to decide whether the Presbyterian Church had abandoned its original tenets and doctrines. The local jury decided, curiously enough, in favor of the local churches. Upon review, the Supreme Court overturned this decision, ruling against the local churches and in favor of the General Assembly.

Although both the *Kedroff* case and the *Presbyterian Church* case involve First Amendment issues, they both cite and rely on the leading case of *Watson* v. *Jones*[20] which was decided in 1872 without specific reference to the First Amendment.

In *Watson,* certain members of the Walnut Street Presbyterian Church of Louisville had objected to the Presbyterian General Assembly's antislavery and pro-Union attitudes. This finally split the Walnut Street Church, with each side claiming to constitute, in fact, the church. Most members sided with the General Assembly and they decided to elect additional elders to the local church session to reverse its existing majority of proslavery dissidents, among whom were Watson. However, when the antislavery faction arrived at the church to hold the election, Watson and another elder locked them out. Undeterred, the antislavery members held their meeting on the sidewalk in front of the church and elected three additional elders. The dispute dragged on until the parties went to court over the question of who was to get the property, the church building.

The Supreme Court's analysis in *Watson* divides cases involving church property disputes into three categories. The first concerns property donated or bequeathed for the purpose of furthering a particular doctrine, and is of little interest here. The second category relates to property held by a religious organization that is "strictly independent" and "so far as church government is concerned, owes no fealty or obligation to any higher authority."[21] In these cases, the courts will apply "the ordinary principles which govern voluntary associations."[22]

The third and final category of cases is pertinent here and must be described in some detail:

> 3. The third is where the religious congregation of the ecclesiastical body holding the property is but a subordinate member of some general church organization in which there are superior ecclesiastical tribunals with a general and ultimate power of control more or less complete in some supreme judicatory over the whole membership of that general organization.[23]

The court noted that this third category is the most common and most difficult to deal with of the three. The rule the court followed is stated as follows:

> Whenever the questions of discipline or of faith, or ecclesiastical rule, custom or law have been decided by the highest of these church judicatories to which the matter has been carried, the legal tribunals must accept such decision as final, and as binding on them, in their application to the case before them.[24]

The civil courts are not to look behind ecclesiastical decisions; they are to take these decisions "as it finds them."[25] The court spelled out the reason for this rule in memorable and oft-quoted language:

> In this country the full and free right to entertain any religious belief, to practice

> any religious principle, and to teach any religious doctrine which does not violate the laws of morality and property, and which does not infringe personal rights, is conceded to all. *The law knows no heresy, and is committed to the support of no dogma, the establishment of no sect.* The right to organize voluntary religious associations to assist in the expression and dissemination of any religious doctrine, and to create tribunals for the decision of controverted questions of faith within the association, and for the ecclesiastical government of all the individual members, congregations and officers within the general association, is unquestioned. All who unite themselves to such a body do so with an implied consent to this government, and are bound to submit to it. But it would be a vain consent and would lead to the total subversion of such religious bodies, if any one aggrieved by one of their decisions could appeal to the secular courts and have them reversed. It is of the essence of these religious unions, and of their right to establish tribunals for the decision of questions arising among themselves, that those decisions should be binding in all cases of ecclesiastical cognizance, subject only to such appeals as the organism itself provides for.[26]

Given this rule, the Supreme Court in *Watson* awarded the use of the Walnut Street Church to the group recognized by the General Assembly. The rule in *Watson* was followed in both the *Russian Orthodox Church* and *Presbyterian Church* cases. In the *Presbyterian Church* case, however, the court did raise the possibility that civil courts might refuse to honor an ecclesiastical decision if it could be shown to have "resulted from fraud, collusion or arbitrariness."[27] Only recently has the Supreme Court heard a case, *Serbian Eastern Orthodox* v. *Milivojevich,* which sought to make use of these exceptions—specifically, of the "arbitrariness" exception. It wiped out this exception, affirming that

> whether or not there is room for "marginal civil court review" under the narrow rubrics of "fraud" or "collusion" when church tribunals act in bad faith for secular purposes, no "arbitrariness" exception — in the sense of an inquiry whether the decisions of the highest ecclesiastical tribunal of a hierarchical church complied with church laws and regulations — is consistent with the constitutional mandate that civil courts are bound to accept the decisions of the highest judicatories of a religious organization of hierarchical polity on matters of discipline, faith, internal organization, or ecclesiastical rule, custom, or law.[28]

From this review of the relevant Supreme Court cases, we must conclude that in intrachurch disputes the civil courts will not as a general rule go behind a church's determination of a question of doctrine or discipline. This is clearly the rule that applies to churches described in the *EEOC* v. *PPPA* briefs as "hierarchical," and the only possible exception may be where a church tribunal "acts in bad faith for a secular purpose."

We turn now to the question of the type of structure the courts would attribute to the Seventh-day Adventist Church. From *Watson,* we have seen that the courts see only two types of church organization. One is the "strictly independent" local congregation. Clearly, this does not accurately describe the Seventh-day Adventist Church. The court in *Watson* describes a church in the other category as

> a religious congregation which is itself part of a large and general organization of some religious denomination, with which it is more or less intimately connected by religious views and ecclesiastical government.[29]

It seems clear that the Seventh-day Adventist Church is an organization such as the court is describing.

If this is the case, then it is evident that the civil courts will not go behind any decision of doctrine or discipline — even to see if the church has complied with its own internal procedures in reaching that decision — when deciding a case arising out of an intrachurch dispute. The only exception to this rule might come "under the narrow rubrics of 'fraud' or 'collusion' when church tribunals act in bad faith for secular purposes."[30]

In considering the "hierarchy" argument

put forth by the Pacific Press, we have concluded that there was a legitimate reason for making the argument and that the argument is based on sound legal theory. We should now consider whether PPPA attorneys were forced to choose between the "hierarchy" argument on the one hand and honoring the sensibilities of many Adventists on the other. Note that in the above description of the legally significant aspects of Seventh-day Adventist church organization the word "hierarchical" was not used once. In fact, the *Watson* case even suggested another, more emotionally neutral word: "associated."[31] The term "hierarchical" became associated with the rule of judicial restraint being considered here during the lengthy litigation over the Russian Orthodox Church, clearly a hierarchical church. It subsequently was applied to the Presbyterian Church, not, I suspect, because the law required it but because the term had been bandied about so extensively in the *Russian Orthodox* case. Thus, if the Press's attorneys had been sensitive to the semantic problem connected with the word "hierarchical," they could have found an alternative formulation that would not only have avoided controversy within the church but would also have greatly simplified the task of fitting the Seventh-day Adventist Church within the rule. Perhaps if their clients had objected to the word they would have gone looking.

* * * *

After I completed this article, a document came to my attention which requires comment. This document was filed in the case of *Marshall* v. *Pacific Union Conference of Seventh-day Adventists, et al.*[32] This case is a suit by the Department of Labor against all of the Seventh-day Adventist educational institutions and organizations controlling such institutions in California, charging violations of the Fair Labor Standards Act in the use of wage scales providing among other things for a "Head of Family" allowance. The defendants moved for summary judgment claiming that because of the First Amendment the Fair Labor Standards Act was not applicable to the church's educational institutions. In an opinion filed on March 23, 1977, the District Court denied the motion for summary judgment. On April 15, 1977, defendants filed a motion for reconsideration. In their supporting memorandum, defendants argued that three cases decided by the Supreme Court while the motion for summary judgment was under consideration required granting their motion for summary judgment.

One of these cases is the *Serbian Eastern Orthodox* case discussed above. In arguing that the *Serbian Eastern Orthodox* case is applicable, the statement is made that the Seventh-day Adventist church's organization is "representative or 'hierarchical,' as opposed to 'congregational.' "[33] The defendants also argue that the *Serbian Eastern Orthodox* case stands for the proposition that

> when the governing body of a hierarchical church has made a decision involving ecclesiastical principles, a civil court may not overrule that decision. . . . [T]he civil courts *may not even examine* church law and church decisions to determine whether they are correct or consistent; indeed it [sic] may not examine them at all.[34]

Defendants go on to argue that the "Head of Family" allowance was prescribed by "the governing body of the church" and for "biblical reasons." A reference is also made in passing to "the church's first minister, Elder Pierson."[35]

Two comments come to mind. First, it is clear that the use of the "hierarchy" argument with its references to "the church's first minister" will continue notwithstanding Elder Pierson's apologetic remarks in the *Review and Herald.*[36] Secondly, the *Serbian Eastern Orthodox* case is simply inapplicable to *Marshall* v. *Pacific Union Conference. Serbian Eastern Orthodox* and the other cases discussed above deal specifically with intrachurch disputes that have escalated to the civil courts. There is no such dispute in *Marshall* v. *Pacific Union Conference.* A dispute was at least theoretically in existence in *EEOC* v. *PPPA* in that there was a question of a member's standing within the church, clearly a matter of intrachurch discipline, and the plaintiff was joined by two church members as intervenor-plaintiffs in the suit against

a church institution. All there is in *Marshall* v. *Pacific Union Conference* is a now abandoned, "Bible-based determination" regarding wage policies. Defendants try to assert an intrachurch dispute by saying that the Secretary of Labor was acting on behalf of the church's employees. That is, in my opinion, completely unpersuasive; there is no *intrachurch* dispute and *Serbian Eastern Orthodox* is simply irrelevant. The "hierarchy" argument is being perpetuated and all for naught; it doesn't even apply to the case in point.

NOTES AND REFERENCES

1. See Opening Brief for Defendants in Support of their Motion for Summary Judgment (hereinafter referred to as Defendants' Opening Brief), pp. 14, 15, 44, 47, 73, 74, 97; Reply Brief for Defendants in Support of their Motion for Summary Judgment (hereinafter referred to as Defendants' Reply Brief), pp. 27-32. For an indication of the magnitude of the response, see Pierson, "When the Church Is Taken to Court," *Review and Herald,* March 24, 1977, p. 6. The paramount legal issue in *EEOC* v. *PPPA* is the extent to which the Establishment Clause of the First Amendment — "Congress shall make no law respecting an establishment of religion...."—exempts a church's business-related activities from civil regulation of similar secular business activities. For example, should a church's food processing plant have to comply with FDA food labeling regulations; should a church-owned radio station have to comply with FCC regulations; or should a church-owned publishing house have to comply with the Equal Pay Act or Title VII of the Civil Rights Act of 1964? Such questions are unavoidable if the following statements made by the Press in *EEOC* v. *PPPA* are to be taken seriously:

> And so, we repeat, the true rule is that where an activity on any view is fairly to be deemed religious, it is absolutely and fully protected by the First Amendment, and it is unconstitutional to "balance" it against something else (Defendants' Opening Brief, p. 87).
>
> If our analysis of the Free Exercise Clause is correct—as we submit it is—defendants are obviously entitled to judgment. Everything they do is sacramental, and the Constitution forbids government to interfere (Defendants' Opening Brief, p. 88).
>
> When a Christian says "Credo!" the Government whether acting through its judges or its myrmidons must call a halt (Defendants' Opening Brief, p. 92).

Volumes have been and will continue to be written on this topic. I can do no more here than apprise the reader of its existence in this litigation and suggest its grave importance.

2. Defendants' Reply Brief, pp. 28, 29.
3. For a more complete description of the litigation, see SPECTRUM, Vol. 7, No. 2, pp. 44-53; *Ibid.,* Vol. 7, No. 3, p. 2; *Ibid.,* Vol. 8, No. 1, pp. 44-45.
4. Defendants' Opening Brief, p. 97.
5. *Ibid.,* pp. 14-15.
6. *Ibid.,* p. 44.
7. *Ibid.,* p. 47.
8. *Ibid.,* p. 63.
9. *Ibid.,* pp. 15, 17, 45.
10. *Ibid.,* p. 38.
11. *Ibid.,* p. 60.
12. Defendants' Reply Brief, pp. 27-28.
13. 42 U.S.C. 2000e-1
14. Defendants' Reply Brief, pp. 36, 37. The brief refers to an action taken by the General Conference Committee on February 14, 1975 which determined among other things that "Merikay Silver and Lorna Tobler have continued at variance with the church and unresponsive to spiritual counsel." See Exhibit A to Affidavit of W. J. Blacker filed February 21, 1975.
15. 344 U.S. 94 (1952).
16. *Ibid.*
17. 363 U.S. 190 (1960).
18. 393 U.S. 440 (1969).
19. 393 U.S. at 441, 442.
20. 80 U.S. (13 Wall.) 666 (1872).
21. 80 U.S. at 674.
22. 80 U.S. at 675.
23. 80 U.S. at 677.
24. 80 U.S. at 676.
25. 80 U.S. at 677.
26. 80 U.S. at 676-677 (Emphasis supplied).
27. 393 U.S. at 451.
28. 426 U.S. at 713. This case was decided in 1976 and involved the defrocking of a bishop.
29. 80 U.S. at 676.
30. 426 U.S. at 713.
31. 80 U.S. at 675.
32. Civ. No. 75-3032-R, U.S. District Court, Central District of California, filed September 5, 1974.
33. Defendants' Supporting Memorandum, p. 12.
34. *Ibid.,* pp. 13-14
35. *Ibid.,* p. 15.
36. See footnote 1 above.

Neal Wilson Talks About the Lawsuits

At a May 19, 1977 meeting on the La Sierra campus of Loma Linda University, Neal Wilson, General Conference vice president for North America, answered audience questions concerning the California lawsuits and other matters of concern. What follows are slightly edited excerpts from the transcript of that session. The main body deals with the lawsuits; two boxed excerpts deal with different issues.

