

Spectrum

The Journal of the Association of Adventist Forums

Repressed Memories

THE SIX-MILLION DOLLAR MAN
THE ACCUSED STRIKES BACK
REVENGE OF THE REPRESSED

MY UNCLE SURVIVED AUSCHWITZ

MAKING SENSE OF JOSHUA'S
OLD TESTAMENT HOLOCAUST

THE AUDITOR vs. CHURCH LEADERSHIP

TOLHURST, BIETZ, AND SICKLER
DEBATE CHURCH AUTHORITY

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Spectrum

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So, What's the Good News?

This issue of *Spectrum* is full of contentious language. Poetry does not waft off every page. Reports on developments within the denomination are full of words like “accusations,” “charges,” “dismissal with prejudice.” Graphic quotations describing alleged sexual misconduct underscore the seriousness of the dilemmas confronting church officials when they try to act responsibly. But the words are jarring.

Spectrum tries hard to publish ideal visions of the future, but its reports inevitably also reflect the present condition of Adventism. Now, that reality resounds with conflict. Is it the influence of the current, hard-edged tone of public discourse in the United States, the natural jostling within an increasingly diverse denomination, or Adventist brothers and sisters made shrill by nervousness about a future that threatens to stretch into the next millennium? Whatever the reason, right now, the remnant is a cacophony.

Still, good news dominates some essays in this issue. It is not every day that the work of an Adventist theologian catches the attention of America's largest and most prominent evangelical and mainline Protestant journals—*Christianity Today* and *The Christian Century*. As Gary Chartier reports, Richard Rice, a professor at La Sierra University, is successfully inviting conservative Protestants to consider a view of God that Rice and his colleagues think both conforms to

Scripture, and more adequately deals with the terrible problem of why God allows the innocent to suffer. Indeed, the responsive God Rice finds in Scripture—open to humanity's free will—is helpful to those who wrestle, as authors in this issue do, with the innocent suffering found in the book of Joshua.

The suffering of the innocent lies at the heart of another piece in this issue of *Spectrum* that ultimately brings good news. During a year when the world remembers and contemplates the meaning of millions of innocent lives taken 50 years ago—in World War II and in the Holocaust—Ray Dabrowski tells us the story of his Uncle Anszel. A Polish Jew, he survived several death camps, including the largest—Auschwitz. After the war, Uncle Anszel became a sometime Adventist, and remained a Jew always. He sustained this delicate balance throughout his life, willing his Jewish prayer phylacteries to his Adventist nephew.

As though it was his vocation to bear witness in his body to the pain of humankind's bloodiest century, Anszel's leg wound, suffered during the war, never healed. Even so, his testimony was gentle, reconciling. Hitler's death camps gassed Anszel's wife and two children, but Anszel never spoke of revenge. In his voice, Ray says, “there was a deafening absence of hatred.” Good news.

—Roy Branson



The Survivor With a Healing Wound

Uncle Anszel survived Auschwitz with a wound that never healed, but he never spoke of revenge.

by Ray Dabrowski

MY UNCLE'S NAME WAS ANSZEL CYMERMAN. He was a Polish Jew, and together with my aunt Bonia lived in Łódź, Poland's second largest city. Aunt Bonia married him just after World War II, sometime in 1947. She was a widow then, having lost her husband, Marcel, in a wartime bombing raid in the middle of Poland. Wujek Andrzej (Uncle Andrzej, as we used to call him), was often reminded by pious Jews in Łódź that he married a *goyim*. "You should never be al-

lowed to officiate in public worship," some of them told him.

Somehow, he received a dispensation from a rabbi not only to pray in public, but also to "manage" the religious life of one of Łódź's surviving synagogues. His abilities to achieve the impossible, it seemed, was known around the town. In general, life for Jews in post-war Poland was dotted with anxieties. A remnant of some 3,000 survived the war. Only a few faithful revived religious ceremonies. Anszel Cymerman was one of them.

Ray Dabrowski is the communication director at the world headquarters of the Seventh-day Adventist Church in Silver Spring, Maryland. Polish-born, he previously worked as a journalist, writer, and editor in the Polish Seventh-day Adventist Publishing House in Warsaw.

Ray Dabrowski asks that this essay be published in memory of Gayle Saxby, a member of the Loma Linda University faculty of religion. This June, Gayle, only 31 years old, was tragically killed in a road accident in Greece.

Dabrowski was moved to write this essay after listening to Gayle teach a Sabbath school discussion class at the Sligo Seventh-day Adventist Church in Takoma Park, Maryland. Gayle, a first-year doctoral candidate at the University of Virginia, shared with the class her first doctoral research paper. It explored meta-narratives by referring to the work of Primo Levi, an Italian Jew, and his recollections of life in a World War II concentration camp.

What was so special about my uncle was that the Cymerman home was always open to friends and strangers alike. Sabbaths were always special. You could eat until you weren't able to get up from your chair. You could even take a nap at the table. If this were noticed, my uncle would hush his voice—something he always had difficulty doing—and speaking in Yiddish or Polish, he would summon all to be quiet. Of course all this was only a gesture. We all returned to our normal volume, continuing to crack jokes about one

another.

Every Sabbath, Aunt Bonia went to the local Seventh-day Adventist congregation; Anszel went to his synagogue. It wasn't always like this. My parents told me that my uncle was once a member of the Adventist Church. His love for my aunt was obviously strong and he also accepted the beliefs of the Christian church. But the family disputed Uncle's pure motives in becoming an Adventist. One of the family cynics even said that Anszel became a Christian for tax purposes.

My uncle was an entrepreneur. After the war, he saw that contact with the Adventist Church could bring some dividends. "You all have all these contacts with the West," he used to say. "One cannot pass by an opportunity like this." His down-to-earth motives only confirmed his make-up—a skill to make money and make life enjoyable. He used to operate a succession of workshops making ready-to-wear items like stockings, sweaters, and slippers. He used to say, "Slippers are made for everyone. Sooner or later, even the tax people will come to buy slippers from me."



In the 1970s, I used to visit Łódź quite often. Ulica Piotrkowska No. 33, where the Cymermans lived, was a must stop. If one came on weekdays, one could see my uncle at prayer. He had the *tephilin*, or phylacteries, strapped to his forehead and arm; his head was covered with a *tales*—a prayer shawl. He swayed back and forth “singing” his prayers: “Yehi ratzon shenishmor hukkekha” (“May it be thy will that we keep thy statutes”)—words always included in the conclusion of the prayer. Soon after, the *tephilin* was taken off.

I often inquired what passages he read from the books of Moses or the Psalms. We then talked about them. Though his Bible knowledge was not deep, it was practical. He often referred to Solomon's Book of Ecclesiastes. He believed fervently that if you “cast your bread upon the waters, . . . after many days you will find it again” (Ecclesiastes 11:1, NIV).

He was a practical entrepreneur who believed matter-of-factly that it doesn't cost much to give. And Cymermans gave away things. My aunt made the best fruit preserves in the world. When we visited them, it wasn't easy to refuse to take a jar or two back to Warsaw.

Later it was slippers. Soon our whole clan was wearing Cymerman slippers all over Poland.

Toward the end of his days, Wujek Andrzej became quite serious about his religious life. He appreciated my interest in what it meant to be a religious Jew. With the evangelistic zeal of an Adventist, I made him uneasy once or twice when I challenged what I considered his lax Sabbathkeeping. Being somewhat an idealist, on one visit I even brought Abraham Joshua Heschel's masterpiece, *The Sabbath*, with me. “Listen to this,” I interrupted my uncle. “This is a rabbi writing.”

The seventh day is the armistice in man's cruel struggle for existence, a truce in all conflicts, personal and social, peace between man and man, man and nature, peace within man; a day

on which handling money is considered a desecration, on which man avows his independence of that which is the world's chief idol. The seventh day is the exodus from tension, the liberation of man from his own muddiness. . . ."¹

Referring to my uncle's business activities, I said, "You cannot break the Sabbath and keep it holy at the same time."

"I cannot stop them from working," he said, nodding in the direction of two non-religious Jewish workers sewing and trimming slippers. A stench of glue permeated the entire household. "Besides," he ended the exchange, "they are in the other room. They're not working where I pray."

Uncle Anszel's war tragedy was typical of hundreds of thousands of those whose road went through Auschwitz. During my school years, excursions to the former Auschwitz-Birkenau concentration camp site were often organized. But I never went along. I cringed at the endless reminders about the war, the similar stories told over and over again in school, on the radio, and in the newspapers. It was not so much a distaste for repetition as a helpless feeling that I could not do very much with the past. It was all too overwhelming. It was all full of "never forget it" and "forgive, but . . ."

I remember Uncle Anszel's brief story, a recollection covered with the blood of innocent family members he lost. It was a rare occasion when I managed to have him respond to my pleading to tell something from his story. "What happened? What happened?" I would ask. "It's in the past," he would often say. My mother recalls that he told his whole story only once.

Piecing together fragments of his account, I learned that in the summer of 1940 the Germans rounded up all Jews from Inowlódz, the hamlet where they lived, and transported them to the Łódz ghetto. They were not permitted to leave. It was the first stage of the

"final solution" of the Jews.

In Poland, the Nazi "death machine" was setting up a concentration camp near Oświęcim (Auschwitz). From the ghetto the Jews were shipped to the concentration camps and crematoria in places like Auschwitz-Birkenau and Treblinka. Directly from the rail cars, millions, mostly Jews, were taken to their fate. Mass murders in gas chambers and cremation of the bodies in Birkenau began toward the end of 1942. Though largely covered with the nearly 50-year-old layer of sod, the ashes of some of those who were murdered can still be seen today.

As their transport arrived from Łódź at the Auschwitz railroad ramp, Anszel and his family were separated from one another. His loved ones were gassed immediately. Uncle Anszel survived.

After the war, his fellow inmates, Edward Kafeman and Towia Korczynski, filled in a few details about his journey from one concentration camp to another: a three month stop in Auschwitz (until October), another three

Adapted from Marc Chagall's "Jew in Black and White"



months in Kaltwasser (October-December 1944), three more months in the Larchen concentration camp (until February 1945), and finally his arrival at Dernauh, from which he was liberated on May 9, 1945.

My uncle was handicapped. At the beginning of the war he worked in a soap-making outfit. When a pail of boiling soap mixture tipped over, his leg was burned, and never healed. Forever after, he supported himself with a stick.

Somehow, my uncle reminisced, in Auschwitz his handicap proved to be an advantage. In the camp, he befriended a doctor who gave him menial chores in the camp hospital. Uncle Anszel would never say what went on there. When the Auschwitz concentration camp was liberated in 1945, Uncle Anszel was still alive, but his wartime wound never healed. I remember seeing it ooze the rest of his life.

I often wondered, after he had lost his wife and two small, innocent children, what permitted Uncle Anszel's tears to finally dry. What gave him hope when faced with the naked truth of losing what was once so precious? He would not talk about the darkness that comes when all seems to be lost. Was he always clinging to this tiny spark of hope, so evident in the words of the ever-present God of Abraham, Isaac, and Jacob: "even the darkness will not be dark to you; the night will shine like the day" (Psalm 139:12, NIV)?

"The German people are good people," he used to say. Of course, as among any group, there are a few who give in to a desire to rule

over others. Those few, he admitted, make choices that, in turn, make them inhuman.

In her book *Stärker als die Angst (Stronger Than Fear)*,² Gertrud Staewen recalls the lessons from those who were persecuted. Staewen belongs to a small group of Germans who tried to help the Jews, but whose friendship all too often, in those most tragic moments, showed itself so helpless that it seemed fruitless.

She remembers going to bid farewell to Dr. Adelsberg, one of the untiring physicians and humanists who was to be taken away to

Auschwitz in one of the transports. "When I came to say good-bye, an overwhelming weight of helplessness, shame and despair moved me to erupt into a sudden bout of hatred toward our oppressors. . . . She hugged me and said, 'It is through you that I want to believe that in the end the last word will not have hatred, but love.'"