The Editors

John Testerman: I would like to ask you a question concerning the lawsuit which the Department of Labor is pressing against the Pacific Union and the General Conference, alleging sex discrimination in wages. In its defense, the church claimed exemption from civil law in all its religious institutions, including apparently from the labor laws, and when this particular defense was ruled out, the church then claimed that a double pay scale was a matter of church doctrine based on Paul's designation of the husband as head of the wife. It was interesting to me to find out that the federal judge in his denial of the appeal quoted extensively from an Ellen White statement that ironically and prophetically warned the church that it would have to face judgments if it didn't pay its women equally. The judge concluded his opinion with words to the effect that you have been condemned by your own prophet. Elder Wilson, I am embarrassed for my church. We have implicated ourselves in at least the appearance of evil in the public eye, and have brought on ourselves a great deal of very bad publicity. Since the church actually did away with double pay scales several years ago, could you explain to me why the church has vowed to continue to fight this all the way to the Supreme Court, even to never submit? Also, what is it costing us to fight this?

Wilson: I can easily understand your feeling of embarrassment in this; but it looks a little different to some of us who see it from a different perspective. First of all, the issue has never been equal pay for equal work. That is the apparent surface issue but there are issues much more controlling and ultimately dangerous to the church than what appears on the surface. When the Fair Labor Standards Act, the Civil Rights Act and the Equal Pay Equal Work Act were brought into existence there was never any intent, according to legislators and even by admission of the agencies of government, that these were to

Neal Wilson, formerly religious liberty secretary and president of the Columbia Union, is the vice president of the General Conference for North America.

determine the activities of a church body. These laws were brought in in order to try and bring about greater equality in businesses, in interstate commerce and trade. Even the government, as you probably know, does not adhere to these laws. They have their own system of wage scales that are not governed by some of those things which they suggest ought to govern society at large.

I think these laws are good laws. We have no great problem with the laws. Our issue is to what extent does government have the right and the jurisdiction to interfere with the internal operations of a church? That's the basic issue. If a church school is actually the exercise of religion, which we believe it is, and which has always been accepted by the state, then at what point does government become excessively entangled with the church in trying to determine the internal operation of the church?

The rulings that you referred to were the rulings of Judge Real in Los Angeles in the Federal District Court. The arguments on the case itself were never heard. The facts were never really presented and considered.

"Our issue is to what extent does government have the right and the jurisdiction to interfere with the internal operations of a church?"

We asked for a summary judgment or dismissal of the case on the grounds that there was sufficient evidence that the suit was in conflict with the Constitution and was, therefore, really not a case. Judge Real did not accept that. Judge Real came back and made some statements that you have interpreted just a little bit, but you are fairly close to what he said.

I don't know whether you read in his response to our request for summary judgment that he did not consider the school to be the church in carrying out its teaching ministry. And that teachers are not necessarily religious people in the terms of the missionary or minister of the church. Now, that is diametrically opposed to the position that the Seventh-day Adventist church and most other churches have taken in the past. We consider that these professors and teachers are, in fact, a part of the exercise of religion and that they are religious persons not only in terms of a personal commitment to religion but in terms of actually being those carrying out the church's teaching ministry. Judge Real's comments in that area really frighten us because if his position stands, we're in a very difficult position. The Supreme Court, the circuit courts of appeal, and even district courts have stated that a church school is too religious to receive any federal aid. Now Judge Real comes along and says SDA schools are not religious enough to be disengaged or to avoid entanglement with government. We think that government is in trouble on this, too. Their determinations in some of these areas have been very fuzzy and very foggy. All that we are saying is that we ought to find out at this time where the church actually stands in terms of constitutional protections that we once thought we had but which are rapidly being eroded.

We have no great contention over equal pay for equal work. I think a very good theological base could be developed for a head-of-household philosophy, but we chose not to go that way. Because we think there is nothing immoral, certainly, about the laws of the government, we have told government that we are anxious to cooperate.

The attitude of the Seventh-day Adventist church must always be one of cooperation with government and even submission to government and that is our position around the world. In the United States, however, it's different from any other part of the world because in the United States there have been certain constitutional protections, with a separation of church and state. The first amendment has developed a neutrality between government and the church, in which each has said it will not interfere with the other's affairs, nor enter into the other's arena of activity. So in the United States, we have

added an ingredient that we do not find in other parts of the world. When a government in another part of the world says this is the law, the Seventh-day Adventist church makes no contest of it. In the United States, we believe that we ought to contest these matters to find out where we are.

Now, somebody says, "Well, this is a stupid case on which to make a test. There are lots of blemishes in it." We admit that there are some blemishes in it. But let me tell you no case in religious liberty has ever been won on a perfect case. And if we wait for the perfect case, we may wait until there will be nothing to defend.

Incidentally, it has not been determined whether this is going to the Supreme Court, and we are in transit on this thing. We have not taken an inflexible position. We are at the present time in serious discussion with the Department of Labor regarding this matter. They are not quite sure what they want at this point. We did appeal it to Judge Real as you probably know. We asked for a review of it. Most judges will not review a decision that they have already made, but sometimes they do. We also then asked for an interlocutory judgment which said, "Please save time and just allow this thing to go directly to the U.S. Circuit Court of Appeals." Judge Real said, "No, I don't want that; I want to keep it in my court." So we're in his court for the time being. Now we may settle this case with the Department of Labor; but if we do, we will

Wilson Answers Questions

Sylvia Foster: The student newspaper on our campus has reported on documents now being circulated by church administrators concerning creation and revelation. If such documents should exist, and I have my definite doubts about that, I was just wondering if it would be the natural work of theologians and scientists to take responsibility for drafting such statements, and then sharing them with administrators, and not vice versa?

Wilson: Some people have been quite distressed over the fact that these documents exist. They thought somebody was going to extract loyalty oaths from somebody and say, "If you don't accept exactly the way this is worded, you don't deserve to be a part of the teaching staff of a college or university or a leader in the church." But that is far from the intent of these particular documents.

Now as to who should draft this kind of document. I think that this is going to have to be a cooperative endeavor. I do not believe that documents of this nature can be left entirely to theologians or scientists, because in the final analysis, this church works as a cooperative partnership. Leadership—elected leadership—ultimately has to take responsibility for whatever is declared and whatever happens in this church. And leadership needs to be sensitive. It needs to draw upon the strength and upon the areas of expertise of those who are in the church, those to whom God has given certain gifts of the Spirit, and those who have acquired, through study and through academic pursuits, excellence in certain areas. It does become a cooperative matter. But doctrine is never determined by popular vote or necessarily by a majority vote.

These statements are not dogma. The church does not have dogma; but we do arrive at a consensus opinion in this church of what we think ought to be contained in documents of this kind.

Norman Mitchell: In responding to the last question, I don't think you directly stated what the church is trying to do?

Wilson: Help me a little, then.

Mitchell: And that is, What are we going to do with the statement? The question is bothering a number of us as teachers because I think we were made to under-

want some kind of statement clarifying the position that Judge Real has taken, where he says that the institutions of the church of the Seventh-day Adventist denomination really are not church institutions as such and that the teachers really are not church representatives as such. They are independent lay people teaching in the system.

Karen Hamer: The report by Elder Pierson in the *Review and Herald* of March 24, regarding the church and litigation, has raised some serious questions in my mind. Is it truthful to give a deposition to an attorney asserting the hierarchical nature of our church policy and, in turn, to say to the membership—my non-Adventist attorney made me do it? In fact, did not the General Conference Committee expressly vote in favor of the hierarchical and first minister concept and was not our own SDA counsel involved in writing that language?

Wilson: We have had a number of letters come since that article appeared by Elder Pierson. It has raised questions in the minds of quite a number of people. Elder Pierson was endeavoring to explain some things, to share some things with the church. Whether it was an Adventist or a non-Adventist attorney, I don't think it is proper at any time for a leader of the church to hide behind a statement by saying, "My lawyer told me to do this or to say that." I think that if a person has

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stand that it could be used as a screening factor for teachers to be employed. Is this a possibility?

Wilson: I would say it's a possibility but it is like many other things. I think it would become the basis of saying, "Are you anywhere within range here? Do you totally reject these concepts?" If you are nowhere near what this document might ultimately become when it has been refined and you say, "No, as far as I am concerned, it is irrelevant," it is very possible that the church would say, "Fine, you can be a member of the church, we have no qualms about that. The church does allow certain latitude in individual interpretation and the church is pretty broad in its understanding of individual interpretation of prophecy, or even certain theological aspects so long as it does not become a matter which a person uses to try to divide the church." But the church might go on to say, "You know, we don't believe that you ought to be a professor in the Seventh-day Adventist system of higher education." It could become that, but it will not become what some people have thought it would: a test or a loyalty oath — that kind of thing.

Gary Ross: I just wanted to be sure I could summarize what you have just said. The six-thousand year notion, then, as I understand you, would not be a test of membership but it could be a test of employment. Do I understand you correctly?

Wilson: Yes. Gary, I would want to make a little reservation on that because the document has not yet been refined. And what finally comes out of the consultations that are being held, I think, will somewhat determine that. If someone said he needed eight or nine thousand years, I think that individual conscience would be given some latitude at that point. Ellen White says it was not tens of thousands, therefore, I believe that gives an individual sufficient latitude beyond "about 6,000 years" to fit in some of the factors in history, such as in Egyptology and that kind of thing, where we need a little more room to fit in all the dynasties, the flood and the population density to be able to bring about what we find in the earth. I'm not talking about tens of thousands of millions of years. Of course, it's possible that the statement might become ultimately even more strict than that, but I hope it doesn't.

a conscientious conviction, regardless of what an attorney says, it is better to say I can't make this statement because it is really not in harmony with my thinking.

You know when you are making an interrogatory or are under deposition, sometimes you are not under quite as much tension or strain as you are when you are actually in court and you are either under direct or cross-questioning. I made a statement in court, for instance, that as the vice-president of the General Conference for North America, I was administratively responsible for the work in North America organizationally speaking; and that I was also the spiritual leader of a half a million plus Seventh-day Adventists. Now we have had people who have taken serious exception to my statement that I was the spiritual leader. They said you might be the president of the North American Division or the vice-president of the General Conference, but we don't accept you as our spiritual leader. I said fine. I made a mistake. You know, I'm not going to say that again if it was offensive to someone. I said it without trying to feel that I was some kind of superior person or had some kind of additional holiness, that something had been conferred on me of a spiritual nature by my appointment as a servant of the church in the structure of the church.

Elder Pierson did use the words first minister of the church. I think he would be well advised not to use that term again. People take it offensively. They stumble over it. It is not a good term to use. But that term has never been designated by the General Conference Committee; it's a term that was simply plucked out of the air. The attorney did say to Elder Pierson, if they ask you what your work is, tell them you are the first minister of the church. He thought that sounded all right. He *is* our leader, our elected world leader. But some people might question the use of the word or the phrase first minister because that has hierarchical implications, and we don't think in terms of a papal system as such. Some might infer that he is the first minister and everybody else is subservient to him. But we are co-equals in the ministry of the Gospel. Whether we are an ordained minister of the Gospel or a lay member of the church, we are all ministers of the Gospel. So I'm sorry that some of us may have embarrassed some of you by using some of those terms. We learn out of these things. I doubt you will hear them used again.

Fred Harder: Could you answer Dr. Testerman's question about the cost of the litigation?

Wilson: The cost of litigation is about $30,000, plus or minus.*

Bonnie Dwyer: Have any other churches supported our case by filing friend in court briefs on this or will there be any such briefs filed?

Wilson: Several church organizations have inquired as to whether we would welcome participation or whether we would in any way feel reluctant or embarrassed about their coming in as a friend of the court. We have stated that really we wouldn't be embarrassed but we felt it might be better for us to test the case at the first judicial level and see where we are, because we might not want to press it beyond that, though there are many reasons that impel us to go beyond that. At a later date, we would welcome some support if we seem to be coming into greater conflict with the government. So we are thankful for at least the fact that some people are willing to identify themselves with us, but we have said, "Hold just a little until we see where we are."

Gene Daffern: I am also interested in why the unfortunate term first minister was used and also, why the sudden interest in irregularizing the membership of members who sue. [See box on "Lawsuits and Disfellowshipping."—Eds.] Is it possible that the term first minister was used to support in court the leadership position that the Executive Committee was hierarchical and thus had power to change church doctrine? Was the term used so that the Executive Committee could call membership of any member irregular if he or she brought suit in court, as the Executive Committee did in the case of Merikay Silver in order to support the Pacific Press's firing of Mrs. Silver?

*In August, Wilson estimated that the cost had risen to about $45,000.—The Eds.

Wilson: The Seventh-day Adventist church is in one sense hierarchical because it is not congregational. It has levels of church authority and in the terms of the court, and in most legal minds, it would, therefore, be considered a hierarchical structure. But that does not mean that there is one person at the top who commands everything else in the church. And if the term first minister of the church denotes that, then it certainly is misleading and that's why I think out of this we have learned some lessons not to use such terms as that.

"The Seventh-day Adventist church is in one sense hierarchical because it is not congregational . . . . But that does not mean that there is one person at the top who commands everything else in the church."

Unidentified Questioner: In *The Great Controversy,* page 382, there is a comment referring to the Roman Catholic Church saying that no other power could be so truly declared drunken with the blood of the saints as that church which has so cruelly persecuted the followers of Christ. There are other comments to roughly the same effect. In a reply brief in the Merikay Silver câse, page 30, we say it is not good Seventh-day Adventism to characterize Roman Catholicism in such terms. Do you see these as being in contradiction and if so what is our current position on Roman Catholicism?