Staewen's testimony brought me closer to comprehending my uncle's attitude, when she related an experience which, as she said, "remains like a signpost to us in the ever present fight with the Babel tower of hatred among people and nations." She recalls that

soon after liberation we heard about three young Polish Jews who survived through the terrible martyrdom of Treblinka, Auschwitz and finally Buchenwald. They kept each other's courage with a singular thought, and only one desire: to live in order to revenge. We found them—one was a doctor and two were manual laborers, and took them from Buchenwald home with us, in order that they would regain some strength. One night, full of serious thinking and talking, one of them raised a glass of wine and uttered in a

In 1983, Anszel Cymerman died. He was 82 years old. My aunt Bonia brought me a maroon-colored bag in which my uncle kept his phylacteries. "He was so fond of you," she said. "He willed that after he died, I was to give these phylacteries to you. He said that you would treasure them."

passionate, yet solemn tone: *I am drinking to freedom, to friendship and to difficult life.* Because after liberation, he said, when we only knew how to hate and think of revenge, our life was relatively easy. *It is easier to hate than to learn about friendship. So, may God help us, now, when life must be difficult, because we began to love a few people from the nation which had been our deadly enemy.*³

I had my own exposure to the war. In 1945, 70 percent of Warsaw was in ruins. The first toys I played with—even in the 1950s—were made of bullet shells. I hated the ruins that teachers made us clear in Warsaw, as part of the *citizen's duty* activities. I remember that we had to take a bus to Krasiński Square. We then reported near a truck full of spades, shovels, rakes, and wheelbarrows. Off we went to clear the debris.

Still, I could not bring myself to go to Auschwitz. I was 34 when I finally visited the camps. It was painful to be walking by the wire fence where once the electric current killed those who dared to seek freedom. Then I saw rooms full of personal belongings, toys, suitcases, glasses, hair—these had a presence of innocence mixed with evil. Why, why, why?

Without my realizing it, tears were running down my cheeks.

I could understand feelings of revenge. But from my Uncle Anszel there was a deafening absence of hatred. When he reluctantly spoke about the war, he never spoke about revenge.

How does hatred and revenge surrender to acts of generosity and friendship? I will never know. But I know one thing: Once there lived a man whose wound never healed; a man who, nevertheless, kept repeating, "justice belongs to God." That man was my uncle.

In 1983, Anszel Cymerman died. He was 82 years old. After an elaborate funeral service, at which I was asked to give a short reflection on behalf of the family and friends, my aunt Bonia brought me a maroon-colored bag in which my uncle kept his phylacteries. "He was so fond of you," she said. "He willed that after he died, I was to give these phylacteries to you. He said that you would treasure them."

1. *The Sabbath* (Philadelphia: The Jewish Publication Society of America, 1963), p. 29.

2. From *Znak*, No. 419-420 (4-5), Krakow, Poland, 1990. Translated from Polish.

3. Ibid.



The Role of Law in The Book of Joshua

For Israel, obedience to God meant participating in a relationship that offered strength, security, and rest.

by Larry G. Herr

ALTHOUGH WE EMPHASIZE THAT IT IS THE grace of God that saves us through faith, the Book of Joshua reminds us that obedience to God's law still plays a role. Throughout the Book of Joshua, God keeps his promises. After the promise of the land was first given, there was a very long delay, but Israel finally received it. Israel attained the land through obedience within a saving relationship with God.

Indeed, the whole narrative is designed to tell us how the oft-repeated promise to the fathers of the gift of the land was fulfilled. The first five books of the Bible, or Pentateuch, bring us to the borders of the Promised Land, but the actual attainment of the goal still hangs in the balance.

Larry G. Herr, professor of religious studies at Canadian Union College, received his Ph.D. in Near Eastern languages and civilizations from Harvard University. Herr has been director of the Tell el-Umayri excavations, part of the Madaba Plains Project sponsored by a consortium of Adventist universities and colleges. A version of this essay will appear in a forthcoming, two-volume accompaniment to the Old and New Testaments being edited by the School of Theology at Walla Walla College.

The story of gaining the land is told in three main parts:

- I. The conquest of western Canaan (chap. 1-12)
- II. The allotment of the Promised Land to the tribes (chap. 13-21)
- III. Joshua's Farewell Addresses (Chap. 22-24)

Israelite Nomads and Settled Canaanites

The most important cultural factor to keep in mind while reading Joshua is that the newly arrived Israelites were nomads, wanderers living in tents, while the Canaanites lived in sophisticated, permanent walled cities. After each major conquering battle the Israelites "returned . . . to the camp at Gilgal" (Joshua 10:43, NIV). They did not settle immediately in towns and villages, but kept to their tents as they had for a generation while wandering in the wilderness.

This meant that the Canaanites probably

viewed them as temporary upstarts on a raid to loot the land. Soon they would leave and disappear into the desert, from where they had come. They probably thought of Israel much as later Israelites in the time of Gideon thought of the Midianites—a scourge to be endured until their gods saw fit to end it.

Nomadism also meant that Israel's army was not a professionally organized fighting machine. It was made up of ragtag guerrilla militias with loyalties stronger to the tribe than the central nation. Strong centrifugal forces were ready to tear them apart. The story of Achan is important because it shows how a scandal (a member of one tribe caused the death of members of other tribes) could have split the delicate tribal structure apart. Only Joshua's quick concern, God's direct involvement, and the strength of the punishment kept Joshua in control.

Indeed, formidable measures were necessary to keep Israel strong. When God told the Israelites to kill everyone in Jericho and dedicate all booty to him, he was asserting this central control. No one was to be favored; everything was to be given to God in a practice known in the ancient world as *herem*, meaning "ban" or "taboo." By being dedicated to God, everything was taboo to Israel. This practice was applied only at the beginning of the conquest and for resisting cities.

When Israel entered the land, they encountered a tightly knit political structure of allied Canaanite city-states, each with subordinate towns and villages with agricultural hinterlands. Most of the people lived in walled compounds for protection. A row of large standing stones at the town of Gezer, mentioned as one of the allied cities Israel defeated in their southern campaign, was probably a monument to such an alliance, each stone standing for an allied city.

In the story of the spies at Jericho, the harlot Rahab lives in a house on the wall. In ancient cities, the outer houses were built tightly

against each other, forming a defensive ring around the settlement. The outer wall of the house was thus the wall of the city.

The political structure of Israel had religious overtones. In the past, certain scholars called attention to the ancient Greek institution called *amphictyony*, especially the one at Delphi in which 12 tribes were bound together by religious obligations to a central sanctuary with regularly celebrated festivals and a code of laws. Although the parallels are striking, there seems to have been no connection with the Israelite league, because they were separated by about 600 years. Most researchers today are content to characterize Israel as a league of tribes sworn by a fairly basic covenant of unification.

Holy war among nomads in the ancient world was not the modern *jihad* we hear so much about, which promises favor in the next life as the paramount reward. Instead, it was a voluntary response to a summons of war given in the name of the Divine Warrior (*Yahweh Seba'ot* for Israel) to whom the tribes had sworn allegiance. It was intended to unite the tribes under divine authority when they protected their lands.

The Conquest of Canaan

The biblical date for the conquest is around 1400 B.C., using chronological information dating the dedication of Solomon's temple to the 480th year after the Exodus (1 Kings 6:1). This date was taken for granted by everyone until the early 20th century, and is still accepted by many conservative Christian researchers. Most scholars, however, have opted for a date around 1200 B.C. based on the destruction of several Palestinian cities at that time and the apparently sudden appearance of small villages in the hill country with characteristic features identified as Israelite.

Recent work has scarred this neat synthesis

somewhat. Archaeologists are beginning to realize that many of the destructions were probably caused by forces other than Israel, including Egyptians, Philistines, Hittites, and local fires. Likewise, anthropological studies have emphasized a rising consensus that nomads, used to living in tents, settle in towns only after several generations. The transition between tent and town living may take as long as 200 years. If Israelite settlements were built around 1200 B.C., one can suggest a considerably earlier date for the nomadic arrival of Israel in Canaan.

But in 1400 B.C. Egypt controlled Canaan (at least the coastal plain) and the Philistines did not arrive until around 1200 B.C. Yet the Book of Joshua mentions nothing about the Egyptians and assumes that the Philistines were present. The date for the events recorded in this book is thus still a problem.

The method of the conquest itself is a topic of hot debate. Three basic theories about the conquest predominate among archeological and biblical historians. First, the military invasion theory relies on the account in the Book of Joshua at face value. This was the general



view until the late 19th century. Here, the conquest account in Joshua describes three campaigns: (1) There was the thrust into the center of the country by conquering Jericho and Ai. (2) When the Gibeonites allied with Israel they broke a treaty with the city states of southern Canaan, precipitating a war between the former allies. Israel, as Gibeon's new ally, responded and used the opportunity to defeat most of the cities in southern Canaan. (3) This left only the northern Canaanites, who put together a massive alliance led by the largest city in Canaan, Hazor. After winning this battle, the tribes divided the land.

In reading the story of the Israelites marching around Jericho, it should be remembered that ancient cities were by no means large. Jericho itself was a moderately sized ancient city, covering an area about 300 by 150 meters. It would take less than 15 minutes to walk around it, and one would still have enough energy to clamber over the walls after walking around it seven times.

The major archaeological problems with the account in Joshua include the lack of settlements from this time at Jericho and Ai. Archaeologists have found destroyed walls at Jericho, but the destruction seems to have occurred 100 to 200 years too early. A recent analysis of the pottery from this destruction suggests a later date more in keeping with the biblical date of the conquest, but the pottery could just as easily come from 100 years earlier. Likewise, Ai was inhabited only from about 3000 to 2300 B.C. and then again from about 1150 to 1050 B.C. There have been many attempts to solve these problems, but none has been satisfactory as yet.

Even the Book of Joshua implies that the conquest was not completed by the end of the book. One verse says Joshua fought for a long time (11:18), while another context suggests it lasted five years (14:10). Moreover, at the end, when the inheritances were parceled out, Joshua had not finished the conquest (13:1).

Some scholars have noticed that the Book of Judges seems to favor a gradual, more protracted conquest and settlement process performed more by individual tribes than the whole people acting in concert. They have further suggested that Israel arrived in small groups, perhaps conforming to the tribes, gradually infiltrating the land and coalescing into a tribal league. This second view radically modifies Joshua's account.

The third view holds that, like a communist revolution, disaffected, poverty-stricken groups within Canaanite society rebelled from their rich and oppressive masters, joined a band of infiltrators who worshipped Yahweh, and established a league of tribes known as Israel. They fled their overlords in the Canaanite cities on the plains and built small, poor settlements in the hill country, which was largely unoccupied at this time.

Most students of the conquest and settlement of Israel incorporate some elements of all three theories. Typically, they suggest that a band of escaped Egyptian slaves entered Canaan in raiding forays, inspiring disaffected local groups to join them (such as the Gibeonites). Gradually they settled the empty hill country, eking out a living in small villages.

Support for this view comes from the Amarna Letters, correspondence from the kings of Canaanite city-states to the Egyptian pharaoh. The letters date to the 14th century B.C., about half a century after the biblical date for the conquest, but more than a hundred years before the late date. The letters frequently complain about a group of people known as the "Habiru," the linguistic equivalent of "Hebrew." It is clear that the term is not an ethnic designation, but a social term used by many ancient societies to indicate people outside the established order of society. In the Bible, the term *Hebrew* is used only in contexts in which confirmed members of society are involved with sojourning Israelites. The term *Hebrew* is thus most likely

derived from *Habiru*, although most doubt the Habiru of the Amarna Letters *were* the Israelites. The Amarna Letters do suggest the social forces at work when Israel arrived on the scene.