Wilson: On reflection, one can always say things better: I'll tell you why the statement on Roman Catholicism was made, and while I do not wish to belabor the point nor to defend the exact wording, I'll tell you what the intent was.

Unfortunately, many times we don't read carefully enough reply briefs that are drafted by attorneys. I might say that Attorney Dungan, in my estimation, has an enormous grasp of Seventh-day Adventist beliefs and theology. He can quote voluminously from Ellen White; but he is an Episcopalian and naturally has studied these things for one purpose and that is because he is a defense lawyer. Sometimes in developing these briefs, while we go over them, we don't pick up every little nuance that comes through and some of those things really should have been refined. The intent was this: We do not believe that the work of Seventh-day Adventists is to fight Roman Catholics or to denounce Roman Catholicism, per se, as being the tool of the devil. That's not the business of the Seventh-day Adventist church. The business of the Seventh-day Adventist church is to give a loving witness to the people of this world and to let them know that there is a Gospel of Salvation, of righteousness by faith, that the Lord loves individuals no matter where they are or what their beliefs are.

Our message ought to be positive. In fact, Ellen White tells us that our message is not to denounce other religions or other beliefs. Our message is to preach a positive Gospel based in Jesus Christ and His saving power. There have been times when the Seventh-day Adventist church has felt it necessary to expose evil or a deceptive theological position. And there are those who have taken great delight in using prophecy to really lash out and to club the Roman Catholic Church and other church bodies and non-Christian religions. Frankly, we feel that that brings reproach upon the name of our Lord.

In August, Vice-President Wilson sent SPECTRUM the following update on the labor suit in California.

The Editors

Since the question-answer session at Loma Linda University, attorneys for the church have appealed the Department of Labor case concerning our teachers in the State of California to the United States Court of Appeals for the Ninth Circuit and to the Supreme Court Justice with jurisdiction over the territory of the Ninth Circuit. The church requested a writ of certiorari and a dismissal of the case on the basis that the

intrusion of the Department of Labor into the affairs of the church involved excessive entanglement and was prohibited by the First Amendment of the Constitution.

Both of these appeals were denied. While such denials may be indicators, legal history reveals that many cases are won when fully argued before the courts. It must be under-

Lawsuits and Church Discipline

Hamilton Avila: At the last General Conference session, it was made clear that people who filed suit against the church in civil courts would be open to disfellowshipping. Do you think that was a wise thing for the church to do?

Wilson: Specifically to your question, I don't think that was a wise action in the form that it was and undefined as it was, with no explanatory note at the time of the General Conference session. Unfortunately, that particular action came on the floor when many of us were involved in other activities. It was debated to some degree, it was turned down at first, it came back again and was ultimately voted.

I think we have to determine what we mean by litigation against the church. I think it is well established in the thinking of the Seventh-day Adventist church that there are areas in which the church has no jurisdiction. We have no jurisdiction in legal matters. God very clearly said to us, "Stay out of that area." When it comes to a legal determination, the church should not even venture into that area. In other words, if there is a quarrel between two parties as to where their property goes—the church can't settle that. There is no way for the church to settle it. Now we might try to bring them together in some kind of conciliation and say, "Can't you work it out in a more peaceful way rather than going to court? Can't we get a surveyor out here and see if we can settle it?" And if we couldn't solve it in an amiable Christian way and a party who had property adjacent, say, to ours here at the university were to say, "I want this thing cleared up," and goes to court, I would think that party had done the only thing it could, because the church doesn't have jurisdiction.

On the other hand, on matters of morality, ethics, doctrine, church policy and the like, the church has jurisdiction and the state has no jurisdiction. In those areas, if a person becomes antagonistic towards the church and is unwilling to accept the governance of the church, whether that of his or her own fellow believers within a church body or the church at large, I think such a person could go to the point where he really would have disqualified himself or herself from being a part of the Seventh-day Adventist Church. After all, Seventh-day Adventists are a brotherhood, a fellowship where things of a certain kind should be settled within the church and not by exposing ourselves to others who may be unbelievers.

So I think it was unfortunate that the action at General Conference Session came out the way it did. Since that time, a statement has been developed saying what we mean by litigation. We're also saying that the action ought to be reworded so that it proscribes not simply a member entering into litigation against the church, but also prohibits the church from entering into litigation against the member. It is unfortunate that the statement of the General Conference Session came out in such an undefined form. Frankly, the statement shouldn't have appeared in that setting. Now it has been tidied up. The problem now is that we can't get the qualifications back into the church manual without their being approved at another General Conference session. We have accompanied the statement with a footnote which is fairly adequate and well stated. I think it would be well if you were to read the footnote because I think it will probably clear up most of the questions you have about it.

stood that the facts of law in the case under consideration have not been defended and argued before any court. Since early July of this year, extensive discussions with the Department of Labor have explored the possibility of an amicable settlement of this problem. What the final result of these negotiations will be is yet to be determined.

During this same period, that is, from the middle of May to the middle of August, there have been several interesting and significant court decisions based upon essentially the same legal issues as we have discussed. These decisions shed new light on the issue as to whether a government agency has the constitutional right to intervene in church affairs and to attempt to force a church institution to comply with legislation originally designed to regulate commerce and industry.

First, the three-judge Seventh U.S. Circuit Court of Appeals overturned a decision of the National Labor Relations Board and ruled on August 4 in Chicago that the National Labor Relations Act and the Board have no jurisdiction in teacher-employee relationships in parochial schools because such an involvement by a government agency would violate First Amendment guarantees of church-state separation. This case involved the order of the National Labor Relations Board demanding that the Catholic bishops in Chicago and northern Indiana be willing to bargain with an agency representing lay teachers in Catholic high schools and seeking to unionize these employees of the Catholic schools. The unanimous opinion of the Seventh Circuit pointed out the danger and reasonable likelihood of entanglement by a government agency in affairs of the church. Further, the court pointed out the potential threat that the government might become entangled in doctrinal matters, lifestyle patterns and the religious mission of the church.

Second, on July 7, 1977 the United States District Court for Eastern Pennsylvania in Philadelphia upheld the Catholic Archdiocese of Philadelphia in declaring that the National Labor Relations Act and the powers delegated to the National Labor Relations Board are "unconstitutional as applied to the employment relationships between the lay teachers and the parish elementary schools within the archdiocese of Philadelphia."

Guide to Adventist Theologians, 2

Jean Zurcher: Philosopher of Man

by James J. Londis

One gets to theology the way one gets to Rome: all roads lead there. Questions in history, literature, psychology, philosophy—any field you wish to name—terminate ultimately in the question of God.

As Ron Walden points out in his article on Edward Vick,[1] until recently biblical studies has been, among Seventh-day Adventists, the most popular theological discipline. In the last three decades, however, the once-small number educated in systematic theology and philosophy has expanded.

One of the first Adventists to earn a doctorate in philosophy was Jean Zurcher, a Swiss theologian virtually unknown to American Adventists until the late sixties and whose contribution, even today, is appreciated by relatively few. This is, in part, because Zurcher's major published work is his erudite dissertation on the nature and destiny of man, intelligible only to those conversant with the language, history and ambiance of philosophy. Because many Seventh-day Adventist colleges do not teach philosophy courses, Zurcher's creative work does not inform Adventist theology as it might. Even the Adventist publishing houses rejected his dissertation on the grounds that potential readership was too small.

In this article, I hope to examine Zurcher's contribution to Adventist theology by highlighting the two central motifs of his thought: 1) the inadequacy of the dualistic view of man in the philosophical tradition, and 2) the contrasting existential character of biblical thought about man. Before I plunge into this major task, let me tell you a little about Jean Zurcher.

He was born September 30, 1918 in a farm home constructed in 1589 on the shores of Switzerland's Lake Biel and now protected by the historical department of the government. Reared by religious parents, Zurcher believed the Bible to be the word of God. He eventually found his way, fortuitously, to the French Adventist Seminary at Collonges-sous-Salève. Though ignorant about Adventists when he arrived, three weeks into the school term at the close of a week of prayer he responded to an appeal to accept the Seventh-day Adventist message. He was seventeen.

Between 1934 and 1940, he prepared himself for the ministry, and in 1941 began work

James Londis, pastor of the Sligo Seventh-day Adventist church, received his Ph.D. in philosophy of religion from Boston University. He has published in many journals, including *Religious Studies*.

toward a master's degree in history and philosophy at the University of Geneva. This appetizer in philosophy made Zurcher eager for the full meal of the doctoral program, during which he won both the Humbert Prize in Philosophy for an essay entitled "The Philosophy of Louis Lavelle," and the Jean-Louis Claparède Prize for the best paper submitted on "Education for Peace." Noted psychologist Jean Piaget, a member of the jury which awarded Zurcher this second honor, offered to publish the manuscript in a series he was sponsoring. By this time, however, Zurcher was leaving on his first mission assignment for Madagascar and felt compelled to decline Piaget's invitation, not the last occasion when he would subordinate scholarly achievement to the needs of the church for his services.

Later, his doctoral research earned so many accolades from Genevan scholars that it was published in a distinguished theological collection that included works by eminent theologians Reinhold Niebuhr and Oscar Cullmann.

Graduating with his doctorate in 1946, Zurcher returned to Madagascar and the islands of the Indian Ocean where he labored until 1958. After a short period of study and teaching in the United States, he accepted a call to be president of the French Adventist Seminary where he served until 1970 when he became secretary of the Southern European Division (now the Euro-Africa Division), the position he currently occupies.

During his seminary presidency, Zurcher's dissertation on man was translated from French into English by Mabel Bartlett of Atlantic Union College. It was later published by the Philosophical Library in New York, under the title, *Nature and Destiny of Man.*

Zurcher pursued a degree in philosophy because he wanted to learn how to think, and because he realized that much creative theological growth has its roots in the philosophers. His love of the Bible, Zurcher says, motivated him to master Plato and Aristotle. To him, theology and philosophy, while different in some fundamental respects, do not have to be antithetical; in fact, should not be. They are brothers, and as such exhibit both the fondness and rivalry of close siblings.

To appreciate Zurcher's contribution to Adventist theology, let us look first at the similarities between philosophy and theology and then at their differences. Both ask what is real (metaphysics) and seek a consistent and coherent answer. Both are concerned about the problem of *knowing* reality (epistemology) and the implications of a par-

Zurcher: Selected Writings

Jean Zurcher has written numerous articles, in French, German, English and other languages, for various Seventh-day Adventist magazines. Among his scholarly publications are the following:

Articles:

"Christian View of Man, I," *Andrews University Seminary Studies,* Vol. 2, 1964, pp. 156-68.

"Christian View of Man, II," *Andrews University Seminary Studies,* Vol. 3, No. 1, 1965, pp. 66-83.

"Christian View of Man, III," *Andrews University Seminary Studies,* Vol. 4, No. 1, 1966, pp. 89-103.

Books:

The Nature and Destiny of Man, New York: Philosophical Library, 1967. This was translated from *L'homme, sa nature et sa destinee,* Neuchâtel: Delachaux and Niestlé, 1953.

Christian Perfection as Taught in the Bible and the Spirit of Prophecy, Washington, D.C.: Review and Herald, 1967. This was translated from *La Perfection chrétienne, dans la Bible et l'Esprit de Prophétie,* Paris: Dammarie-les Lys, 1965.

ticular understanding of reality for human achievement (arts, culture and sciences) and behavior (ethics).

But there are differences. Christian theology bases its work on at least two assumptions: 1) An infinite, personal deity exists, and 2) He has revealed, and continues to reveal, Himself. Traditional philosophy bases its work on assumptions about the rationality of the universe and the importance that human reason, despite the mysteries of existence, pierce through to that rationality.[2] These assumptions, it should be noted, call into question *all* the assumptions undergirding other disciplines, including those of theology, and demand that their "reasonableness" be shown.

Thus, for example, the philosopher asks of the theologian: "How do you know *your* God *is* the reality we both seek?" Of the scientist he asks: "How do you *know* there is a cause-and-effect relation between natural phenomena?" Of the artist: "What is beauty? Define it for me." Of the ethicist: "What is the good or the right you talk so much about, presupposing it is real?" Whenever a theologian, scientist or artist attempts to answer such questions about his presuppositions, he is, strictly speaking, doing *philosophy* of religion, *philosophy* of science, and *philosophy* of art. Such queries challenge the rationality of the enterprise as a *whole.*

Now, if a philosopher and a theologian are defined by their concerns, Zurcher is both, yet his training and most noted accomplishments are in philosophy. In fact, it is not an exaggeration to say that Zurcher's book on man is the most profound philosophical accomplishment of any Seventh-day Adventist. Not restricted to the critical analysis of what others have done, it is a constructive work exploring new territory.

Addressed to a secular audience, the book puts muscle and sinew on the methodology Zurcher describes in skeletal form in his master's thesis on existentialism. There he sees man's immediate experience of himself, rather than his mediated experience of the external world, as the proper starting point for philosophical reflection. Concomitantly, emotions are not less real or significant for knowledge than are measurable observations. This approach forces the philosopher to pay attention to human feelings and to find ways to capture the "essence" of experiences, even as the scientist tries to penetrate the composition of blood cells. In Zurcher's opinion, then, to unravel the mystery of human existence requires an "existential" method.