Literary Considerations

The Book of Joshua is named after its most prominent hero. Although Jewish tradition, recorded in the Talmud, says Joshua was also the author, the book itself is anonymous. Early scholars noted that the book is the logical completion of the promises in the Pentateuch, the first five books in the Bible, and so attached the same authorship theories involving the four sources JEDP, calling the resultant six books the Hexateuch. However, most scholars today recognize much in common stylistically and theologically with the Book of Deuteronomy. The gift of the land is repeatedly said to be dependent on Israel's obedience to God, exactly as it is in Deuteronomy. Virtually all scholars thus accept the unnamed Deuteronomistic Historian or Deuteronomist as the author.

There is no doubt that this inspired historian used several sources for his work, naming one the Book of Jashar (10:13). The list of cities and boundaries sound like documents from archives. In fact, one list of cities, that of Judah, incorporates cities listed again elsewhere in the book as belonging to Simeon. It would seem that the Judean list came from an archival document made after Simeon was absorbed into Judah, most likely sometime after the reign of David, while that of Simeon stems from an earlier date. The Levitical cities were not all occupied until the ninth century B.C., suggesting a possible date for that source.

Certain parts of the text have an eyewitness quality (chapters 5-7, for example), but glosses (additions) like "to this day" show the final version was written by later generations. It

would thus appear that the Deuteronomist used archival lists, annals of events, books of stories, and perhaps oral stories in forming his book.

There are indications in the book for the date when the Deuteronomist did his work. Joshua 10:2 says Gibeon was "like one of the royal cities." He was probably referring to the royal cities of Israel's monarchy, the most important cities that every Israelite knew well, such as Jerusalem, Samaria, Gezer, Megiddo, Hazor, and Lachish. That the Philistines, who arrived around 1200 B.C., were thought to be in the land at the time of Joshua (13:2) suggests that the book was written long after their arrival—during the monarchy. The use of archival sources, including information about the cities of Simeon as part of Judah and about the ninth-century Levitical cities, also suggests a date during the monarchy. The many correspondences of Joshua with King Josiah that the book brings out suggest the book was written during or shortly after his reign.

As part of the canonical collection of historical books in the Hebrew Bible belonging to the Deuteronomist—Joshua, Judges, Samuel, Kings—Joshua received its final, edited form some time during the Babylonian exile in the sixth century B.C. The last recorded event in this collection occurred around 561 B.C. (2 Kings 25:27-40).

Several types of literary forms appear in the book, reflecting its production from a variety of sources. Joshua's final address is a sermon. The historical material includes stories rich in detail and others with just the bare outline. Two types of lists include those of

cities and those of boundaries; both probably were official documents from an archive, but none is complete. One side of the boundary is usually missing (Simeon and Dan have no boundaries). Some cities do not even appear (Bethlehem is missing from Judah).

The book frequently includes a type of story called "etiological saga" by many scholars. These are stories told to explain the presence of an ancient ruin or monument. Standing stones, heaps of stones, ruined cities, and large stones at the mouth of a cave are all said to be standing "to this day," commemorating events of the conquest (4:9, 5:9, 6:25, 7:26,

etc.). Were the stories associated with these monuments simply made up? Most scholars suggest there was an event behind the monument. For instance, the name Ai means "ruin," a logical name to give to a city you have destroyed, especially one Israel worked so hard over.

On the other hand, it is

also a logical name to give a site already in ruins when you first encounter it.

There is no doubt that the Book of Joshua is heroic literature. Joshua the man was one of the great heroes on Israel's all-time list. For this reason, some parts of the book read like the heroic literature of other ancient Near Eastern cultures. In the epic of Keret from Canaanite Ugarit, Keret "marches a day and a second, a third, a fourth day, a fifth, and sixth day; then at the [setting of the] sun on the seventh, he arrives at Udum the Great." This is reminiscent of how Israel marches around Jericho for six days and then on the seventh arrives at satisfaction.

Heroic literature is also characterized by the involvement of the gods. In Joshua, God's

Several types of literary forms appear in the book, reflecting its production from a variety of sources. Joshua's final address is a sermon. The historical material includes stories rich in detail and others with just the bare outline.

involvement results in many miracles, the most famous of which is when the sun stood still. The Deuteronomistic Historian knows it is an extraordinary event, even as miracles go, and it is at this point, almost as if he can hardly believe it himself, he cites the Book of Jashar to give it credibility.

After God instructs Joshua that the land is to be conquered, Israel sends spies to Jericho and crosses the Jordan into western Canaan. Because this was the great moment when Israel finally entered the Promised Land and because rituals concerning the holy ark of the covenant were important to the Deuteronomist's audience, a large part of the book is given to this event. The conquest of Ai is made difficult by Achan's sin, but the strong and immediate reaction of God and Joshua forestall the crisis of tribal fragmentation. The Israelites celebrate their initial "beachhead" into Canaan by a great sacrifice and covenant renewal at Mt. Ebal, but they naively accept the lies of the Gibeonites, making an alliance with them. Because the Gibeonites broke a covenant with other city-states, they found themselves in a war with their neighbors. This gave Israel the chance they needed to conquer the alliance of southern city-states. Although they had already won the battle, the sun stood still to allow them time to secure a clear victory. After the northern campaign, where it is specifically stated that Hazor was the only city after Ai that Israel destroyed by fire, there is a summary of all the conquests, suggesting that more work remained.

The tribal inheritances included four main geographical regions: (1) Canaan south of Jebusite Jerusalem (Judah and Simeon); (2) Canaan north of Jerusalem (Benjamin, Ephraim, and half of Manasseh); (3) Galilee (Zebulun, Issachar, Asher, Naphtali, and Dan); and (4) Transjordan (Reuben, Gad, and half of Manasseh). After stating that, although the land is not yet fully occupied (especially Syria), the allotment is first given to the

Transjordanian tribes. Along with the tribes in western Canaan, Caleb's inheritance is specially mentioned. By far most of the detail is given to Judah and the Joseph tribes, Ephraim and Manasseh, probably because these were the central tribes during the late monarchy when the book was compiled. Indeed, the Galilee tribes virtually disappear in the remainder of the Old Testament. Miscellaneous allotments include the cities of refuge to protect manslaughterers from blood avengers, and the Levitical cities.

Joshua's farewell includes an exhortation to the Transjordanian tribes that, although they are settled far from the central sanctuary, they should remain true to Yahweh. On their way home they built an altar at the Jordan that angered the western tribes, apparently because it was done on their side of the river. However, when they confronted the eastern tribes about the deed, their concern was only that the eastern tribes not institute the worship of foreign gods. The eastern tribes make it clear that the altar was meant as a monument to the glory of Yahweh, and the western tribes are satisfied. Interestingly, Joshua does not figure in this story. His speech to the western tribes, exhorting them to obey God, is followed by the assembly at Shechem, which is the final covenant renewal ceremony before Joshua retires to his inheritance.

While the second half of the book, with its lists of place names and tribal allotments, is very seldom used except by geographers and archaeologists, there are a significant number of important Old Testament themes in the book. Perhaps the most important is obedience to the law of God. Israel can take the land only when they are obedient. This was not a detached, legalistic obedience that might somehow demonstrate to God Israel's worthiness. Rather, it was understood holistically and relationally. Within the relationship with God, Israel responded with

faith, confidence, trust, worship, obedience, etc. It was God at work in Israel and Israel in response to God.

Disobedience (like that of Achan) brings defeat. Almost everything Joshua does and says deals with obedience to God. He seldom does anything on his own. This implies that Israel's source of power comes from God, and that the land is a true gift from God, with Israel as his tenants. Especially obedient people, like Caleb, receive exceptional grants of land.

The Book of Joshua is the fulfillment of the repeated promises given in the Pentateuch from Genesis 12 onward. Although there are minor hints in the book that the conquest was not quick and final, the Deuteronomistic Historian probably minimizes these because he is trying to show that this was the ultimate occupation of the Promised Land in accordance with divine purpose. The goal was to show how Israel occupied as much land as possible in as short a time as possible, even bypassing some Canaanite enclaves, such as Jerusalem. The second half of the book with its dry list of cities and borders is there to confirm graphically to anyone who knew the geography of the land that this was the concrete, actual possession of the land.

The theme of covenant renewal is strongly stated in the section on the assembly at Shechem (chap. 24). This is perhaps one of the most important chapters in the Old Testament. Shechem was associated with Jacob and Joseph and apparently did not need to be conquered by Israel. It had a large temple to Baal Berit ("Lord of the Covenant"—Judges 9:4) which has probably been unearthed by archaeologists. It is likely that at this ceremony the formal covenant of the league, the 12-tribe confederacy, was made. The chapter includes five of the six parts of an ancient suzerainty treaty or political covenant between a sovereign (suzerain) nation and its satellites: preamble (24:2a—who is involved); historical pro-

logue (24:2b-13—Yahweh's benevolent deeds); stipulations (24:14-24—serve only Yahweh); preservation of the law (24:25, 26—written on stone); witnesses (24:22, 27—the people and the pillar are witnesses); and blessings and curses (8:30-35).¹

One theme that we wish we could ignore, but cannot, is violence. How could God command the total extermination of the Canaanites? Today we would use the term *holocaust* for it. For many people, this concept of God is so far from what they want their God to be that they actually reject the Old Testament as part of the Bible. In what way can such violence be a revelation of the love of God? This is not an easy question, and we cannot hope to give a completely satisfying answer.

In the attempt to begin understanding this problem, some rely on the concept of progressive revelation. That is, God's will comes in ways that humanity can understand and recognize as the divine will. Today we recognize God's will as love and grace. Our God would never kill all of Achan's family for a sin the father alone committed. To us this seems unjust, but in Achan's day everyone recognized that this was how it was done and they would not understand our way of punishment. If God had done it differently in their day, they might not have recognized it as the hand of God at all. In the ancient world, every society devoted conquered peoples to their gods, that is, destroyed them. Egypt did it; Babylon did it; the Hittites did it; the Canaanites did it; and Israel did it. Only as times slowly changed could God make his will of love known more clearly to them. This doesn't make the violence right, but Israel did not think it wrong.

Another approach, which does not tend toward the idea that later civilizations, including ours, are morally so much better than previous generations, is the reminder that God is always accommodating to human beings

whenever and wherever they have lived—even to modern believers. This does not take away from God's intentions, which the Bible clearly indicates are positive and redemptive toward created humanity, but does recommend that, even at the risk of being misunderstood by us, God meets people where they are.

Moreover, the Deuteronomistic Historian is also applying Deuteronomic law to the wicked Canaanites. While Israel for the most part is obedient, the Canaanites are drastically disobedient with their religion of fertility rites and child sacrifice. According to the law of God that Israel knew, they must therefore be punished. There is also a concern expressed in the book that the Canaanites could seduce Israel to sin with their evil practices (note the story of the altar built by the eastern tribes). Israel undoubtedly saw a preventive aspect to the command to kill. These are not happy explanations, and our world is saddened by this violence. But it was Israel's world, not ours, in which it was done. That's the best we can do.

Certainly we should not take the idea of violence and transplant it into our day to advocate holocaust, as a few people do. That was a different day, and we must interpret and apply it in light of Christian principles of respect for life and other people.

Lastly, and perhaps the theme with the most

relevant value, when the Israelites entered the Promised Land (Joshua 1:13, 11:23), they enjoyed rest from their wanderings. The wilderness was an extremely trying place. Many people died, and food and water were in short supply. Archaeology has shown that the basic climate of Palestine has not changed since Israelite times. It may appear like a desert to some of us, but, to the Israelites coming out of the desert, Palestine was incredibly productive. In Canaan, manna was no longer necessary. Metaphorically, the land flowed with milk and honey. Here they could plant trees, resting in their shade and eating their fruits. Here they could harvest some of the sweetest melons in the world. Here they could build great cities and produce enough food to feed every inhabitant and still export a surplus. This was "rest."

Undoubtedly ancient Israel saw the rest in the Promised Land typified in the Sabbath. Although Exodus 20 says the Sabbath memorializes Creation, Deuteronomy 5 says it should remind Israel of the Exodus and the gift of the land, rest in the land. From here it was just a minor step for the writer of the Book of Hebrews to connect the gift of the land with the rest Christians receive through Christ (Hebrews 3, 4). Just as Joshua gave Israel rest in the Promised Land, so Christ gives us a heavenly rest.

NOTES AND REFERENCES

1. There are many similarities between Joshua and Josiah, with both being portrayed by the Deuteronomistic Historian as leaders of covenant renewal movements. First, the two names mean the same thing and are actually interchangeable. Second, Joshua is portrayed in a kingly role several times: in 1:1-9 Yahweh charges Joshua much as he did Solomon (1 Kings 2:2-4). Joshua takes power immediately upon the death of Moses, unlike judges did, but like kings. Joshua performs the royal deed of partitioning the land (compare 1 Kings 4:7-19); according to Deuteronomy 17:18, it is the king who is to write the law for himself, but Joshua does it too (8:32). Third,

several of the things Joshua does are never described again until the time of Josiah: Chap. 1:7 quotes Deuteronomy 17:20, as does 2 Kings 22:2. In 1:8 Joshua is exhorted to meditate on the "Book of the Law," a phrase used elsewhere by the Deuteronomist only in connection with Josiah (2 Kings 22:8, 11). The Book of the Law is mentioned several times in Joshua, but drops from mention until Josiah's time when it is discovered in the temple. It is only Joshua and Josiah that the Deuteronomist reports as covenant mediators (Joshua 8:3-35 and 2 Kings 23:1-3). Finally, the account of the Passover in Joshua 5:10-12 fits Josiah's celebration exactly (2 Kings 23:22).



The Moral Outrage Of Holy War

Three approaches to the problem of holy war in Joshua.

by Jerry A. Gladson

THE BOOK OF JOSHUA GREATLY TROUBLES contemporary readers by its advocacy of wholesale violence against the Canaanites. Not only do the Israelites proceed to devastate Canaanite towns and villages, but believe God commands them to do so, turning the wars of conquest into acts of religious devotion. "So Joshua defeated the whole land . . . he left no one remaining, but utterly destroyed all that breathed, as the Lord God of Israel commanded" (Joshua 10:40, NRSV). From the Christian perspective, how do we account for such brutality? How does it affect our contemporary attitude toward war?

Ancient peoples customarily linked military conquest with religion. War began with the gods' command, or at least divine approval. War was accompanied by sacrifices and carried out through divine assistance. After the victory, the gods received a part of the spoils

of war. Among the Hebrews, this practice was known as *berem*, the act of devoting, or "separating" the booty to Yahweh (Leviticus 27:28; Joshua 7:1). The famous Moabite Stone, a black basalt slab found at Dibon in 1868, attests to a similar belief among the ninth century B.C. Moabites, in this case, directed against Israel. "I had devoted them [Israel] to destruction for (the god) Ashtar-Chemosh," intones Mesha, king of Moab.¹ The Greeks called such wars "holy wars" (*Hieroi polemoi*), a name we continue to apply to them. Although it no doubt has roots in the holy war tradition, the Muslim *jihad* is not strictly a holy war, but a war to spread the faith by military force. The holy war, therefore, is an ancient social practice, and its presence in the early stages of the development of the Hebrew faith merely shows something of the acculturation of the latter.

Merely to understand the holy war tradition as a part of ancient society, however, does not fully explain the biblical record. Even if we consider the Bible a progressive development of faith and ethics, it remains morally offensive

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to think of God approving of such wholesale slaughter, even if only for a time. Murdering entire populations in the name of God seems incredibly barbaric and cruel. The brutality of holy war appears in need of urgent moral reform, whatever the divine agenda may be.

Three solutions have been proposed to the problem of holy war:

1. *The religious and moral degradation of the Canaanite culture was such that their destruction was necessary for Israel's well-being.* Deuteronomy 20, which contains the rules for warfare, advances this explanation. "You shall annihilate them . . . so that they may not teach you to do all the abhorrent things that they do for their gods" (verses 17, 18, NRSV). Perhaps one might compare holy war to a surgeon who does not hesitate to remove an arm or a leg if the situation warrants. The spiritual life of Israel was at stake, and ultimately through Israel, that of the entire world. Yahweh had to use drastic means, including the ancient holy war procedure, to accomplish his ends. *The Seventh-day Adventist Bible Commentary*, which advocates this view,² points to the fertility worship, sacred prostitution, child sacrifice, and general brutality of Canaanite religion, known to us through the Ugaritic texts from Canaan, as justification for the slaughter of the Canaanites.

The plausibility of this solution is mitigated when we consider that we tend to judge Canaanite religious practice on the basis of fragmentary information and from our own perspective, rather than from within that faith itself, as a truly objective observer would want to do. Furthermore, the use of wholesale

violence seems strikingly incongruous with the larger goals of Yahweh, viz.; the conversion of the nations. Was holy war the only option in confrontation with Canaanite culture? Does the end justify the means?

2. *The wars in Joshua are to be regarded as battles interpreted by later tradition as commands from God.* In this view, the actual battles have been heightened in the text and given religious interpretation by later Deuteronomist editors. They were not originally holy wars, but only became such through later interpretation. Such an understanding is no doubt related to recent historical reconstruction of the Israelite presence in Canaan in the 13th century B.C. as either the result of an internal revolt or a gradual migration rather than an actual conquest of indigenous peoples. According to this reconstruction, much of the portrayal found in Joshua has been amplified or enhanced by later theological editors. Holy war interpretation is thus given to battles, but was not originally part of the actual event.

While the conquest tradition has no doubt been subjected to Deuteronomistic editing, it seems problematic to believe that the holy war tradition, a very ancient notion, is solely part of a later interpretive strata. The notion of holy war appears to have been in decline during the monarchy, the very time the Deuteronomistic editing is presumed to have been in process.

3. *In using holy war, Yahweh entered into the cultural structures of the time.*³ This is an example of how God meets people where they are, leads them step by step until they are where God wants them to be. The

The problem of holy war continues to challenge our thinking. How we decide this question has important ramifications for contemporary Christian attitudes about war.

biblical revelation is progressive, so we should not expect it hastily to introduce moral reforms until a proper basis for them is established. Another example of such divine accommodation is the institution of slavery. Rather than abolish slavery, God makes provision for more humane treatment of slaves (e.g., Exodus 21:1-7, 26, 27; Ephesians 6:5-9). God enters the cultural structure of slavery and attempts to reform—and abolish—it from within. Holy

war can be viewed in exactly this same light.

Yet we must ask, How far will God go in such accommodation? Are there not moral limits to such divine self-abnegation?

The problem of holy war continues to challenge our thinking. How we decide this question has important ramifications for contemporary Christian attitudes about war. The entire complex matter must be evaluated in the light of the teaching of the prophets and, ultimately, the teaching of Jesus.

NOTES AND REFERENCES

1. Lines 15-20, trans. W. F. Albright, *Ancient Near Eastern Texts*, J. B. Pritchard, ed. (Princeton: Princeton University, 1969), p. 320.

2. *The Seventh-day Adventist Bible Commentary*

(Washington, D.C.: Review and Herald, 1954), Vol. 2, pp. 199-204.

3. Peter C. Craigie, *The Problem of War in the Old Testament* (Grand Rapids, Mich.: Eerdmans, 1979).



A Woman's Voice In a Man's World

The voice of Achsah is heard today, and provides a framework for God's people in times of crisis and transition.

by Beverly Beem and Viviane Haenni

Then from there he went against the inhabitants of Debir (now the name of Debir formerly was Kiriath-sepher). And Caleb said, "The one who attacks Kiriath-sepher and captures it, I will even give him my daughter Achsah for a wife." And Othniel the son of Kenaz, Caleb's younger brother, captured it, so he gave him his daughter Achsah for a wife. Then it came about when she came to him, that she persuaded him to ask her father for a field. Then she alighted from her donkey, and Caleb said to her, "What do you want?" And she said to him, "Give me a blessing, since you have given me the land of the Negev, give me also springs of water." So Caleb gave her the upper springs and the lower springs (Judges 1:11-15, NASB).

Deserts and Wellsprings

Israel is standing on the borders of Canaan. The old generation has died out in the wilderness. The new generation is prepar-

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ing to take the Promised Land. The aging Caleb, the last survivor of an older time, faces two challenges. First, as commander of the Israelite armies, he is in charge of taking the land and dividing it up among the tribes. Second, as father, he needs to provide for the welfare of his daughter in a new and strange land. Caleb hits on a plan that would do both. The great city of Debir has yet to be taken. Only the man strong enough and wise enough to take the city is good enough for his daughter. He issues the challenge, and the man to meet the test is no less than the first judge of Israel. A happy ending. The story could have ended right there. It is complete. The fate of a daughter is decided by men. But there is more to the story.

The next scene takes us to the wedding day. Achsah's dowry has been established, the great land of the Negev; A wonderful, generous dowry befitting the daughter of a chief marrying the hero of the hour. But something is wrong. The men don't know it yet. They are too involved in their duties of conquering and dividing the land. Achsah sees the problem

immediately. She has received a magnificent estate, it is true, but the land is a desert. Without a water supply, she would be dependent on the bit of rainfall she could capture in the cisterns. If she is to transform this desert into productive gardens and orchards, she needs her own independent supply of water.

She acts quickly. She speaks to her husband and urges him to ask her father for land with the needed wellsprings. He remains silent. You can almost hear him thinking: "Caleb has been wonderfully generous. How can I tell my new father-in-law that his wedding gift is inadequate and ask for more?" But Achsah can. Caleb is not only the national leader but also her father. In a gesture that signals both respect and urgency, she jumps down from her donkey and goes to him. Caleb meets her with a question that invites her to speak. "What do you wish?" She lays out her need. "You have given me good land, but it is dry, and I need water, too." Caleb responds instantly with the generosity of a father. "Of course. Water. Why didn't I think of that before?"

So he grants her request. In double measure. She asks for springs. He gives her two. She doesn't have to beg or persuade. As soon as he sees her need, he acts.

Two Generations Meet

The story of Achsah is the first instance in the Book of Judges where a woman makes a surprise appearance. The world depicted in the first chapter of Judges is a world of military conquest and political division. It is the world of men. In this patriarchal society, the affairs of state and family are decided by men. Silent women are passed from one male custodian to the next. This story is different. When Achsah comes to the scene, she has lines. She has opinions and speaks her mind on this masculine stage. She is not content to

remain the passive object of discussion; she, too, is a participant. Achsah sees the land differently from the men. To them it is a place to conquer; to her it is a place to live. For the land to sustain life, it must have water. She understands that. Why don't they? The answer may lie in the times. It is a time of transition. Israel is moving between two worlds. The generation of Caleb has wandered in the wilderness; the generation of Achsah will settle the Promised Land. They speak from the perspective of two different callings. That is why Caleb does not foresee Achsah's need for water. His task is not hers. He does not understand the task of the new generation. He does not perceive her mission. But she understands her mission and what she needs to accomplish it. Now, she must speak if she is to live. She addresses her husband and asks him to mediate for them. But he does not do so. Why not? The story does not say. It might be that he does not need to speak. It is not his story, after all. It is hers. He has already played out his role in the taking of the city. Now, it is her turn to act. He stands back and watches as his new bride moves on their behalf.

And she moves with dispatch. She slips off her donkey and runs to Caleb to speak. She doesn't hesitate for a moment to make her request. She goes boldly to her father, who happens also to be the highest authority in Israel. She asks for a blessing. The language evokes the story of Jacob and Esau who also ask of their father a blessing. "Give me a blessing. Since you have given me the land of the Negev, give me also springs of water." She lays out the reasons for her request. She reviews with Caleb what he has done. She acknowledges his generous gift. But there is more to do. The land he has given her is a desert and needs water. "Because you have given me the Negev, give me also the springs of water I need to make the desert bloom." And he does. Immediately.