The term "existentialism," precisely stipulated, provides a corrective to classical philosophy which defines man as a being "gifted with reason." (To Zurcher, existentialism is neither the fashionable bohemianism of the sixties nor the Sartrian attitude of despair. These offshoots of what Zurcher terms genuine existentialism descend from atheists such as Heidegger, while authentic existentialism, according to Zurcher, springs from Sören Kierkegaard and is Christian, not atheistic, in orientation.) To an existentialist, man is the being who cares, suffers and decides; not merely the being who thinks. To define man as reason is to universalize him, to emphasize what he has in common with all men. Such a perspective minimizes human freedom, which underscores the individual's personal uniqueness. The difference between existentialism and classical philosophy, then, is the difference between defining a man on the basis of characteristics he shares with all men and defining him on the basis of his own unique memories.

"It is not an exaggeration to say that Zurcher's book on man is the most profound philosophical accomplishment of any Seventh-day Adventist."

Existentialists encapsulate their concern in a motto: Existence precedes essence. "Essence" is *what* I am; "existence" is *that* I am. If my essence (what I am) precedes my existence (that I am), I am defined by something preexistent: a soul, perhaps, a spark of divine intelligence, or some universal concept of

human nature of which I am an individual example. According to this view, all are cut from the same pattern, with their similarities rather than their differences defining them. In existentialism, however, I exist before I have an identity; I come from nothing. After I exist, I must choose what I will become each day I live. This choice is not once-for-all but continual. "Existence" means engaging life passionately and freely; to be is to act and not merely to think.

Curiously, when I think *about* myself, when I freeze a frame in the moving picture of my life in order to study it, I stop existing; that is, the analyzing of myself means I cannot simultaneously make the decisions which create existence. At the moment I begin studying myself, I turn myself—a deciding subject—into an object, much as the photographer taking a self-portrait is transformed into the picture or object. I cannot be both subject and object at the same time. If, therefore, I am a subject (actor, analyzer) rather than an object (that which is acted upon or analyzed), I can encounter my own reality only in living situations, not in abstract self-study. Thinking about myself never yields self-understanding at the philosophical level.

Zurcher says that this existentialist perspective possesses profound spiritual value for Christians. Man is seen as a tangible being, not an abstraction. It is his life as it is *lived,* not merely the life of thought, that is ultimately important. This applies even to the act of knowing. Accurate ideas alone do not constitute knowledge; one must also possess the proper attitude. When dealing with important issues, for example, the apostle Paul contrasts the uselessness of the theoretical with the value of the practical in knowledge. And from the point of view of Christian truth, practical knowledge is communicated better through personal testimony than through reason, for testimony affects the inner man more directly and summons him out of the neutrality of abstract thought into the necessary decisiveness of concrete action. This is why stories and testimonies play a major role in Christian revelation. The Gospel writers are not so concerned with proof in the abstract sense as with arousing interest and summoning decisions; they attempt to persuade men to believe in Jesus Christ on the basis of their testimony. In a similar vein, when Kant argues for God's existence on the basis of his own inner moral experience rather than on the abstract power of the ontological argument, he is largely relying on testimony rather than on logic.

In his book Zurcher relates his existentialist methodology to the belief in the immortality of the soul in the Western intellectual tradition. Theologians Oscar Cullmann and Reinhold Niebuhr had already done seminal work on this problem, primarily from the biblical point of view; Zurcher goes on to deal with Plato and the Greek tradition which spawned the notion of immortality on the basis of their own presuppositions and methodologies. For Zurcher, an intellectual solution to an intellectual problem is critical; confession of biblical faith in the nonimmortality doctrine cannot by itself expose the intrinsic falsity of the immortality view in philosophy. (Some may wonder why the question of man's nature is so prominent in Zurcher's mind. Beyond those reasons familiar to Seventh-day Adventists, such as the dangers of spiritualism and the faith-destroying doctrine of an eternally burning hell, the proper understanding of man can also shape attitudes toward education, abortion, euthanasia and divine providence.)

Because we are gifted with self-consciousness, Zurcher believes we can enter and know ourselves in ways we cannot know others on the basis of observation. We can enter our own beings at their very source, at the moment of self-creation through decision. This, however, poses a question: If an unmediated experience of our inner lives is the basis of self-knowledge, why is there not more agreement about man's nature? Zurcher gives two reasons: 1) the complexity of conscious life, and 2) the difference between knowing a reality in constant flux (a self in action) and knowing one that never changes (the table in my room). Merely to choose to study ourselves changes us, making self-knowledge difficult if not impossible. At best, we grasp ourselves deciding; we

do not grasp what we have become because we have decided. Further, self-knowledge obliges us to turn ourselves into objects and leave the sphere of direct experience. Our feelings and ideas are criticized and analyzed as if they belonged to someone else, as if they were in the picture rather than in the photographer.

Zurcher contends that it is when that "externalizing-of-ourselves" method for self-knowledge is turned into a model for man's *being* that we unwittingly repeat the mistake which accounts for the persistence of dualism in Western thought. An artificial act of putting ourselves into the realm of "others" is turned into a doctrine that there must be two realities: the one that is known (the other, the body) and the one that knows (the mind, the self, the soul). This subtle confusion explains why Plato and most subsequent thinkers assumed human nature to be dualistic. To account for the phenomenon of man's knowing himself as an object, the Greeks posited two discontinuous entities—body and soul—which they thought had a certain interdependence, to be sure, but which were in all essential respects separate.

Zurcher spies the source of the Platonic confusion in the Socratic precept "Know thyself," symbolized by the myth of Narcissus, who lovingly contemplated his image in the water as if it were a reality distinct from himself. His attempt to know himself is futile, the failure producing doubt that there is an essential unity in man. Aristotle sensed this weakness in Plato's analysis and provided a new conception of man based on different principles and methods. He began not with the separation of body and soul but with their union, and argued that the differences between the two are abstractions from their concrete unity. Aristotle's method is existential in this respect: He insists on paying attention to realities as they are presented to us in experience, allowing experience to form ideas, rather than the converse. Man experiences himself as a whole, not as a body and a soul. Zurcher thinks that at this point Aristotle clearly surpassed his teacher Plato on the doctrine of man.

"As Zurcher sees it, God's plan exists only in a general way in which we conform to love and truth in our choices and are courageous with our freedom. We are to use our freedom to become even more free."

It is nevertheless true that, viewed from certain perspectives, we appear to be interior and exterior, mind and body, two entities in one person. Zurcher tries to show that this experienced duality is not the essence but the structure of our reality. Our reality consists in the synthesizing of two principles which together constitute a human being in time and space. This means that both the body and the spirit make a man a living personality (or "soul" as the Scriptures use the term in Genesis 2:7). If separated from each other, only a disembodied "idea" or a formless "matter" remain. When we see Michelangelo's David, for example, we see an idea of young manhood (the "spirit" or "soul") fused with a block of marble (the "matter" or "body"). Only in thought can we separate one from the other; in reality they are experienced as one. To destroy either the idea or the matter in the sculpture is to destroy the sculpture as a whole.

If we are correct in experiencing ourselves, during the decision-making process, as a unity, then we can be sure that no plan has been built into us *ab initio;* no divine script is programming our days. If existence precedes essence, then liberty defines man; it is his uniqueness and destiny. For Adventists, this means that the cliché, "God has a plan for your life"—if incorrectly understood—can actually interfere with God's plan for your life. If it means that God has already selected your college and university, chosen your career and arranged for your mate, and your task is to play guessing games with Him concerning what He has willed, then Zurcher would say the person cannot grow in God's

image. As Zurcher sees it, God's plan exists only in a general way in which we conform to love and truth in our choices and are courageous with our freedom. We are to use our freedom to become even more free. Any teaching or practice, therefore, which minimizes or diminishes human freedom is at cross-purposes with the will of God.

Conforming to love and truth in decision-making is another way of saying that law is important to liberty. Our freedom is never infinite. We must choose some model we wish to emulate, some purpose we wish to realize. We thus limit our choices to those which accomplish our objective; and if we conform to love and truth in that process, we are obeying the law. The infinite possibilities before us reveal how impoverished we are of ourselves and that we must place ourselves under law in order to discipline ourselves to reach the ideal. Rebellion against law annihilates liberty; submission to law ensures it.

In Zurcher's opinion, this is the scriptural view of man. The concluding chapters of his book portray the biblical doctrine of man as the one nearest to the Aristotelian philosophy, able to account for man's experience of himself in certain contexts as a unity and in other contexts as a duality. (These chapters on the Bible created some controversy on his doctoral committee, he once confided to me, for some of the professors felt they were out of place in a philosophical essay. Nevertheless, they were allowed to stand.) To the experience of dualism inherent in attempting to know oneself, the Bible adds a moral dualism of struggle between spirit and flesh which also may be mistaken for a dualism of being. However, Christ's redemptive power frees us from this struggle and enables us to change the course of our existence. Starting with the intelligence, the Holy Spirit subdues the *whole* person: even the body is transformed into the Spirit's temple.

Scripturally, then, man's existence precedes his essence; with respect to man, the Bible is existentialist through and through. According to Zurcher, what ambiguity about man that resides in the Bible, especially the New Testament, originates from the writer's dependence on philosophical terms popular in Hellenism to convey Hebrew insights. Synthesis, not duality, is the natural tendency of the Semitic spirit, reality being conceived as a unity. Failure to appreciate this thrust distorts the biblical picture of man. Man's life is so united to his body that he cannot exist consciously beyond death without it. There must be a resurrection.

I believe the foregoing fairly summarizes the major contribution of Jean Zurcher. Nevertheless, there are some nagging problems to be resolved. If man is truly free, able to make decisions that transcend the cause-and-effect matrix in which the brain exists, then the will and the mind must in some sense transcend the body. On the other hand, if deciding and thinking are so immanent in the physical that the deterministic explanations of some experimental psychologists are true, then we seem to have destroyed the freedom necessary for ethics and religion. Further study needs to be made on the relationship between behavioral determinism and existential freedom and dignity.

Zurcher expatiates on the same themes in his book, *Perfection in the Writings of the Bible and Ellen White,* as he did in his dissertation. Man's choices constitute his essence or character; the possibility exists of infinite development in freedom and love. He shows that in the Bible and Ellen White, righteousness is relational, not intrinsic. For Zurcher, perfection in scripture cannot be "absolute" in the Greek sense of the term because man will grow morally and religiously through eternity. (Had this book been more widely read during the Brinsmead controversy, the dehumanizing effects of absolutism in perfection might have been exposed.)

With respect to other Seventh-day Adventist scholarship on the nature of man, Zurcher has spoken highly of Leroy Froom's *The Conditionalist Faith of Our Fathers* as a major encyclopedic contribution rather than as a theological and philosophical work. His only concern about the material centers on Froom's insistence that the spirit which returns to God at death is an entity of some sort, even if not a conscious one. In Zurcher's mind, such a view lapses into essentialism

and is not ultimately true to the tenor of Adventist theology.

Zurcher's existentialist approach to man is one pole of a continuing informal discussion within the Adventist theological community. One group of scholars tends to be "existential" on the relation between faith and evidence, while the other group grants reason and evidence a more prominent role in the religious quest. Few of the disagreements, if any, are tests of fellowship among us. They are issues concerning theologians as theologians, not theologians as believers.

This is as it should be. Zurcher, along with other Seventh-day Adventist scholars, is concerned that matters of opinion, as important as they often are, not become matters of faith, creating schisms at artificial points. The unity we have in the Lordship of Jesus Christ, and the distinctive beliefs which have carved us uniquely out of the rock of religious history, are greater than such disagreements.

For, in the end, one is a philosopher and a theologian not merely because he has the doctorate to prove it, but because he possesses a spirit of charity toward those who disagree with him and is wise enough to remember that diffidence rather than arrogance should characterize the utterances of a finite man who speaks about the infinite God. For the scholar, no more important virtue can be coveted than giving as much weight to an opponent's argument as one possibly can.

Zurcher's present responsibilities as an administrator have severely curtailed his scholarly work, as did his years as president of the French Adventist Seminary. Yet, he has no regrets. The time he has devoted to students and workers is very satisfying to him. He finds the concrete and experiential just as real and important as the abstract and intellectual. Piety and scholarship, experience and thought: the man Zurcher exemplifies the unity of which he writes.

His *Nature and Destiny of Man* still occasions invitations to speak in Europe's leading universities. In recent years, he has lectured at the University of Strasbourg on Emil Brunner's doctrine of man and at the University of Madrid on his own research (the queen of Spain was in the audience). Little known in America outside the administrative and theological fraternities, Jean Zurcher is nonetheless one of Adventism's ranking theologians. What he has done deserves greater recognition and appreciation from Seventh-day Adventists who are often the last to know their own. In a modest way, this article is one expression of that appreciation.

NOTES AND REFERENCES

1. "Edward Vick's Passion for Theology," SPECTRUM, Vol. 8, No. 3, pp. 48-56.

2. Some modern philosphers would deny the rationality of the universe, opting for "absurdity" and "meaninglessness." However, they believe that such a view is the most *reasonable* one available, thus centralizing the role of reason even while they displace it.

The Christian, Homosexuals and the Law

by Jack W. Provonsha

Changing attitudes toward homosexuality—expressed both by the freedom with which homosexuals campaign for acceptance and by the way this is being granted by previous religious and legislative adversaries—are placing many thoughtful Christians in a dilemma. For they may well be inclined to react to examples of prejudice, deprivation and oppression with compassion—even passion. It is characteristic of Christians who are fully informed by their moral sources to be on the side of the underdog—almost instinctively. The oppressed and downtrodden have from the beginning usually been able to rally Christians to their support.