Achsah receives two blessings not custom-

anly given to women. She receives land, a possession reserved for sons. She also receives springs, a privilege reserved for chiefs as a sign of authority. Caleb in giving his daughter the Negev has already given her something outside of tradition, and now, he does not even hesitate to go father and grants her two wellsprings.

Caleb, in meeting the demands of women, is not the first to go beyond local custom and that which is considered proper in his time. He has precedent. Moses had also gone beyond tradition in dealing with Zelophehad's daughters—Malah, Noah, Hoglah, Milcah, and Tirzah (Numbers 27:1-11; 36:1-12). They, too, had come boldly to the highest authority in Israel to claim an inheritance for themselves. Moses received their request in the presence of the priests, the leaders, and the assembled people. He did not know what to do. However, he did not run from the issue. He did not reject their request by citing custom. He did not tell them to go away while he debated with the priests. He did not worry that some of his leaders would misunderstand. He did not fear what the surrounding nations would think if women were to receive an inheritance in Israel. He did not explain that such things had never been done before. He did not say that now is not a good time. He did not tell them to come back another day. Rather, he took the matter directly to the Lord. And the Lord answered directly back. "The daughters of Zelophehad are right; you shall give them possession of an inheritance among their father's brethren and cause the inheritance of their father to pass to them" (Numbers 27:7, RSV).

Like the daughters of Zelophehad, Achsah does not hesitate to step out in her own behalf. She does not wait for her husband to be her mediator. Rather, she goes boldly and immediately to the highest authority in Israel to present her case. And, like them, she is heard.

Models of Wisdom

The story of Achsah at the beginning of the Book of Judges, sets forth the ideal of how things could be in Israel. Her story provides as much a normative framework as other stories to be remembered by God's people in times of

crisis and transition. It provides a model for change. However, the Book of Judges also unfolds the sad consequences coming upon a people when they are unable to enter this model. As Israel falls farther and farther away from God's ideal, the voices of women are ignored or diminished. Violence and divisiveness prevail. The rest

The story of Achsah stands like a permanent sign in God's salvation history. It points to a God who works through the unconventional and honors change. It unveils a God who acts through courageous people to overturn false interpretations of his will.

of the book reveals what happens when the cooperation of father and daughter disintegrates, as in the story of Jephthah; when the peace of husband and wife vanishes, as in the story of Samson; when the voices of women are silenced and their names forgotten, as in the story of the concubine. This last story inverts the story of Achsah as it depicts the total disintegration of relationships between men and women, fathers and daughters, husbands and wives, and ultimately the disintegration of the nation. After all, the murder of one woman launches the country into civil war. But the social chaos depicted in the story is not the last word. The entire Book of Ruth,

set in the time of the judges, portrays once again the truth of Achsah's story. There again, women step out of local tradition to take initiative in their own behalf and to shape their own futures. There again, a man responds openly to the outrageous and unconventional demands of women. There again, God uses women's boldness to change the course of history and bring about salvation.

The voice of Achsah is heard today, too. Her story provides a normative framework to be remembered by God's people in times of crisis and transition. As one generation moves off the scene and the needs of a new generation become pressing, the story of Achsah is a model of wisdom. It gives women permission to take initiative on their own behalf and to boldly express their own vision. Like Achsah, women often have insights into the future and the developing needs of their communities that men do not have. Like Achsah, women must sometimes step outside their fears and the constraints of what has always been done to clearly and directly communicate their insights.

And just as women have the responsibility to speak, men have the responsibility to listen. The story of Achsah is also a model of strong and courageous men, real heroes, who know when to remain silent and listen to the voice of a woman. It is a story about men secure enough in God and their own calling that they are not afraid to recognize the limits of their influence and understanding. It is about men who can gently retreat from center stage to allow women to handle their own affairs. It is about men who affirm women's creative interruptions into the masculine status quo and allow new blessings to come about through women's bold speech and action. It is about men who invite women to speak and listen to

what they have to say. It is about men who ask questions and are not afraid of the answers. It is about men who let women narrate their own stories and shape their own dreams. Finally, it is about men who are not afraid to forsake past traditions and let women share the inheritance of power and authority given to both male and female at the beginning (Genesis 1:28).

The story of Achsah stands like a permanent sign in God's salvation history. It points to a God who works through the unconventional and honors change. It reveals a God who is present in the creation of new laws and the reshaping of old ways of thinking to meet new times. It unveils a God who acts through courageous people to overturn stifling customs and unjust practices caused by time, circumstances, or false interpretations of his will.

Precedents for Change

Like Israel, the Adventist Church is going through a period of transition. In the Western world, the ways of the old generation in worship, leadership, and mission may not always meet the needs of the new generation. After 150 years of conquest, the church is facing issues of settlement. After the evangelistic crusade, the church must provide a "sanctuary," a safe place for people to grow and mature until Christ comes. The wisdom of both generations is needed for the church to move into the next stage of its history. If the church is to be alive for the new generation as it was for the old, it must be a place where men and women can hear each other speak, where old and young can affirm and receive each other's gifts. In this community of the future, the wisdom of Achsah and the might of Othniel work together for the settlement of the land.



The Auditor vs. Church Leaders

David Dennis, the GC head auditor, is dismissed; he files suit; he and church leaders exchange legal briefs and denials.

by *Sbarise D. Esb*

ON FEBRUARY 22, 1995, DAVID D. DENNIS filed an unprecedented lawsuit against four high-ranking officials at the General Conference, including President Robert Folkenberg. Filed in the circuit court for Montgomery County, Maryland, this lawsuit also includes charges against a woman not employed by the General Conference, against the General Conference itself, and against the General Conference Corporation, a nonprofit religious corporation established to hold the assets of the General Conference.

The church defendants have filed a motion to dismiss on the basis of constitutional, free-exercise provisions. Dennis' attorney has since filed an opposition to the motion. The first court hearing to review this matter is scheduled for July 25, 1995.

The lawsuit was filed following Dennis' removal from his position as director of inter-

nal auditing for the General Conference. According to court papers filed by the General Conference, Dennis was released from his position due to sexual misconduct, effective December 29, 1994.

Dennis' lawsuit claims defamation, breach of contract, and wrongful discharge from employment. The suit seeks compensatory damages of \$1 million and punitive damages of \$3 million. Making this lawsuit more interesting is the series of allegations that accompany Dennis' complaint. In these court papers, Dennis claims he was never a party to the sexual misconduct described and that his removal from office and defamation of character took place because he was an obstacle to improper financial dealings by the officers of the General Conference.

Dennis' document alleges some 13 instances of wrongdoing and corruption by General Conference officers. At the time of this printing, Dennis had not provided the court supporting documents to substantiate these charges.

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On Friday, April 14, 1995, the church defendants filed a motion to dismiss the complaint on the ground that the church's action in disciplining an ordained minister and elected church leader is protected under the First Amendment of the U.S. Constitution, which allows churches to decide for themselves, free from state interference, matters of church discipline, policy, administration, faith, and doctrine. The motion does not respond to Dennis' series of allegations.

On Monday, May 15, 1995, Dennis' attorney filed an opposition to the motion to dismiss. Dennis' attorney argues that the First Amendment protects religious entities only in cases involving strictly ecclesiastical matters involving religious doctrine or dogma. He claims that Dennis' dismissal was for secular reasons, and therefore open to the court's consideration.

Allegations of Abuse

According to a press release prepared by staff at the General Conference, groundwork for the tensions between Dennis and the General Conference officials began in mid-1994, when allegations of sexual abuse, brought against Dennis by a woman in the church, came to the attention of officials at the General



Conference. Out of respect for her privacy, officials at the General Conference have chosen to call this woman E.A.

The release states that because Dennis was an ordained minister and elected leader of the church, Folkenberg asked attorney Walter E. Carson, from the office of general counsel, and Kenneth J. Mittleider, a vice president, to investigate the matter. As part of the investigation, Carson visited E.A. in Ohio, securing a sworn affidavit of her claims of sexual abuse and adultery.

E.A.'s eight-page sworn affidavit describes in significant detail the abuse she claims to have suffered at the hands of Dennis. The affidavit begins by describing her eighth-grade year, while she was a minor and a ward in Dennis' home in Singapore, when she claims Dennis fondled her.

The next year, Dennis was elected director of the accounting department for the General Conference, and moved to the United States. Although no longer keeping E.A. as a ward in his home, Dennis had contact with the girl through trips that he took to Singapore as part of his new position. E.A. states that over the next two years, Dennis undressed her on several occasions, fondled her extensively, and on one occasion, attempted to have sexual intercourse with her.

Later, in the United States, E.A. began what she calls a "miserable and doomed" marriage. "Several years later I was in great distress and desperation as I saw my marriage falling apart," E.A. said in her affidavit. "I needed to talk to someone who was not in relationship with my husband and myself as a couple. He was the only person outside of the community that I could think of to confide in." Correspondence ensued, and, after a separation from her husband, a meeting with Dennis took place. E.A.'s affidavit states that although Dennis was married, this meeting resulted in several instances of sexual intercourse and promises by Dennis that were never fulfilled.

"I have been left to attempt to survive in a sea of powerlessness, ambivalence, confusion, abandonment, betrayal, fractured trust in authority, confusion of identity, guilt feelings, anger & rage and physical symptoms of distress," E.A. stated. "It was when my second marriage had reached a critical place that I began treatment," E.A. continues later in the document. "I have been treated for depression by means of several different kinds of medication, all without complete success . . . because of this sexual abuse, I have also suffered immensely spiritually . . . I was blocked because I was sexually abused by a man who represented God and his church to me." Earlier in the affidavit, E.A. states, "I looked up to this man as a father figure . . . thus I term what took place as INCEST, because of David Dennis' fatherly role in my life."

E.A. goes on to describe extensive therapy, including up to four hours a week spent in sessions, along with two hours a week of group therapy in a sexual-abuse support group. After attending several retreats and programs dealing with sexual-abuse issues, she began an inpatient treatment program.

E.A. concludes the affidavit, "In view of the severe effects I have suffered as a result of being molested in an incestuous dynamic by David Dennis, I believe that this man needs to be brought to realization of his accountability for what he has done to me."

The Investigation

According to the press release prepared by the General Conference, the investigation that followed this affidavit revealed church business records which indicated that Dennis was indeed in the places that E.A. described at the times she says the events took place. Further investigation revealed letters allegedly sent by Dennis to E.A. and another woman, containing material inappropriate when com-

ing from a married, ordained minister.

Court papers filed by the General Conference defendants say that their next step in the investigation was to convene an ecclesiastical panel of inquiry. The General Conference appointed a five-member panel of church members, and a hearing was held on December 12, 1994 at the General Conference headquarters. According to the recorded minutes, the meeting began with prayer and then a presentation by Carson, discussing the results of the investigation. Carson left the meeting at this point and the panel heard from E.A., Dennis, Dennis' wife, and other witnesses. Dennis was in attendance throughout the meeting and was given the opportunity to ask questions of any of the witnesses against him, including E.A.

In the deliberations by the panel after the hearing, members of the panel found the allegations of E.A. to be true and concluded that Dennis had engaged in sexual misconduct inconsistent with church guidelines. The panel then forwarded its findings to the General Conference Administrative Committee, which met to review the matter on December 19, 1994. According to the minutes of the meeting, Dennis first requested, and then declined, to make a statement to the committee. The administrative committee recommended that Dennis be removed from denominational employment and that his ministerial credentials be withdrawn.

The next day, the General Conference Executive Committee met to review the administrative committee's recommendations. According to a General Conference press release, Dennis appeared at this meeting with a typed statement, which he read and distributed to committee members. The release also states that at no time during his statement did Dennis suggest that he was wrongly accused of sexual misconduct because of his efforts to expose corruption in the church. The minutes of the meeting did state that he requested an

On February 22, Dennis filed his complaint against the defendants. Dennis maintains that he was never involved in an inappropriate relationship with E.A., and that these actions to discredit him were taken to effect his removal from his position as director of internal auditing for the General Conference. Dennis states that the defendants were

Dennis Charges Corruption

Dennis concludes his complaint by citing seven other cases involving employees and moral issues. In his review, he points to what he feels are serious inconsistencies between the treatment of these cases, and the treatment he received.

Dennis further explains that following his termination, defendants used written statements to the public and computer messages to spread the false allegations to virtually the entire worldwide membership of the Seventh-day Adventist Church.

Dennis notes that although E.A. testified against him, her statements could not be believed without the assistance of Carson and Mittleider. He points to three areas he believes were determined that there were at least two other occasions when she had been raped, and (3) she and her family had visited Dennis and his family in a friendly environment less than three years before the accusations.

Dennis notes that although E.A. testified against him, her statements could not be believed without the assistance of Carson and Mittleider. He points to three areas he believes were determined that there were at least two other occasions when she had been raped, and (3) she and her family had visited Dennis and his family in a friendly environment less than three years before the accusations.

In his court papers, Dennis paints a different account than that of the General Conference regarding his removal from the position of director of internal auditing for the General Conference. Among his many complaints, Dennis cites several instances of what he feels were attempts at intimidation by Carson and Mittleider to force him to resign prior to the December 12 meeting.

Dennis also states that despite church regulations to the contrary, he was not allowed to have his attorney present at the December 12 meeting of the ecclesiastical panel of inquiry. Dennis claims he was told by defendant

Dennis' Account of His Removal

The action passed with a vote of 39 to 16. The General Conference press release states that on December 22, 1994, Dennis requested the opportunity to present "significant information" and "new evidence" to the administrative committee. "Mr. Dennis was invited to submit any such evidence in writing no later than January 10, 1995. Although Mr. Dennis was offered the opportunity to present additional information or new evidence in writing, by a letter dated January 6, 1995, he declined to do so."

Following that action, it was voted to:

1. Remove David D. Dennis as director of the General Conference Auditing Service.
2. Terminate his denominational employment, effective immediately.
3. Make final settlement with David D. Dennis according to policy.
4. Withdraw David D. Dennis' ministerial credentials.
5. To record that by his conduct David D. Dennis has made void his ordination.

additional 30 days to produce more evidence to support his position. It was voted to deny his request.

seeking his removal in retaliation for his past actions to resist corrupt financial practices and because he was an obstacle to future improper financial dealings. Dennis cites 13 instances where he says he "acted to resist and expose corruption in the General Conference of Seventh-day Adventists and its related entities."

Among Dennis' accusations, he alleges misuse of government funds given to the church for the operation of their Adventist Development and Relief Agency (ADRA) program. Dennis states that he has filed numerous written reports explaining that ADRA is not complying with guidelines to these government agencies. He claims that significant pressure has been put on him to either not write these reports, or to avoid audits where there is significant non-compliance. Dennis notes that defendant Mittleider is chairman of the ADRA board, and claims, without providing evidence, that Folkenberg receives several benefits from the organization.

Dennis states that further hostilities were invoked against him after he began investigating the use of funds allocated for the church's outreach program, "Global Mission." He notes that in 1992, Robert Folkenberg's brother was appointed an "associate treasurer" of the General Conference, with the specific responsibility of distributing disbursements from the Global Mission Fund. Dennis says that in his investigation, he was able to account for funds until they left the General Conference. In order to determine further how the funds were used, he sought an investigation of Folkenberg's itineraries and an accounting of how the money has been used in eastern Europe.

Neal Wilson, immediate past president of the General Conference, distributed a lengthy letter defending the current denominational leadership. At the General Conference Session, he expanded on his comments in a speech to world and North American leaders.

Dennis says that this action was resisted by Folkenberg.

Dennis also points to an action taken in 1992, when defendant Folkenberg set up an "operating board" over auditing. Dennis feels this was part of a plan for the president and vice presidents to take over full operation of the General Conference. The changes in policy made Dennis the only auditor to serve by election of the church constituency, with all other staff serving by appointment. Dennis feels the action to remove him from his position was part of an effort to control the operating board and therefore gain full control over all audit reports.

Still another incident brought out in Dennis' allegations is the appointment of Ronald Wisbey as liaison with the Adventist Health System. Dennis believes this position was a payoff for Wisbey's alleged earlier efforts to benefit Folkenberg and Alfred McClure, president of the North American Division. Dennis claims that Wisbey is now earning a salary at least six

times greater than he could from any other church employer. He also claims that Wisbey's wife, employed as his secretary, is earning approximately twice what she earned as a secretary at the General Conference.

Dennis concludes his allegations of wrongdoing by accusing Folkenberg of being involved in outside business dealings with an entity known as Versacare, as well as a computer sales operation. He claims Folkenberg is also associated with Ray Tetz, vice president for ADRA, in the Galileo and Associates business, and that ADRA has employed General Conference staff on a regular

basis to provide free lawn and garden care and maintenance of Folkenberg's home, as well as other unauthorized perks. Dennis says he sought to review these activities, not only to see if there were conflicts of interest, but to determine whether there were additional cases of misapplication of church funds, including issues related to the financing of Folkenberg's personal residence.

These are only some of the more serious allegations made by Dennis.

Replies to Dennis' Charges

The General Conference did not respond to any of Dennis' allegations in their motion to dismiss. However, a General Conference press release stated that Dennis' allegations are "completely without merit and irrelevant to the disciplinary actions taken against him."

More specific written denials have come to *Spectrum* from particular entities mentioned by Dennis in his lawsuit. The Adventist Development and Relief Agency (ADRA) points out that it is not itself a defendant in the Dennis lawsuit, and says flatly that "allegations of wrongdoing regarding ADRA contained in the Dennis lawsuit are false and without merit." It adds that as required by law, "ADRA is the subject of a detailed annual audit by an external auditing firm," and that "copies of the current audit by Coopers & Lybrand have been made available to all relevant donor agencies."

Ray Tetz, an ADRA vice president and head of the Galileo and Associates business mentioned in Dennis' lawsuit, declares that "Robert Folkenberg and I do not now have nor have we ever had a business relationship of any kind."

On March 9, 1995, Ralph Martin, president of the Columbia Union, gave his union executive committee a rather detailed denial of allegations by Dennis regarding Ronald

Wisbey's present salary arrangements.

"As chairman of the compensation committees at Adventist Healthcare MidAtlantic and Kettering Medical Center, I can tell you factually and positively that Ron Wisbey did not receive six times his union president's salary. That is a falsehood! He received the equivalent of his union salary, plus the General Conference secretarial salary for his wife, adjusted for non-clergy taxes. His wife receives no compensation from the health system. Sandra Jones, who served as his secretary when he was president, continues to serve as his secretary. The job description and salary were settled before either Robert Folkenberg or Al McClure knew anything about the move. They had no influence or motivation on either the change of positions or the setting of the salary."

Robert E. Coy, chairman and president of Versacare, responds to Dennis' references to Folkenberg being "involved in outside business dealings" with Versacare, Inc. with a description of the company and a chronology of Folkenberg's relationship to it. Coy says that the relationship ended in early 1991; Folkenberg had been elected president of the General Conference July 6, 1990.

Versacare, a nonprofit corporation, operates the 383-bed Hialeah Hospital in Hialeah, Florida, as well as a nursing home and senior citizens' housing in Corona, California. All the members of the board are members of the Seventh-day Adventist Church. In 1980, while on the staff of the Inter-American Division, Folkenberg began serving on the board of directors of Hialeah Hospital (where the local conference president and the president of the Inter-American Division have also served). In 1982, Folkenberg became a member of the board of directors of Versacare, the parent corporation. Coy says that Folkenberg was "instrumental in our establishment of Versafund," which now distributes a significant number of grants to church-owned or -related organizations, such as four Adventist

colleges and Andrews University.

After his election as president of the General Conference on July 6, 1990, Folkenberg in 1990 resigned from the board of Hialeah Hospital. He continued on the board of Versacare "until early 1991, at which time he resigned." For their participation in the three or four board meetings a year, board "members were reimbursed for their travel expenses and received a small fee, or per diem payment, for the days the meetings took place." Coy volunteers that "the allegations of Mr. Dennis appear difficult to understand."

Prior to the 1995 General Conference Session, delegates received a booklet from

Vance Ferrell and a letter cosigned by Richard Fredericks, pastor of the Damascus Seventh-day Adventist Church in Maryland, and Roscoe Bartlett (R-Md.), an Adventist member of the U.S. Congress. Both documents were supportive of Dennis. Richard Fredericks then sent a second letter apologizing for being precipitous in his judgment. Meanwhile, Neal Wilson, immediate past president of the General Conference, distributed a lengthy letter defending the current denominational leadership. He expanded on his letter in remarks to world and North American leaders in Utrecht just before the 1995 General Conference Session.



The Six-Million Dollar Man

The church gives millions to four students claiming sexual abuse by a teacher others say was the best they have known.

by *Bonnie Dwyer*

“What is right often rests on who gets to decide.”

—Robert L. Swezey, President
Risk Management Services

AUGUST 26, 1994. AN UNUSUAL MEETING WAS called into session at General Conference headquarters at the request of a pastor from Tillamook, Oregon. Repressed memories of sexual abuse was the topic, specifically the alleged abuse of Adventist school children by one teacher which has spawned five different civil actions against the denomination. The cost to the church's insurance agency for settling cases involving this one teacher has reached approximately \$5 million, plus close to \$1 million for legal fees. Donald Gilbert, chairman of the board for Risk Management Services (RMS), presided, as presentations were made on behalf of Russell

Hustwaite, a former teacher in Tillamook who had been accused of abuse by his former students based upon memories that they retrieved through therapy. A criminal case against Hustwaite was pending in Montana's eighth judicial district court.

How should the church deal with this phenomena of repressed memories that has swept through America since the late 1980s? In the media, the stories of families being torn apart when children go to court and accuse their parents of abuse have been tragic. Each new account is more bizarre than the last. Satanic rituals are sometimes described. A California father has been accused and convicted of murder. One professor accused of abuse by his psychologist daughter decided to fight back by creating a foundation to support other people accused of abuse. The False Memory Syndrome Foundation tracks legal cases based on repressed memory and has seen the number climb to about 800.

The group at General Conference headquarters were faced with a case that raised the

Bonnie Dwyer, a freelance writer living in Northern California, is Spectrum's most frequently published author. Dwyer here writes her 34th article for the journal. Also contributing to this article was Bryan Zervos, a member of the board of directors of the Washington Institute.

questions posed by repressed memories of sexual misconduct. How should an institution react when forced to choose between supporting its employee and protecting its children? Practically speaking, how much is the church willing to pay? Should the church continue to settle repressed memory cases out of court or begin to litigate them before judges and juries?

To bring all the pertinent people together for the meeting with church officials, Pastor William Smith, Russell Hustwaite's brother-in-law, spent \$3,000 of the family's money. In attendance were three attorneys for the church: John Stewart of Portland, Oregon; Ron Waterman of Helena, Montana; and Lisa Saveikis of the General Conference Office of General Counsel. From the General Conference Risk Management Services was Jerry Fritz, chief claims officer. Two of the chief financial officers of the church were present: Don Gilbert, General Conference treasurer; and George Crumley, North American Division treasurer. Visitors from out of town included John Cannell, M.D., director of Missoula Psychiatric Services; Stephen Hagerman, Great Falls, Montana, attorney representing Russell Hustwaite; and Smith.

Although not present at the meeting, Hustwaite maintained that he was innocent of the allegations and that it was only because of repressed memory therapy that the charges had been brought. His attorney, Hagerman, suggested to church officials that settling these claims only encouraged more people to file for damages. Cannell was there to address the phenomenon of repressed memory within American society. He was also well versed in the pending criminal case because he had examined the medical records of the plaintiff, Jane Doe (a pseudonym), and knew her to be a virgin. Her claims of having had a fist shoved up her vagina and of having been raped did not match the physical evidence. However, it quickly became apparent to Cannell that the

people representing the Adventist Church considered Hustwaite guilty.