On the other hand, such persons are likely to be outraged at the present open flouting of centuries-honored standards of conduct. The Bible not only provides the historic origins of the word Sodomy, but also lists other more explicit as well as implicit injunctions that are most difficult to explain away. For example:

> You shall not lie with a male as with a woman. (Lev. 18:22 RSV)
>
> If a man lies with a male as with a woman, both of them have committed an abomination; they shall be put to death, their blood is upon them. (Lev. 20:13 RSV)
>
> Their women exchanged natural relations for unnatural, and the men likewise gave up natural relations with women and were consumed with passion for one another, men committing shameless acts with men and receiving in their own persons the due penalty of their error. (Rom. 1:26, 27 RSV)
>
> Do you not know that the unrighteous will not inherit the kingdom of God? Do not be deceived, neither the immoral, nor idolaters, nor adulterers, nor homosexuals, nor thieves, nor the greedy, nor drunkards, nor revilers, nor robbers will inherit the kingdom of God. (I Cor. 6:9, 10 RSV)

But the thoughtful Christian also is committed to the conviction that no one should be blamed, condemned or even looked down upon for something over which he has no control. Such a person deserves helpful understanding and genuine acceptance. And the Christian knows, if he is informed, that a homosexual may not have chosen to be a homosexual. At least for some homosexuals, their condition is something they discover rather than choose.

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The causes of homosexuality are obscure as we all know. Although it is not necessary to review all the different theories here, it is probable that the state is at least in part situationally conditioned—for example, conditioned by the absence of heterosexual role models at crucial identity moments. But it is also possible that other factors predispose at least some individuals to homosexuality. What these things are is presently unclear, although the following quotations suggest interesting possibilities:

> Is homosexuality one way by which nature controls population levels? On-going research at Villanova University indicates that the answer just might be yes. Dr. Ingeborg L. Ward there has conducted tests with rats at the Pennsylvania institution showing that maternal stress during pregnancy—caused by the flashing of bright lights and restraint in a plexiglass tube—prevents most of the male offspring from functioning as normal males. She hypothesizes that the increased amounts of ACTH [adrenocorticotrophic hormone] the mothers produce under stress reach the developing fetus and stimulate androstenedione secretion by the adrenal cortex and decrease testosterone production by the gonads. Androstenedione then competes with testosterone for the same receptor sites that mediate differentiation of sexual behavior, and wins out. Since androstenedione is a much less potent androgen than testosterone, the maleness of the rats is correspondingly less pronounced. Most of them refuse to copulate with estrous females, and they show a high rate of lordotic response to male advances. Dr. Ward speculates that stresses from a crowded environment could also trigger the phenomenon.[1]
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> The male homosexual may be an endocrinous deviate long before he becomes a behavioral deviate. By analyzing the 17-ketosteroids in a day's production of urine of 44 active homosexuals and 36 heterosexuals, Los Angeles endocrinologist M. Sydney Margolese finds a clear-cut endocrinous difference that matches up about 90 percent of the time with independent behavioral judgments of two psychiatrists.
>
> Based on these findings, the team theorizes that the homosexual may be shaped in the womb when gender identification is determined by the influence of male sex hormones on the brain. Testosterone then imparts the sex drive. And the way a person metabolizes testosterone gives direction to that drive. Thus, social and psychological factors, arriving late in the game, may just be secondary influences.[2]

Sex identity thus seems to involve many factors—some possibly prenatal. But the point remains that while homosexual *behavior* may frequently involve volition, that may not be so for the *state* itself—at least for persons at the exclusively homosexual end of the homoheterosexual spectrum. Presumably, persons nearer the bisexual center of the spectrum might, within limits, have more control over this part of their lives. Perhaps this is the way to deal with the Pauline statements. If Romans and First Corinthians are read carefully, they suggest an element of volition. Possibly, the passages only refer to individuals who do have a choice. On any other grounds, a serious conflict appears, arguing condemnation, rather than acceptance, for persons who cannot help themselves. And that expresses bigotry and intolerance, both essentially non-Christian attitudes.

"The Christian knows, if he is informed, that a homosexual may not have chosen to be a homosexual. At least for some homosexuals, their condition is something they discover rather than choose."

Another consideration of which the Christian moralist is aware is the fact that in history religious people who have supported their beliefs through civil power have perpetrated numerous horrors. The thoughtful Christian

knows by now that the proper sphere of social legislation is to protect the victims of criminal or other malicious actions. Social legislation only applies when the exercise of one person's rights infringes on the rights of another. Whatever may be the additional functions and duties of education and exhortation, "victimless crimes" are generally not the law's business.

It is on this basis that laws governing the private sexual behavior of consenting adults have generally been falling by the wayside—as well they might if such activities are in fact "victimless." But that is one of the questions I wish now to pursue. To begin, let me turn to a different, but related, issue which will, I believe, illuminate our discussion of homosexuality.

One of the most universally proscribed of all the possible human sexual liaisons is incest. Almost all cultures have treated incest with horror, disgust and abhorrence. Probably the reason for rejecting it so forcefully is that—due to the propinquity of the sexes in the family, the apparently normal Electra and Oedipal attachments of mother-son, father-daughter, etc.—it is such a universal threat. What is interesting is that in spite of the new moral picture in other areas, one still does not hear advocacy of incestuous alignments.

One might say, of course, that incest differs from homosexuality in the possibility of offspring. According to every study, such offspring face a vastly increased incidence of fetal abnormality—directly proportional to the degree of consanguinity. That is true, but to make the point, suppose we eliminate that possibility. Would our liberation friends want to eliminate laws governing incestuous sexual behavior involving consenting adults, provided they were sterile or agreed to abort their issue—say, sexual behavior between a postmenopausal mother and her grown son or between a vasectomized father and his grown daughter? Would they perhaps favor solemnized marriages between such persons? Why not?

To most of the world the notion is inherently repugnant. But think about it for a moment. If "victimless crimes" are not to be the subject of social regulation, why not permit incest between consenting adults not involving childbearing?

Most of us would find incest, even on these terms, disturbing—possibly because, in fact, the victim or victims are not the obvious ones. The social order itself may be the victim. What is threatened here is the family structure and thus a basic fabric of society. Experiments such as complex marriages, open ended marriages and sexual communes are questioning the viability of the traditional family. Still, the majority opinion remains that no structure has yet been discovered that adequately substitutes for a "Mom and Dad" who care about each other enough to remain faithfully committed to each other year after year.

It is such an enduring configuration of persons in interaction that gives children the secure sense of acceptance and identity that is the optimal context for personality health. The culture is probably secure enough to survive a measure of experimentation, but if too many people become involved in the new, bizarre "family" patterns, we may be in for real trouble down the pike.

Incidentally, in a recent study of incest published in the October 1974 issue of *Human Sexuality* almost every case of incest investigated revealed the family structure of those involved to be in serious difficulty. Which came first, the hen or the egg, is of course not clear. The two seemed to go together. But according to this study such behavior was unlikely in a healthy family setting and the occurrence of incest jeopardized whatever family remained.

We are speaking of homosexuality, of course, and not of incest but the two issues parallel each other in certain particulars, mainly in revealing that victimless crimes may not in fact be victimless. They may have only a different victim from the anticipated. A society's norms, and thus the social order itself, may be what are threatened.

This may be illustrated by two statements from leading figures in the homophile movement. The first from Dr. Franklin E.

Kameny of Washington, D.C., who is an astronomer and physicist with a Ph.D. from Harvard. At the time he made this statement, he was president (and founder) of the Mattachine Society of Washington, D.C., (a homosexual organization). In a chapter entitled "Gay Is Good" in the book *The Same Sex,*[3] Dr. Kameny asserts

> that homosexuality is not an inferior state, that it is neither an affliction to be cured nor a weakness to be resisted, that it is not less desirable for the homosexual than heterosexuality is for the heterosexual; that the homosexual is a first-class human being and first-class citizen, entitled, by right, to all of the privileges and prerogatives of his citizenship, and to all of the God-given dignity of his humanity—as the homosexual that he is and has a moral right to continue to be; that homosexuality is nothing to be ashamed of, nothing to be apologetic about, nothing to bemoan, but something around which the homosexual can and should build part of a rewarding and productive life and something which he can and should enjoy to its fullest, just as heterosexuality is for the heterosexual. Homosexuality per se cannot properly be considered a sickness, illness, disturbance, disorder, or pathology of any kind, nor a symptom of any of these, but must be considered as a preference, orientation, or propensity, not different in kind from heterosexuality, and fully on par with it. In their entirety, the problems of the homosexual as such are — or stem directly from — problems of prejudice and discrimination directed against this minority by the hostile majority around them .... Homosexuality can only be considered to be as fully and affirmatively moral as heterosexuality. It thus follows that homosexuality, both by inclination and by overt act, is not only not immoral, but is moral in a real and positive sense, and is good and right and desirable, both personally and societally.

The second statement is from Barbara B. Giddings, a former editor of *The Ladder, A Lesbian Review.* Writing in the same book a chapter entitled "The Homosexual and the Church," she says,

> Homosexuality is not a sickness, not an impairment, not a failure, not an arrested development, not a flaw, not an incompleteness, not a distortion, not a sin or a sinful condition. It is not something to be regretted in any way; it is not something to be resigned to or endured.
>
> The majority of homosexuals would not change even if they could. More important, they *should* not change even if they could. What the homosexual wants — and here he is neither willing to compromise nor morally required to compromise — is acceptance of homosexuality as a way of life fully on par with heterosexuality, acceptance of the homosexual as a person on par with the heterosexual, and acceptance of homosexuals as children of God on an equal basis with heterosexuals.
>
> Therefore, we are not interested in compassion, or in sympathy as unfortunates. We do not wish to be looked down upon. Our homosexuality is a way of life as good in every respect as heterosexuality.[4]

"It is wrong to deprive persons of opportunity to fulfill themselves .... But it is necessary that both homosexuals and heterosexuals be prevented from weakening social structures on which society depends for viability."

What is being openly advocated here is the total acceptance of homosexuality as a legitimate alternative to the heterosexual family. Now, this advocacy might not affect exclusive homosexuals at the extreme end of the spectrum. But such a notion generally accepted might greatly condition the attitudes and behavior of persons more nearly at the center of the spectrum, people for whom sexuality more clearly involves volition.

Moreover, it changes the meaning of sexuality. Let me say more of this. A Christian moralist bases his perception of right and wrong on a certain understanding of the

human person—including the person's ability to deal with "meanings" and "values" as well as with objects. An act is right or wrong often in terms of the meaning of the act rather than the mere fact that it takes place. Human beings may thus be defined not only as *Homo Sapiens,* the thinker, and *Homo Faber,* the maker, but more importantly for ethics as *Homo Symbolicus,* the one who uses symbols. That is, people are able to read meanings into actions or objects.

Now, a symbol, whether an action or an object, is for human beings the means to an end other than itself, referring to it, standing for it, modifying or creating attitudes toward it. Symbolic meanings, moreover, are the basis for civilization — for intellection, communication, for economic and social interaction. In our present context, the sexual relation may point beyond itself and condition attitudes toward certain social values which serve the common social good.

By tradition and association, sexuality has been the prime reinforcer of the social unit, the family. Traditional Christian teaching has on this basis usually limited legitimate sexual expression to the context of the permanent commitment of two persons—the husband and wife who may in the course of their sexuality become father and mother and thus an enduring constellation of persons (we call family) in which, ideally, healthy growth and maturation of offspring may occur. Sexuality in such a context symbolizes trust, openness, permanence—the cement that binds two lives and those of the progeny into an enduring unity. And the durability of the larger society depends on the degree to which the integrity of these units is maintained by a majority of its members.

Sexuality can, of course, come to have other meanings. It can serve purely hedonistic ends, and be dissociated from love and commitment; Hugh Hefner, for example, holds that it is not necessary to *be* in love to *make* love. And as the pill has shown, sexuality can also be dissociated from procreation, so as to selectively control the creation of a family or, as is frequently the case, to separate sexuality from family altogether. This latter may cause sexuality to lose its capacity to be a symbol for family trust and permanence.

Now, it may be no accident that freer sexuality, the dissolution of the family and such movements as gay liberation occur simultaneously. They may belong to the same general phenomenon. I hold that this development should give us all pause. To me, it seems terribly important that there be resistance in every legitimate way to the dissolution of a social structure so important to the future of our civilization. Such resistance should, of course, be directed to its proper ends. It is a miscarriage of justice to deny homosexuals their rights in unrelated areas—the right to meaningful employment and to the same level of personal fulfillment we demand for others. As for private behavior not involving individual victims, it is usually not the law's business. But public expression and advocacy of such private behavior may be, particularly if it involves persons of immature judgment. Otherwise what is all of that R and X rating of movies about?

In summary, it is wrong through prejudice and bigotry to deprive individuals of the opportunity to fulfill themselves in every way consistent with membership in a healthy society. No one should be denied the chance to contribute to that society with all his native gifts simply because he is a homosexual—or a heterosexual, for that matter.

But it is also necessary that both homosexuals and heterosexuals be prevented from weakening the social structures upon which the society depends for its long-run viability. Heterosexual sins in this sense can be as destructive as homosexual sins and both must be placed under appropriate strictures if the health of a society is to be preserved. The social order itself may become the victim of these so-called "victimless crimes." If we deny to our children the chance to experience and, in turn, to pass along to their children a fairly clear picture of what an enduring family is about or if we allow persons whose attitudes and behavior are inimical to the family, to weaken the family by modifying its necessary norms, we hazard our children and thus society's future.

Therefore, while it may be admitted that

laws ought not to become involved in matters which are none of their business — again, exhortation and education may go much farther — laws *should* protect "victims," especially when the social order may itself be the victim.

A Christian should always be willing to grant acceptance and support to persons who are simply different—and especially when that difference is through no choice of their own. But that does not include a willingness to allow such persons to undermine the things most people value for their children and their children's children. This means among other things that society has the right to ask homosexuals and heterosexuals alike to mind their manners. And if they cannot or will not, that is, if they by their overt behavior or public advocacy promote a life style that undermines society's valued institutions (in this case, the family), society has not only the right but also the duty to restrain them—for example, to deny them access to youth role-modeling positions. These roles include positions such as being parents, teachers, youth leaders, etc. But let us repeat this applies equally to advocates of heterosexual deviance. Parents who are concerned about the social values of their children have the right to insist that such persons keep their mouths shut and their clothes on in the presence of immature children.

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1. *Medical World News,* February 11, 1972, p. 13.
2. *Medical World News,* April 23, 1971, p. 4.
3. Ralph W. Weltge, ed., *The Same Sex,* Boston: Pilgrim Press, 1969, pp. 130, 143.
4. *Ibid.,* p. 143.

Faith, History and Ellen White

Review by Gary Land

The Staff of the Ellen G. White Estate, *A Critique of the Book Prophetess of Health* (Washington, D.C.: Ellen G. White Estate, 1976), 127 pp., Appendix, Index.

Ronald L. Numbers' *Prophetess of Health* has prompted more debate, both before and after publication, than any recent book touching Adventism. Part of this discussion appeared in SPECTRUM (January 1977). Of the Adventist historians writing there, Richard Schwarz was uncomfortable with Numbers' naturalistic methodology, although at the same time he stated that the volume should lead the reader to a thoughtful and prayerful reconsideration of Ellen White. W. Frederick Norwood, on the other hand, endorsed Numbers' approach, arguing that his findings need not disturb Adventist readers.

The White Estate has carried on another part of the argument. Through public presentations and a small document, "A Discussion and Review of *Prophetess of Health,*" part of which appeared in SPECTRUM, it took issue with Numbers. An expanded and fully documented expression of the Estate's viewpoint appeared late in 1976 as *A Critique of the Book Prophetess of Health,* a publication largely including the material earlier presented to Numbers when the Estate was encouraging him to revise his manuscript. The *Critique's* appearance in print offers the opportunity for a serious reexamination of the issues involved, particularly the philosophical questions regarding the relationship of faith to history.

Reviewing this document is not easy. The *Critique* is tedious, necessitating close analysis and continual reference back to *Prophetess of Health.* Besides, the subject itself makes intellectual honesty difficult. For a denominational employee, whose job may depend on adhering to orthodoxy, the problem is doubly complicated.

Nevertheless, an evaluation must be made. The *Critique* represents the denomination's major response to Numbers' book and was sent free to all theology and history teachers in the church's colleges and universities in the United States. Furthermore, the *Critique* represents what is probably one of the most thorough examinations of any historical work written. And because it seeks to correct the inaccurate and distorted view of Ellen White that allegedly appears in *Prophetess of Health,* it lays claim to our attention.

The first seven chapters discuss a variety of topics: whether Ellen White learned the health teachings in her 1863 vision from God, as she claimed, or from her intellectual environment, as Numbers argues; the veracity of

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several hostile witnesses, none of whom plays a major role in the remainder of *Critique;* the omission of additional evidence, called "missing exhibits," that would have presented a more balanced view; the work of a prophet; the problem of plagiarism; and the denomination's involvement in the book's preparation. Finally, the Estate regards *Prophetess of Health* as significant because "it will no doubt be used by some to undermine confidence in the work of Ellen White" (32). A chapter-by-chapter critique and several appendices follow this introductory material. According to the Estate, the *Critique* equals the text of a 300-page book.

The Estate identifies the question of whether Ellen White's health teachings originated with earthly sources or the Lord as the crux of the issue (11). This argument presupposes that any attempt to identify a causal relationship between White's ideas and her environment is necessarily a challenge to belief in her inspiration. As a result, the Estate seeks to place as much distance between itself and Numbers as possible. Much of this is unnecessary, however, for as I have sought to explain elsewhere[1], historical and theological explanations of phenomena do not exclude one another. Rather, they are complementary levels of analysis, both necessary to full understanding.

In its critical approach, however, the Estate addresses the questions at hand on the basis of evidence. In doing so, it presents additional information on several issues that helps fill out and balance the accounts that Numbers gives. It makes clear that financial circumstances played a major role, perhaps the only one, in James White's departure as editor of the *Review* in 1855 and that his speculations during the Civil War were not crass profiteering. Developments at the Western Health Reform Institute in the late 1860s and Ellen White's attitude toward the institution also receive a more detailed description that increases our understanding of the situation. And the Estate shows that Ellen White ate more than vermicelli-tomato soup and thistle greens during her later years. The *Critique* also reprints valuable source material, including letters of Ellen White and her *Appeal to Mothers.* All of these make more widely available necessary information.

But in its effort to distinguish its viewpoint from Numbers', the Estate exaggerates the differences in a number of cases. For example, it objects to Numbers' observation that Ellen White was an exile among her people in the mid-1850s, but then states that her ministry was so little appreciated at that time that she was ready to quit (39-40). In another place, the Estate criticizes Numbers' statement that Ellen White revised Harriet Aus-

"A full understanding of Ellen White among Adventists must involve a dialogue between the historian and theologian."

tin's costume to "accord perfectly" with what she had seen in vision, but then admits that "the Dansville experience helped her to implement them [the dress reform principles]" (65). Finally, the Estate argues that there is no evidence to support Numbers' claim that Ellen White's public visions occurred less frequently after menopause, but then states that there was a "gradual shift" from public visions to night dreams (85-86). In this case, the Estate, out of its concern to deny any relationship between her visions and menopause (an unprovable argument that Numbers mentions but does not himself make), flatly contradicts Numbers and yet a few lines farther on, backtracks without apparently realizing it. This pattern appears elsewhere in the *Critique*[2], with the Estate substituting milder language than Numbers' but seldom differing in substance.

Even when the differences between the Estate and Numbers are substantial, the Estate's arguments are often unpersuasive. Although the Estate rejects the inerrancy view of inspiration (116-117), its criticisms often appear to be based on such a concept. It seems to regard virtually any implication that Ellen White was wrong or did not live up to what she had been shown as a threat to her inspiration and authority. Therefore, it often goes to considerable lengths to deny what a broader view of

inspiration could accept with little or no trouble. Ellen White herself stressed that while the Bible is written by inspired men, the words are neither inspired nor perfect. Nevertheless she stated they contain a spiritual unity.[3] The Estate, however, does not take this approach. A few examples will illustrate:

1) It cannot accept Numbers' interpretation of Ellen White's statement, "Let us not dishonor God by applying to earthly physicians," as meaning Adventists should never go to doctors. While Numbers' reading of the phrase seems historically sound, the Estate casts around for several paragraphs seeking contrary evidence, which it recognizes as weak. Finally, it asks, "Could it be that the statements imperfectly expressed her views?" and expresses the wish that it had more facts (42-44).
2) The Estate, seeking to remove Ellen White from the controversy surrounding dress reform at the Western Health Reform Institute, argues that physicians there did not promote the reform dress on the basis of God's command, as Numbers states (67). Ellen White, however, wrote in 1867, "The physicians having full confidence in my testimonies, stated to them [opposers of dress reform] that the style of dress they recommended for their patients was the same as I had seen would be adopted by our people" (96).
3) Concerned with the implication that Ellen White did not always live up to what she had seen in vision, the Estate says that Numbers errs when he describes Ellen White as postponing wearing of the reform dress "month after month." It bases its argument on the fact that she wrote publicly about the dress for the first time in June 1865, and wore it the following September. In so arguing, the Estate minimizes the significance of the facts that she had her vision on the dress in June 1863 and committed herself to it in a letter in September 1864, both of which lend credence to Numbers' view (67, 109).
4) An interest in protecting Ellen White from the alleged influence of wrong ideas leads the Estate to downplay, beyond what the facts support, her relationship to phrenology. The Estate emphasizes that Ellen White took her sons for physical examinations in 1864 that *happened* to include phrenological analysis (55-56, 70). But Numbers' description of this episode as involving "head readings and physical examinations" seems an accurate enough description of what took place. In reporting the examinations to friends, Ellen White spoke almost exclusively of the phrenological parts, and with enthusiasm (55, 109). In another place, it is true, as the Estate points out, that Numbers supplies the word "bumps" when Ellen White described her husband by saying that "his cautiousness, conscientiousness and benevolence, have been large and active. . ." (70), but her phrase certainly sounds phrenological. Although Ellen White was no phrenologist, it is clear that she was temporarily interested in phrenology and that it affected some of her writing.
5) One of the most important — at least talked about — of the differences between the Estate and Numbers is Ellen White's *Appeal to Mothers.* Again seeking to protect Ellen White from the claim that she taught wrong ideas, the Estate argues that the phrase "sins and crimes, and the violation of nature's laws, were shown me as the cause of this accumulation of human woe and suffering," which Numbers does not include in his quotation on masturbation, indicates that other causes besides masturbation were behind the deformities she had seen. Although in other writings Ellen White viewed intemperance and drugs as also causing these problems, in *Appeal to Mothers,* masturbation is clearly the cause she had in mind, as Numbers states. For one thing, the entire pamphlet is about masturbation. Then, in the following two paragraphs after the disputed statement, she identifies the "violation of

nature's laws" as "self-indulgence" (104). In the same paragraph where the disputed statement appears, she refers to "a second great burden" which doctors add to the first — masturbation. She later identifies the practice as a sin (105) and connects it with an "imbecile influence" (106). Except for the word "crimes," which is nowhere explained, all of the words in the omitted phrase are used in connection with masturbation throughout the pamphlet. Numbers' "significant omission" really changes nothing.

The foregoing have been examples of how the White Estate's adoption in practice, although not in theory, of the inerrancy approach to inspiration has led it to make arguments that do not fit the facts. Its real concern on these points is probably not so much in protecting Ellen White's inspiration as it is in maintaining her authority. Implicit in its approach seems to be the belief that if Ellen White is shown to be wrong on one subject there is no limit to the erosion of her authority on other subjects as well. The problem deserves discussion and Joseph Battistone's emphasis upon the homiletic nature of Ellen White's writings may offer a means of reconciling the demands of faith and history.[4]

But beneath authority lies the question of inspiration which, as previously indicated, the Estate believes to be the crux of the issue, for it assumes if one can find environmental sources of Ellen White's teachings then she cannot be inspired. This presupposition, similar to the "God of the gaps" approach which Christian scientists have for some time rejected, again forces the Estate to deny very strong evidence. The effort is unnecessary if one regards history and theology as complementary rather than opposing explanations.

To begin with, the Estate objects to Numbers' description of Adventists as possessing "the main outlines of the health reform message" by 1863 (48). The *Random House Dictionary* defines "outlines" as "the essential features or main aspects of something under discussion," an accurate description of health reform knowledge among Adventists in the early 1860s. Joseph Bates, like Sylvester Graham himself, avoided alcoholic beverages, tobacco, tea and coffee, meat, butter, cheese, pies and cakes. John Loughborough adopted graham bread and cold water treatments, the latter also being accepted by the Kellogg and Andrews families. By mid-1863, the *Review* had published material on dress reform, vegetarianism and the two-meal-a-day plan. Evidence that these ideas circulated more widely among Adventists is Ellen White's statement that when she published information from her visions some Adventists asked if she had been reading other health reformers (95).

The White Estate recognizes these facts but, emphasizing their fragmentary nature, views them as unimportant. The significant point, however, is that Ellen White lived in an environment where health reform was being discussed — even if to a limited extent. The individuals named above were not obscure Adventists but prominent people with whom she had direct contact. And it is surely likely that she read the material published in the *Review*. Furthermore, the very ideas she later espoused on the basis of vision were those circulating within Adventism prior to 1863. Although one cannot *prove* that Ellen White's ideas came from these sources, a historian with no prior commitment to establishing Ellen White's independence would have excellent grounds for concluding that her environment was the source of her ideas.

There is another line of evidence, however, that both Numbers and the Estate overlook. Ellen White's visions, particularly those on doctrine, had always followed a pattern of appearing *after* an issue was discussed, either confirming a position already taken or identifying one of several debated opinions as the correct one.[5] If Ellen White's 1863 vision was independent of her environment, it departed from the pattern that her visions had already established. In light of the above evidence, such a departure is extremely unlikely.

One reason the White Estate insists that Ellen White's ideas came independently of her environment is her own claim that she

was not dependent upon men. However, Richard Schwarz, in a preface to the *Critique* entitled "On Reading and Writing History," suggests that Ellen White may simply have been resorting to literary hyperbole in denying that her health teachings were derived from others (9). Schwarz's observation fits the facts much better than does the White Estate argument.

Because the Estate believes that Ellen White's ideas must have come from *either* God *or* man, it cannot accept anything but a supernaturalist approach to Ellen White. In his postscript, W. P. Bradley implies that *Prophetess of Health* is a secular attack upon the work of Ellen White (93). And the Estate writes, "If divine inspiration is excluded *a priori,* then one is left with nothing but a secularist-historicist interpretation of Ellen White's life and with the implicit denial of the validity of truthfulness of her claim to divine inspiration (10)."