"When we get a good case, we'll stand up and fight," he remembers them saying. Cannell wondered what they thought constituted a good case. "You don't find very many 20-year-old virgins these days," he said.

Hagerman came to the meeting with the intention of convincing church officials not to settle with Jane Doe. What Hagerman didn't realize was that the church had already settled the civil suit with Jane Doe, only days before.

Montana to Washington to Oregon: Russell Hustwaite

A graduate of Mount Ellis Academy and Walla Walla College, Russell Hustwaite got his first teaching job in 1963 in Hamilton, Montana. Hamilton is a small town south of Missoula, just over the Bitterroot Mountains from Idaho. The little Adventist church school in Hamilton had only a dozen students, and he was the only teacher. But during his tenure there the school began to grow. His record with the conference was good.

Hustwaite was then called to another Adventist school in Missoula, Montana, where he taught for one year.

Next, he was called to the state of Washington where he taught for 13 years. At the small Sky Valley Adventist School in Monroe, Hustwaite became a part of students' lives for several years, since he taught multiple grades. It was here that he taught Paula Pfeifle, who would later be the most famous of his accusers, telling her story on the national television program *America Behind Closed Doors*.

In 1982, Hustwaite returned to Montana, where he filled an opening in the Adventist Palisades School in Great Falls, the city where he had lived as a child. Criminal charges would eventually arise from the five years Hustwaite taught at this school.

But in 1987, at the end of those five years, when Marvin Mitchell, the Oregon Conference superintendent of education, checked his credentials, everything seemed to be in order. That year Mitchell proceeded to hire Hustwaite for the Adventist church school in Tillamook, Oregon. Since the Tillamook school had experienced difficulty keeping teachers, Mitchell kept close tabs on his new teacher. He was impressed with Hustwaite's skills. In his opinion, Hustwaite handled curriculum and discipline well. Some members of the school board proclaimed Hustwaite the best teacher their children had ever had. No complaints or charges of sexual abuse have been filed on behalf of any Tillamook School students.

Washington: Paula Pfeifle

But on January 7, 1989, a sheriff appeared at Hustwaite's door, and served the papers accusing him of sexual molestation. The charges were brought in a civil suit by one of his former students in Monroe, Washington, Paula Pfeifle. With the help of therapists who were treating her for anorexia, Pfeifle said she had recovered memories of Hustwaite abusing her when she was in elementary school.

When Paula Pfeifle filed her civil suit against

Adapted from René Magritte's "The Glass House"



Russell Hustwaite in 1989, repressed memory cases were escalating nationwide, and stories of abuse filled the newspapers. In Olympia, Washington, Thurston County sheriff deputy Paul Ingram was being branded a child molester and Satan worshipper by his daughter. His confession to the increasingly bizarre crimes of which she accused him received daily coverage. (A book-length account has been written by Lawrence Wright, entitled *Remembering Satan*.) The state of Washington had recently enacted a law extending the statute of limitations on sex crimes against a minor to seven years, rather than three. And then the law had been amended again, to allow charges to be brought for three years following the date a victim remembers a crime.

It was the same year that in California, Eileen Franklin Lipsker recovered a memory that her father, George Franklin, murdered her best friend 20 years earlier, setting off a sensational trial that received national coverage. This occurred just one year after the publication of *The Courage to Heal*, in which victims of sexual abuse were encouraged to take their cases to court.

Pfeifle's attorney, Roberta Riley, worked diligently on her case for two years, methodically trying to find other accusers by contacting Hustwaite's former students at other schools where he had taught. Riley was the second attorney the Pfeifle family had consulted regarding their case.

When the Paula Pfeifle civil case was first filed, the most immediate question facing the church and its insurance carriers was deciding who was responsible for defending Hustwaite. Risk Management personnel told Hustwaite that they would retain the best lawyer insurance money could buy. Risk Management Services might choose to settle, they said, because it would be the best stewardship of the church's money. But if that was done it would not imply guilt on Hustwaite's part. At least, that is what Hustwaite recalls being told.

Risk Management Services did retain one of the largest law firms in the Northwest, Bullivant Houser, to represent Hustwaite. But it was Cigna Insurance that carried the policy covering the Monroe SDA School for the period when Hustwaite was the teacher. Cigna Insurance questioned whether the alleged abuse had occurred during school hours, saying they were not liable for what happened after school.

With the ongoing coverage dispute, very little was being done in Hustwaite's defense. Finally, one of the senior partners in the Bullivant Houser firm contacted the Washington Conference of Seventh-day Adventists and argued that Hustwaite should be defended. The Washington Conference decided to pick up the cost of defending Hustwaite until the insurance dispute was settled.

The taking of depositions resumed. On October 2, 1990, Hustwaite went to Washington State for the deposition of Paula Pfeifle. At that meeting one of Pfeifle's attorneys said that Hustwaite could be arrested because a second accuser might make criminal charges at any time. It could be a bluff, Hustwaite's attorney, Steven English, suggested. However, he was so concerned he told Hustwaite that he should get a criminal defense lawyer to check into these new allegations.

Montana: Denise Emmerson

Three days later, attorneys for Pfeifle, Hustwaite, and the Washington Conference traveled to Bozeman, Montana, to take the deposition of Dee (Denise) Emmerson, who had attended the Hamilton, Montana, school in the 1960s under Hustwaite. She recounted an incident that had remained clear in her mind since the day it happened:

It was one winter day when I was in sixth grade. It was cold and blustery outside, and I decided that I didn't want to go out for recess because I got cold easy. So I decided to stay in the classroom

and read. And I was sitting there reading and Russell stayed in also.

(Question by Ms. Riley): I need to interrupt you momentarily. Do you remember if Russell locked the door and pulled the blinds?

A: I don't remember specifically that he did that.

Q: Okay. What do you remember next?

A: The next thing I knew was he was at his desk stacking books on his desk and he said, "Would you help me carry these upstairs?"

So I said yes, and he gave me an armload of books, and I followed him down the hallway and up the stairs to the second floor, and the room that you walk into at the top of the stairs was a multi-purpose room that the ladies used for their community activities. It had a counter, and a small kitchenette.

Q: Was there a name for the room?

A: We called it the Dorcas room.

Q: You were describing the room, and I interrupted you. I'm sorry. It had a kitchenette?

A: A kitchenette, a long counter, a kitchen counter, a large work table and a couch. And when he got to the top of the stairs he stepped around the corner and sat his book on that counter and he said to me, "Do you know what the word f___ means?"

And I gave him a noncommittal answer, and started to walk on through that room to the next room where we were going to be taking the books for storage. And he stepped around the counter toward me and he said, "If you'll take off your panties and lay down there on the couch, I will show you."

And I was so scared that I don't know what happened next. The next thing I knew I was laying on the couch, and my panties were off, my dress was up, and he was kneeling down and unzipping his pants, and he pulled his penis out, and then he tried to insert it in me.

Unlike the other victims who said they repressed their memories of his abuse,

Emmerson said she always remembered. However, it wasn't until she was in high school that she was able to tell anyone about it. The person she told was her boyfriend at Mt. Ellis Academy, Gary Emmerson, who later became her husband. Denise Emmerson never filed suit against Hustwaite. Since repression was not a factor in her case, the Montana statute of limitations had run out by the time she was contacted by Roberta Riley. Besides, "I can forgive Russell Hustwaite now for what he did to me," says Denise Emmerson, who has become a member of the Montana Conference Executive Committee.

Hustwaite denies Emmerson's accusation. But when he filed for bankruptcy protection, which stays civil litigation, Hustwaite included Emmerson's name in a list of a dozen of his former students whom he named as "precautionary" creditors. He says his bankruptcy attorney said that if there were anyone who could file suit against him at any time, to write their name down. So the Hustwaites went through all their legal papers from the Paula Pfeifle case, looking for names of anybody who had said anything negative about Hustwaite. They thought that the list would be private. Instead, the bankruptcy court notified each of the people named. Hustwaite never meant for the list to be considered an admission of guilt.

But for the parties entangled in litigation over Hustwaite's actions, the list posed many questions. Why were these people potential creditors? Was this an admission that abuse had taken place?

During the period Russell and Joyce Hustwaite were considering whether to file their chapter 13 bankruptcy petition, the church's attorneys were conducting negotiations to settle the claims brought against it. On November 28, 1990, Hustwaite filed for bankruptcy protection, and Roberta Riley and the church agreed to a settlement of \$1.4 million for Paula Pfeifle. Cigna Insurance paid the bill.

Back in Oregon, when Hustwaite confided

about his troubles to two members of the school board in Tillamook, they helped him find a criminal defense lawyer. With a few phone calls the defense lawyer determined that no criminal charges had been filed against Hustwaite.

By this time, Hustwaite had been forced to sell his house at a loss, and had lost his job. But his troubles were not over.

Washington: Mary Jo Porter

On February 11, 1991, Attorney Riley filed a second civil case against Hustwaite and the church on behalf of Mary Jo Porter, another of Hustwaite's former students, from the same Monroe, Washington school that Paula Pfeifle had attended.

When Porter had been asked to testify in the Pfeifle case, Porter's medical records show she had no memories of abuse by Hustwaite. Two years later, now with different therapists, she had recovered many memories of abuse. In her letter to the church attorneys, requesting a settlement for Porter, Attorney Riley wrote:

At this point, Mary Jo recalls numerous instances of rape and sexual abuse by Hustwaite spanning the 4 1/2 year period that she was his student. The vast majority of Hustwaite's crimes were committed in his office at the Sky Valley Seventh-day Adventist School, during school hours. Hustwaite also abused Mary Jo during the Outdoor Education Program sponsored by the school in May of 1982, and again on a trip to Bellingham. Based upon Mary Jo's memories so far, my best estimate is that Hustwaite sexually abused her on approximately 40 different occasions, between 1977 and 1982.

Mary Jo Porter repressed all memory of these traumatic childhood events until quite recently. As you know, it is common for victims of childhood sexual abuse to suffer memory repression. Washington law expressly recognizes the repression phenomenon and accords sex abuse victims a three year delayed discovery statute of limitations. RCW 4.16.340

At this point, Mary Jo Porter is still in the process of recovering her memories. Unfortunately, new memories continue to surface and haunt her even to this day. The process of uncovering these memories is quite terrifying and upsetting for Mary Jo. She suffers sleep disturbances, horrible nightmares, nausea and shame every time another grotesque memory surfaces. Therapists predict that Mary Jo will be plagued with these symptoms for several years to come.

As debate within the church raged over whether Hustwaite was guilty, the Oregon Conference arranged a meeting where Hustwaite's accusers would face him in public, and the school officials in Oregon would also be present. Acting on the advice of his defense attorney, Hustwaite declined to appear and the meeting was canceled.

Representatives of the church negotiated a settlement of \$710,000 with Riley for Mary Jo Porter.

The *America Behind Closed Doors* segment was aired August 6, 1992. Among its viewers were other former students of Russell Hustwaite who, after watching the show, decided to contact attorneys.

Montana: Jane Doe and Sally Roe

On October 1, 1993, a felony criminal charge of sexual intercourse without consent was filed against Hustwaite by the county attorney of Cascade County, Montana, based on allegations of a former student from the Great Falls SDA School. This same student filed a civil suit against Hustwaite. While the criminal suit awaited trial, Risk Management Services made a settlement for more than \$1 million with this student. This settlement took place just days before the August 1994 meeting with Hustwaite's representatives. Shortly after the meeting, the church also settled for more than \$1 million with a male plaintiff who had filed a civil case against Hustwaite concerning alleged activities in Hamilton, Montana.

Five years had passed since Paula Pfeifle first made her charges. Including attorney's fees, the church's costs were approaching \$6 million. Hustwaite had lost his job and everything he owned and had never had his day in court.