One member of the Estate's staff has told me that this latter statement was intended to mean that if one is not open to the possibility of inspiration at the beginning of a study of Ellen White, then there is no possibility of concluding that she was inspired. If that is the meaning, then I have no disagreement, but if it means that one must assume inspiration at the start, an assumption that seems to lie behind at least parts of this multiauthored publication, there is no way of determining who is inspired and who is not. The claims of Ann Lee, Joseph Smith and Mary Baker Eddy, then, become equal to Ellen White, if one must assume inspiration in studying the individual who is claiming to be so inspired. One must be open to the possibility of inspiration but belief in it as a fact can only be a conclusion, though a conclusion based on more than historical evidence.

Nor, as I have stated above, is there necessarily a conflict between explanations that do not rely on the supernatural and those that do. The real question is whether the non-supernatural interpretation gives an exhaustive account of the phenomena being studied, *i.e.* "is that all there is to say about it?" That is the point at which theology enters and where the debate about the supernatural begins. To say that Ellen White's ideas were influenced by her environment is only a problem to the Adventist when one believes either that they have no significance beyond that influence or that inspired ideas cannot be so influenced. In reality, theology and history are different levels of interpretation of the same phenomena, each with its own evidential grounds. A full understanding of Ellen White among Adventists must involve a dialogue between the historian and theologian.

Such an approach is necessary, for the sort of evidence that Numbers has found in Ellen White's teaching on health reform has also been discovered by other scholars in her writings on history, literature, science, education and social attitudes. Although these discoveries may require a reexamination of our understanding of inspiration and authority, the issues basic to all of these discussions, they also indicate that Ellen White did not simply borrow from her contemporaries. She molded the material into an Adventist pattern. As the Estate writes, "The outstanding contribution of the vision was that its instruction was presented as a part of religious duty, not merely as interesting ideas on health" (13). Perhaps it is at this point, rather than on the sources, development or even validity of her ideas, that history and theology meet.

NOTES AND REFERENCES

1. Gary Land, "Providence and Earthly Affairs: The Christian and the Study of History," SPECTRUM, April, 1976, pp.2-6.
2. Compare Numbers' accounts with the White Estate on the following: White's enthusiasm for health reform (57), Ellen White and the reputation of Western Health Reform Institute (62-63), discussion of different styles of dress at Dansville (68), extremism and Ellen White (74-75), use of domestic wine (77), Ellen White's eating of meat (78-79), Ellen White's reluctance to pray for the sick (86).
3. *Selected Messages from the Writings of Ellen G. White* (Washington, D.C.: Review and Herald Publishing Assn., 1958), I, 19-22.
4. "Ellen White's Authority as Bible Commentator," SPECTRUM, January 1977, pp. 37-40.
5. See Arthur L. White, *Ellen G. White: Messenger to the Remnant* (Washington, D.C.: Ellen G. White Estate, 1959), pp. 34-37.

The Keeper

Someone has left the inner side of my ribs painted
with the untouchable light of October maples,
and beating in this urgent cage
my heart rhythmically sleeps.

Someone has given my heart speechless hands
closing and opening,
knowing in their fetal sleep they'll never
even touch the ribs.

Someone beyond me has moved
or spoken, or stood still and silent
as my heart turned over on Cleopas' dreams,
clasping at spasms in the glistening cage,

or awakening at the bottom of every flight of stairs
its fingers make shocking contact
with the flesh obscuring the red bars
and my mouth calls out His name.

Phillip Whidden

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Responses From Readers

On Church and Politics

To the Editors: SPECTRUM is to be commended for attempting to come to grips with such an urgent question as the church's involvement in politics (Vol. 8, No. 3). This response is particularly to the piece written by Tom Dybdahl. It caught my attention first because I had so often expressed (although not as well) similar views, only to be met by a fellow saint well armed with the statement in *The Desire of Ages,* p. 509, a statement which Dybdahl ignored in his article, unfortunately.

The Th.D. students at Andrews University, at one of their weekly, informal meetings, took up some of the questions raised by the SPECTRUM articles. The group, though small—less than 15 — nevertheless had an international flavor, at least nine countries (including Germany and Chile) being represented. Most, if not all of us, seemed to concur in the sentiments expressed by Dybdahl; yet, significantly, there was no consensus as to the specific nature of the church's involvement. We found the issue at this point to be both terribly complicated and, potentially, highly divisive.

How, then, should the church speak? What should it say? and, to what end?

In answer to the first question, I think, with Dybdahl, that the church as an international institution ought to address itself to some questions of international moral and ethical concern. However, I envision that problems of this nature, given the complexity of the international situation, should be few indeed, and sufficiently broad, so as not to interfere, or seem to interfere, in the internal affairs of sensitive countries.

It would seem proper that local matters should be handled by the local organization, and not by the international organization as such. For example, the General Conference would be extremely ill advised to comment on alleged violations of human rights in the socialist countries of Eastern Europe and Russia when the believers in these countries insist, for whatever reason, that basic freedoms are guaranteed by the state.

The problem of a church, based in America and conceived largely as an American institution, speaking out on international issues is further complicated by growing resentment on the part of Third World countries, toward the Western Press. These countries are angrily calling for the decolonialization of the news. (See *Time,* June 20, 1977, pp. 98,90). So that for the General Conference, situated, as it is, in America, and receiving most of its information from western news reports, to go public on non-American political issues would constitute the height of indiscretion. It is the local organization (union or conference) that ought to speak—assuming, of course, that these are run largely by nationals. However, it must be pointed out that local initiatives ought to be carefully weighed in light of the fact that the local unit is part of an international body.

What should the church say? It should not, and need not, say anything but the gospel. Dybdahl pointed out that the civil rights issue of the sixties should have been a legiti-

mate concern of the church. I would go further and say that the church should have been the catalyst to bring the matter to a head. It should have proclaimed the gospel which inextricably links Creation (from a common Father) and Redemption (from a common Savior) as the divine rationale for human equality and justice.

Now, my concept of such a proclamation of the gospel is not in word only, but by positive and courageous action. If, for example, the government of South Africa decrees that school attendance should be along racial lines, the Adventist church *in South Africa,* after making polite and proper representations to that government, should be prepared to disregard that law, and face the legal consequences bravely for Christ's sake. For if our schools are an essential part of the total church, as I believe they are, then any child, regardless of race, must have access to any one of his choice. To redirect such a child to any other institution, even if operated by us, is to run the risk—the awful risk—of insulting his dignity, thereby setting in motion serious personal and family resentments that can conceivably jeopardize the destiny of large numbers of people. We must insist that it is, indeed, as serious as that.

To suggest that the church "say" only the gospel is, therefore, a recognition of the political implications of taking that gospel seriously in word and life. The perennial scandal of the Christian church has been its failure to act courageously on the basis of the principles of the gospel regardless of consequences. For us, as Adventists, we have too often followed the policy that the end justifies the means, the end in this case being "that we be allowed to continue our work," as though that depended entirely on the good graces of earthly governments. The means to that end has almost invariably been *silence* in the face of the most inhuman atrocities.

Just here it may be necessary to call attention to a danger inherent in the title of Dybdahl's article. In asserting that "we (meaning the church) should be involved in politics," there is the tendency of playing down the importance of the role of hundreds of thousands of members acting *as individuals* in their particular communities. If, as Ellen G. White says, the voices of angels are heard in the legislative halls of the nations, why should not ours also be? Why should we not as individuals lend our loud support to city and state officials who are earnestly seeking to curb the growing menace of vice in their localities?

The statement of Ellen G. White in *The Desire of Ages,* p. 509, does not enjoin political passivity. Her own life (particularly in regard to the Fugitive Slave Laws, as Dybdahl pointed out) testified to the fact that she was not apathetic on questions of important moral concern. According to the context of that reference in *The Desire of Ages,* she was speaking to those who were seeking, in her day, to establish the kingdom of God on earth through political reforms and strategy. As is well known, this was a widespread attitude and expectation toward the end of the nineteenth century and the beginning of the twentieth. And there are still those today who see the task of the church as that of "helping cities become cities of God." Any Adventist in his right senses knows that such a program is doomed to failure from the start. Knowing the prophecies as we do (for example, that "evil men and seducers shall wax worse and worse . . . ," 2 Tim. 3:13), we, of all people, need have no illusions as to the effect of our participation.

So, then, to what end is our involvement?

The end should be "faithfulness, not effectiveness," as Dybdahl said. We are compelled, out of loyalty to our Lord, to say something, to do something. Anything else would constitute a failure to confess Him before men; for what I envision in the concept of "politics" is not *pure politics* as such, but rather the response to those human issues where the woes of society and the teachings of the lowly Galilean meet in tension.

Therefore, I conclude three things. 1) The church must express itself on moral questions of national or international concern.

2) The church should speak most frequently as a local body, in which position it is likely to be better acquainted with the relevant issues which impinge on any given situation.

3) The church can speak most eloquently through individual members living out the principles of the gospel in word and life in their separate communities. John the Baptist, most likely, would never have confronted Herod if a committee had first to meet and deliberate upon his proposed activity and the possible consequences of blowing the whistle on that first century "watergate."

Roy Adams
Berrien Springs, Michigan

To the editors: SPECTRUM is unsurpassed as a medium whereby Adventists can freely debate in their quest for clearer Christian truth. I especially appreciated Tom Dybdahl's article "We SHOULD Be Involved in Politics" (Vol. 8, No. 3). It could hardly be more appropriate or more keenly conscience pricking. The Adventist Church has lulled itself into a supposedly neutral position of noninvolvement in politics. Indeed, paraphrasing from the article, this noninvolvement is nothing but tacit endorsement of whatever rulers or policies prevail—be they corrupt, degradating, or outright cruel. However, I must disagree slightly with what I believe the author inferred.

Concededly, when we as Christians stand silently by while innocents are tortured, our gospel of good news may sound hollow and unrealistic. But I find that by appointing ourselves, as a church, the critics of all that is evil or corrupt in foreign states, we would very seriously jeopardize, if not erode completely, our capability of carrying Christianity to many, many nations. The author notes that "we do not become involved because we think we can turn this world into God's kingdom." But by proceeding to outrightly condemn every governmental injustice, it would appear that we would be attempting "to turn this world into God's kingdom." The Christian's position should be to tell of a better world order, not try to forcibly create it.

On the other hand, we as a church should be directly speaking out against tyranny and inhuman oppression wherever we can. The distinction, I suggest, should be that wherever our Church can speak out without the central government's associating it too closely with political ends, i.e. trying to upset that government, it should do so. In the other dominions, we must modify our outspokenness where necessary, but without compromising our personal Christian lifestyle. However, even in those restrictive countries, our positions on immorality and cruelty should be extremely clear—just not purposely aggravating.

The author is accurate and correct when he declares that "John the Baptist's life and ministry stand in judgment on our silence." It is also true, though, that we have no record of any verbal attacks by Jesus on the sometimes barbaric Roman government of His day. Even as He constantly spoke out against the scribes and Pharisees, He also indicated, as with the woman caught in adultery, that outright condemnation is not always our loving Lord's exclusive way of working against evil. We need to be the most active guardians of uprightness wherever we can be, but the spreading of the good news of another world government will certainly sustain our movement, and prove our faithfulness, where we seem to be hypocritical.

Dennis W. Casper
Spokane, Washington

To the Editors: I found SPECTRUM Vol. 8, No. 3, very stimulating, as usual. I particularly appreciated the various perspectives on the problem of the church's relation to politics. Although Dybdahl and the other writers made some incisive points, I cannot completely follow his conclusion that the church's lack of political involvement is a weakness. He seems to imply that it is selfish of the church to confine its political endeavors to those issues vital to its self-preservation, such as religious liberty, while not risking itself for more dangerous causes. It seems to me that there is an ethical misconception here. Institutions are governed by a slightly different set of ethics than are individuals. No individual Christian could justifiably make self-preservation his highest goal. This is not Christianity, it is selfishness.

But for the church, the body of Christ, survival and growth is primary, unless in order to survive the church must act in a way forbidden by a specific command of God. Otherwise, no action which brings ruin on the church is justified, no matter how worthy the motive. One may debate whether the church's first priority is evangelism or social reform or something else, but one thing is undebatable: if the church ceases to exist, it cannot do anything at all.

There are many repressive countries in which the policies which Dybdahl advocates would amount to institutional suicide pure and simple. It is easy for us, with our ever-so-accurate American hindsight, to criticize the German Seventh-day Adventists, but if we had to go through a similar experience in which America was at war with, say, Russia, what horrible things would America have to do before we made the difficult decision to ignore the biblical injunction to "be in subjection to the governing authorities" and to resist the government, knowing that "He who resists authority has opposed the ordinance of God" (Romans 13:1-2)? In the same issue of SPECTRUM, Erwin Sicher argues that since a certain amount of cautious Adventist opposition to the German government was successful on some points, "the silence of the church on many critical issues of the time is regrettable." But this is the old fallacy of "If some is good, then more is better." I prefer Patt's conclusion that by restricting its activities to the "religious" field and excluding "political" comment the church managed to retain its existence through the war. I think this is commendable.

Certainly, a certain amount of social comment by the church is in order. Dybdahl notes that the church has in the past spoken out on slavery and temperance with Ellen White's blessing. But note that slavery and intemperance are mainly sins of the *populace*. A government does not smoke, drink, or hold slaves. Torture, on the other hand, is basically a *government* activity. Dybdahl advocates that the church condemn political torture even at the risk of being expelled from the country. But what kind of value system is it that will sacrifice the ongoing work of eternal salvation of souls for a temporary salvation of bodies? If you will pardon my putting it rather crudely, the salvation of souls should always preempt the work of postponing the sufferings of a few individuals from now until the lake of fire.

"To say nothing in the face of evil is to condone it," writes Dybdahl. Not necessarily. When Christ was confronted with a request to arbitrate between two brothers, one of which had cheated the other out of his share of the inheritance, He refused to get involved (Luke 12:13-14). Was He condoning dishonesty? Although living under a "corrupt and oppressive" government, Christ "attempted no civil reforms. He attacked no national abuses, nor condemned the national enemies. He did not interfere with the authority or administration of those in power. He who was our example kept aloof from earthly governments" (*The Desire of Ages,* p. 509). Was Christ, then, a coward or a hypocrite? No, it was just that righting all of society's wrongs was not his task—nor is it ours.

Tim Crosby
Ooltewah, Tennessee

To the Editors: Mr. Dybdahl ("The Church SHOULD Be Involved in Politics," Vol. 8, No. 3) has unfortunately mixed his discussion of church involvement in politics with specific suggestions regarding the politics in which the church should be involved. In so doing, he reveals his own political biases and limits his credibility. He is sure to arouse the hostility of religious liberty enthusiasts by labelling that prince of human rights, religious freedom, a "sectarian" issue. He also seems strangely out of step with the times by dismissing temperance in a similar fashion.

Dybdahl does a curiously contradictory violence to the facts by claiming that Adventists both favor the status quo *and* support conservative politics. Perhaps he is not aware that, given a Democratic congress and Democratic president, conservative politics are not exactly the status quo. And he is slanderous towards the great majority of

Adventists in claiming that they "eagerly seek" their "share of America's wealth and power." Is it possible that someone who works in Washington could confuse the desire for a certain well-being and education with "wealth and power?"

The issue of human rights (political torture, etc.) has always existed, but Dybdahl's discussion of it at this moment is a little suspect, since human rights is "in," so to speak. His discussion of human rights is also suspect because he totally ignores what seems to be an equal candidate for domestic church involvement: government interference with and domination of business and private life. Thus, his choice of issues comes across as fashionable and emotionally inspired, rather than as objectively thought out.

We should remember, too, that the framers of the Constitution were at least as worried about church control of the state as they were about religious freedom. As an American, I would not be interested in seeing any church, including the Adventist Church, play an active role in American politics, at least as Dybdahl seems to outline that role.

Jeff Pudewell
Santa Ana, California

Tom Dybdahl Replies

I think Mr. Pudewell has missed my meaning on two major points. I have no desire to see the Adventist Church actively involved in American politics. (By the way, the title of the article was not of my choosing.) My concern is to have the church speak a prophetic message over against all governments, including our own. If we did so, there is no danger that we would be welcomed by the powers that be in any state.

As to the issue of torture, I was using it as an example precisely because it is "in." I hoped it would be an issue with which most readers were familiar. I believe that any activity which seriously affects people's lives is the proper concern of Christians, whatever political label may be given to it. The church should speak out on a whole range of issues that are destructive of human life, from civil rights to government interference with businesses and individuals, which seems to be your favorite issue. What disturbs me is not the church's failure to speak out on any particular issue, but its silence regarding many vital human issues.

You suggest a contradiction between conservative politics and the status quo. My Webster defines conservative as "tending or disposed to maintain existing views, conditions or institutions." If that is not a definition of status quo, I don't know what is, and it certainly describes Adventist politics in recent decades.

I make no apology for the statement that we Adventists eagerly seek our share of America's wealth and power. Several studies have shown that we are very upwardly mobile. And whatever descriptions you may choose for it, the typical American Adventist life-style stands in rather stark contrast with that of Jesus Christ.

I also must take issue with Mr. Crosby's dual ethic, at least in this particular instance. The church's first and only concern must be to be faithful to its Lord. If the church is doing God's work, we have His promise that the very gates of hell will not prevail against it. If, however, the church's survival depends upon our silence and caution, we are in serious trouble indeed.

Speaking against evil may indeed lead to death. It has for Christians throughout history. But always the blood of martyrs has been seed. Jesus cared enough for people to die for them.

Neither can I accept the separation of "the salvation of souls" from "the postponing the sufferings of a few individuals," and the rating of the former above the latter. I believe John condemned Herod's sin not because he craved headlines—or his own death—but because he wanted to see Herod saved in God's kingdom. To condemn torture, for example, is a way of speaking God's word to both victim and oppressor; deliverance for the tortured and a call to repentance for the torturer. The salvation of souls and postponing of sufferings of individuals are two facets of a single activity for the Christian: loving people.

The example of Jesus' silence you refer to (Luke 12: 13, 14) is very unclear. The one brother is aiming to protect his selfish inter-

est, and there is no evidence as to whether he had actually been wronged. The situation is not analagous to one where there is a clear evil being practiced.

The quote from *The Desire of Ages* (p. 509) is a difficult one. But it is moderated by its context: the chapter containing it is entitled "Not With Outward Show," and is a warning against believing that our efforts to improve this world will bring in the kingdom. (A timely warning, I might add.) And if we take this statement as the sum of her views on the subject, then we have Ellen White contradicting herself with her own involvement in antislavery, temperance and religious liberty activities—all actions involving civil reforms.

On Faith Statements

To the Editors: Elder Hackett's editorial (Vol. 8, No. 4) speaks of the historical opposition of Seventh-day Adventist to a creed. That opposition still exists and probably for the same reasons that it existed in the nineteenth century. A creed, under whatever name it flies, becomes at best an occasion for dissent, dividing rather than uniting a church. At worst, it freezes understanding, discourages spiritual and intellectual growth, and results in a fellowship mouthing the worn-out truths of a past generation. Elder Hackett denies the creedal nature of the statements he is proposing but describes them as the "basic tenets of faith." One of us needs a new dictionary. He makes a strange equation between the "nonnegotiable landmarks of truth" and "current majority understanding." He is apparently unaware of the contradiction in terms. I am left feeling that I would rather stay with a view of truth as unfinished, with all the risks that it entails, than to embark on this fearful venture of nonnegotiable, noncreedal statements designed to protect the church from the "subtle influence of the unclear and doubtful."

Also, the author of the editorial cautions against the use of the statements as an inquisitorial tool. But here he is certainly less than consistent, for that is exactly what he has designed them to be. It is apparently not intended that they should be voted by the General Conference in session lest they be interpreted as creeds. Nevertheless, they are to be used to decide "how deviant should the church allow a member's viewpoints . . . to be" and as an administrative tool "to evaluate persons . . . as to their commitment to what is considered basic Adventism."

Albert E. Smith
Riverside, California

To the Editors: In setting forth the criteria for determining whether someone is qualified to serve the church, Willis Hackett (see SPECTRUM, Vol. 8, No. 4) left the distinct impression that being a Seventh-day Adventist Christian is chiefly a matter of holding a certain number of beliefs. In this connection he states that administrators, church leaders, controlling boards and leaders at all levels of the church will be the ones to judge and determine who is holding those beliefs and whether or not that person is worthy of employment or continuing employment in the church.

There are several important implications in this clear statement of ecclesiastical authority. Nowhere has Elder Hackett suggested that administrators and church leaders should themselves be judged as to their fitness for leading the church and their orthodoxy with regard to the landmarks. To assume that by virtue of their office they are beyond the pale of misjudgment and are the only ones charged with the responsibility of preserving the landmarks, is indeed risky. The preservation of the landmarks is too important to be left in the care only of administrators and church leaders. It is, in fact, a sacred responsibility of every believer; moreover, administrators and church leaders must themselves be constantly judged as to whether or not they are preserving the landmarks and carrying out the mission of the church.

The second important implication of Elder Hackett's statement is its failure to emphasize the personal relationship with Christ as the basis of all church doctrines and teaching. Certainly, no one can be a Seventh-day Ad-

ventist Christian without holding certain beliefs, yet, being a Christian does not consist in holding belief A plus belief B plus belief C, and so on; it consists chiefly in living in a deeply personal relationship with Christ. This relationship is the matrix out of which Christian beliefs grow and within which they are nourished.

So when I say "I believe," I am describing a positive act or attitude of committal to something beyond myself, that is, to God. This is why the first article of any Christian creed or landmark must inevitably be "I believe in God."

To affirm such belief is to live by the power of that to which my faith is directed and that power is nothing else but God in His gracious self-bestowal. It bothers me a great deal that this emphasis is neither implied nor raised in Elder Hackett's editorial.

If the church leaders pursue the course of action outlined by the editorial, it will produce two results. It will force many good Christians to become hypocritical, and it will create a cleavage in the church. There is enough evidence in church history to justify those two assumptions. Further, it can be shown that those who were most insistent in enforcing absolute conformity within the church were the ones most responsible for the divisions. If we believe in the Bible and the Bible alone, then our confidence in the Power of the Gospel must not be replaced by any other attempts to enforce conformity.

Walter Douglas
Andrews University
Berrien Springs, Michigan

To the Editors: SPECTRUM provided a valuable service to the Church with its special section on a proposed Adventist creed. However, one piece of editorial judgment was puzzling and disturbing — the decision to let author "William Wright" ("Adventism's Historic Witness Against Creeds") use a pseudonym.

Why is this secrecy necessary? Presumably "Wright" is employed by the church and wants to protect that position. Perhaps there is some other reason for his anonymity. In any case, this stance is not consistent with either the tone or substance of the article itself. "Wright" is arguing in effect: the proposed statements of belief are potentially very dangerous. They likely will promote division and discord. They are not in harmony with the church's historical opposition to creeds. Yet, in the midst of a serious controversy about the adoption of these statements, "Wright" refuses to be identified, even though he is advocating what he believes to be the orthodox Adventist view.

What values are served by this caution? What interests are advanced by not putting one's name and oneself behind an argument that concerns issues of principle of the first magnitude? Writers — and journals — ought to be responsible for their ideas in the most literal sense. If they believe passionately in their position, they should be willing to accept the risks of advocacy.

Joe Mesar
Anita Alverio

SPECTRUM's policy is not to publish anonymous or pseudonymous articles. Unfortunately, the author, who is denominationally employed, would only publish under a pseudonym. The editors believed the article important enough to suspend editorial policy in this one case.

On Vick's Theology

To the Editors: I could not resist the urge to let you know how pleased I was to see an article on Ted Vick's theological work appearing in the pages of SPECTRUM (Vol. 8, No. 3).

Vick is a Seventh-day Adventist who, due to unhappy misunderstandings, is being prevented from carrying out his powerful sense of mission for the church to which he committed himself and his career. The tragedy that his services are unappreciated and unwanted by some who do not understand what he has been doing has always caused me pain — as I know it still causes him not only pain and hardship, but also mental and emotional agony. Thus, to read an article that

evaluated his work with some objectivity was sheer joy.

Walden's article did, however, cause me some pain on another count. I happen to be one of those fortunate souls who attended the "old seminary" and sat at the feet of Roland Loasby, Edward Heppenstall and Winton Beaven. If, perhaps, the horizon of their students (or the students of their students) extends a little bit farther than theirs did, and I am not at all sure that it necessarily does, it is because we stand on their shoulders and have benefited from the battles they fought in the name of intellectual freedom within the Seventh-day Adventist tradition. It pained me, therefore, to see that nobody in the editorial board of SPECTRUM remembered that it was Professor Loasby (not Lohsbe) who led the way.

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On Intellectuals in the Church

To the Editors: Alvin Kwiram's article "Can Intellectuals Be at Home in the Church?" (Vol. 8, No. 1) was a most welcome and timely one. The implications of the issues he raises extend beyond that of a group of people classified as "intellectuals" to the very future of the church. All social institutions, including religion, must continually define their role and adapt their methods to changing politicosocial circumstances. Any institution which attempts to deal with complex issues and changing values by adopting techniques of past decades will soon find itself devoid of the very things vital to its continuance as a viable institution — namely, the vitality of its youth and innovation of the intellectually talented. Ultimately, it can only die the natural death of its remaining constituents. As Dr. Kwiram so aptly points out, the church, with its combined neglect and open discouragement of any critical intellectual analysis — and, I might add, with its current emphasis on evangelistic techniques initially designed for the simpler psychological and social circumstances of previous generations — is faced with just such a prospect.

It is in this context that I find Richard Hammill's response (Vol. 8, No. 3) quite disappointing. He states that intellectuals "do not understand the true nature of Christian religion," thereby dismissing the issue on the grounds of a lack of understanding by those who are raising the critical questions. While this may be a brilliant tactical maneuver, it does nothing to clarify or solve the problem.

The problem extends beyond a neglect of spiritual assistance to the intellectually minded, as Richard Hammill contends. The problem is the active neglect and exclusion of the intellectual. The apathy and "spiritual coldness" of our sophisticated young people, to which Hammill alludes, is only an additional symptom of this basic neglect. A special ministry to the "intellectual" is not a solution and may well be antiproductive. What is needed is a more sophisticated approach to current problems. This can only be accomplished by more active participation by those intellectuals dedicated to a critical analysis of the problems and issues facing the church, participation not only at the level of publications and conferences, but active participation in the administrative and policy-making boards and conferences at the highest level of the church organization. It is indeed a revealing commentary on the present state of the church that Hammill found it necessary to draw a distinction between intellectuals as a group and the church leaders. No distinction should be necessary.

H. Dale Baumbach
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