But Hustwaite's day was coming. The criminal trial being brought by the Cascade County attorney on behalf of Jane Doe and Sally Roe (a pseudonym), two former students of Hustwaite's in Great Falls, was set for November 28, 1994. Representatives of Court TV were making plans for national coverage of the case. Hustwaite's attorney, Steve Hagerman, had recently won acclaim for his successful defense of a public school teacher accused of abusing a student in Great Falls. Hagerman had put together an aggressive defense for Hustwaite. Investigator Creed Evans had spent six months tracking down the plaintiffs' medical records. He learned that, following a suicide attempt, Jane Doe had received treatment at six different hospitals and clinics. Evans also researched the records of those people with whom the church had already settled. The investigator visited and photographed the sites where the abuse was supposed to have taken place to determine if the details of the accusations were accurate.

Hustwaite had been given a lie detector test by an expert, and passed. He had passed a battery of psychological tests as well. National experts on memory Drs. Elizabeth Loftus and Richard Ofshe had agreed to testify on his behalf. Hagerman filed a hard-hitting motion to dismiss (see excerpt in this issue, pp. 38-41).

Adapted from René Magritte's "The Unexpected Answer"



Then, two weeks before the trial, on November 14, attorney Steve Hagerman died of a heart attack. The trial was delayed. In January 1995, the criminal case against Hustwaite was dismissed with prejudice, which meant it could not be refiled. Judge Jeffrey M. Sherlock, in his dismissal motion, wrote:

The reasons for this dismissal is that the prosecutor has determined that serious doubt has arisen as to the continued viability of the prosecution of this case. At trial, the burden of proof in a criminal matter is guilt beyond a reasonable doubt, a standard which requires a much greater evidentiary showing than mere probable cause. Under the present circumstances, the prosecutor has determined that serious doubt has arisen as to whether sufficient admissible evidence is available to convict the defendant beyond a reasonable doubt, as the results of: (a) the exclusion of a number of State's witnesses, pursuant to M.R. Evid. 404(b); (b) the controversial scientific validity of repressed/recovered memories; (c) the controversial circumstances under which the adult victims were able to recollect their memories of the charged incidents; (d) the lack of significant physical evidence; and (e) the concealment of possible exculpatory evidence by a third party mental health professional who was attending one of the victims in this case.

For Hustwaite, the dismissal was his first victory. And yet, he still had not had his day in court. And there were people who pointed to all the circumstances surrounding the case—changes in the judge, prosecutor, and defense attorney; prosecutorial misconduct; destruction of evidence by a material witness—to explain its dismissal. They were not convinced that the dismissal exonerated Hustwaite.

The Quandary for Risk Management Services

For the church and the representatives of Cigna Insurance, the Hustwaite case presented a financial dilemma—they would lose significant amounts if they paid the accusers

and kept the cases from going to trial. They would also lose money in legal fees if they mounted a vigorous defense of their employee and went to trial.

Hustwaite remembers a meeting with RMS representatives in July 1993, when he was told, "This is not about morality; this is about money." It was a no-win public-relations situation, as well. Church members in Washington and Montana were lining up to defend the accusers. In Oregon, members supporting of Hustwaite launched a fund-raising campaign to help him pay for his mounting legal costs.

Given that civil cases are required to demonstrate only "preponderance of the evidence," Risk Management Services feared that a jury might agree with the accusers and award large judgments to the accusers, so the insurance people decided to settle the cases. Swezey claims to have saved the church millions by doing so. Church officials are convinced that if these cases had gone to juries, the amounts awarded to victims would have been staggering.

"These were not tabloid repressed memory cases, with just the accuser's word against the teacher. There are other parties, witnesses [who] corroborate the charges," says David Duncan, North Pacific Union Conference attorney. "For insurance purposes, we have to make a judgment about what will happen in court. We have to look beyond repressed memory and examine other information to determine the risks. Settlement is based on the amount of risk.

"I get sensitive about people who think that the church does not care in these cases," Duncan says. "We don't like to have people feel that way. The church is trying to do what is right. We have to walk a tightrope between the two sides. And in the end we have to make a decision based on what we think is right."

One of the legitimate issues raised by this story is who pays for the defense of pastors and teachers accused of misconduct, Duncan says.

"In today's society, everybody is at risk, and while we wish we could guarantee a criminal defense for everyone, that may not be the case."

According to one source, legal fees for defending Russell Hustwaite—quite apart from the money paid to settle the cases against him—have run close to a million dollars, making him a \$6 million man. Duncan points out that in criminal cases brought against public employees, it is the union defense fund that pays the legal fees. "This is a topic that the church needs to discuss with its employees," Duncan says.

Risk Management Services does write its policies for schools differently now, says Swezey. "Our re-insurers told us to reduce our risks. The helping industries have been hit hard by these types of cases. It used to be that general liability policies included coverage for sexual wrongs. Then insurance companies were required to pay for large judgments, and policies changed. The first change was to write \$500,000 coverage per incident on an institution's policy. That was then changed to \$1 million coverage against claims. These new policies radically reduce a conference's ability to shift risk to the insurance agency." In other words, the conferences themselves are at a greater risk now than ever before.

The cost to the denomination includes increases in its insurance costs. Rates have been raised three times over the past three years, Swezey says.

Society is changing, too. In a *California Lawyer* article about the decline of repressed memory in the courts, Mark MacNamara recounts the comments of a federal judge:

Psychology has, since the time of Freud, been in the business of exploring and finding subjective reality. Courts, on the other hand, are in the business of trying to find objective reality. In cases like this, these two enterprises necessarily clash. Indeed, reasonable people could well wonder

whether courts are suited at all to deal with problems like these. To the extent, however, that courts are required to determine these questions, there is no doubt in our mind that the objective enterprise is far better served by receiving fresher evidence than recollections of events that occurred eighteen to twenty-four years ago.

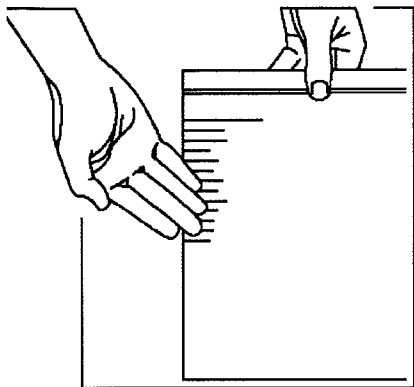
MacNamara goes on to report that:

Little by little, the structure that supported the notion of repressed memory is collapsing. Even Judith Herman, the Harvard Medical School professor who has been one of the most articulate and respected defenders of repressed-memory theory, appears to have readjusted at least one aspect of her position. At a conference last fall, Herman said, "Sometimes people plunge prematurely into this work with disastrous results. There's a fantasy that people will vomit out the trauma and then it will be gone."

The backlash against the repressed-memory phenomenon reflects a shift in cultural values. The shelter of victimization has lost its roof. The so-called abuse excuse—regardless of the abuse—has become bad form these days, and sympathy seems hard to come by.

MacNamara suggests that "the legal battle is moving to other theaters, to issues of professional obligation, the liability of therapists, and the more straightforward and frequent cases in which a memory has been suppressed rather than repressed—that is, the accuser never forgot what happened but simply put it out of mind."

For the church, the legal battle may be moving, too. Who is responsible to pay for defending the church's employees? What if Russell Hustwaite sues the church? Will Risk Management Services again settle out of court, or choose to stand and fight, defending its every move over the past six years of litigation? Will it be strictly a monetary decision made by Risk Management Services' attorneys based on risk factors, or a policy decision made by church leaders?



The Accused Strikes Back

Excerpts from the motion in a Montana court to dismiss criminal charges against Russell Hustwaite.

In 1994, the Cascade County prosecutors office filed criminal charges in Montana's Eighth Judicial District against Russell Hustwaite on behalf of two adult women who had been Hustwaite's students at the Palisades Seventh-day Adventist School in Great Falls, Montana. One of the women had earlier filed a civil case against Hustwaite. Before the criminal case trial date, Risk Management Services settled out of court for more than \$1 million (see "The Six-Million Dollar Man," by Bonnie Dwyer, pp. 30-37).

On October 31, 1994, Attorney Stephen Hagerman filed a motion for dismissal of the criminal charges against Russell Hustwaite.

The brief in support of the motion outlined five separate grounds for dismissal:

I. There is no scientific basis for the theory of repressed memory, and Jane Doe's and Sally Roe's memories were induced by the therapist.

II. Jane Doe's allegations were a result of hypnosis and were, therefore, inadmissible.

III. Through selective prosecution the state denied to the defen-

dant his right to equal protection of the law since the state failed to prosecute Jane Doe for similar sexual offenses.

IV. The Cascade County Attorney was guilty of prosecutorial misconduct in its treatment of the defendant in this matter.

V. The interests of justice were best served by dismissal of this matter.

On November 1, 1994, Hagerman filed on Hustwaite's behalf an affidavit of claimed costs and fees totalling \$22,592.07.

On November 21, Judge Jeffrey Sherlock denied the motion for dismissal, reserving the right to revisit each at the time of the trial. On the validity of the repressed memory, the judge wrote, "... after having reviewed much of the scientific data, the Court would say that the theory of recalled memory is not one upon which one would want to bet the ranch." He said a determination on the dispute over the use of hypnosis could not be made on a motion to dismiss and should go before a jury. The next day, the judge filed an order concerning attorney fees, saying the county attorney's office had re-

quested a hearing on the issue, and that such a hearing would take place after the disposition of the case.

On November 28, the date the trial was set to open, the deputy Cascade County attorney, Dirk M. Sandefur, filed a motion to dismiss without prejudice the charges against Hustwaite, saying:

The grounds for this motion are that the interests of justice require dismissal because, although probable cause existed to charge the defendant, under the circumstances, serious doubt has arisen as to whether sufficient *admissible* evidence is available to convict the defendant beyond a reasonable doubt. . . . as the result of: (a) the exclusion of a number of State's witnesses, pursuant to M. R. Evid. 404(b); (b) the controversial scientific validity of repressed/recovered memories; (c) the controversial circumstances under which the adult victims were able to recollect their memories of the charged incidents; (d) the lack of significant physical evidence; and (e) the apparent intentional destruction of possibly exculpatory evidence by a third party mental health profes-

sional who was attending one of the victims in this case.

Negotiations continued concerning the attorney fees. Then on January 10, 1995, the prosecution and the defense filed a joint motion to enter dismissal with prejudice, meaning that charges could not be refiled. The dispute regarding the attorney fees was dropped.

What follows is Section V and the conclusion of the motion to dismiss charges against Hustwaite. This excerpt appears unedited.

—The Editors

The Interests of Justice Are Best Served by Dismissal of This Matter.

The Court has the absolute authority to dismiss an Information in the interest of justice, M.C.A. §46-13-401(1).

The development of this case and what has transpired with the various witnesses will demonstrate that this case should be dismissed in the interest of justice.

Witness Mary Jo Porter commenced therapy at Bellview Community Services in Bellview, Washington, on October 29, 1990. The EAP intake and session note reveals that she went there for "survivor issues". (See Exhibit No. 6)

The notes of that session reveal "in fifth-eight grade went home and cried every day principal/teacher was very abusive, verbally-mean. Charges now brought against this man by another woman who was sexually abused. *The want me to testify but I can't remember.*" (emphasis added)

On December 5, 1990, the therapy note from Bellview Com-

munity Hospital shows that Mary Jo Porter was again asked to testify "but has no memory."

The therapy note for February 11, 1991, reveals "court case - lawyer feels like M.J. should sue the conference. Other girl won 1.4 million from conference. Settled out of court. Lawyer says she has to do it soon before statute of limitations runs out."

This lawyer is Roberta Riley.

The EAP intake and session note for that day, February 11, 1991, show that *guided imagery* was used. The therapy note for February 20, 1991, shows the following: "Did *visualization* with Mary Jo going back to classroom. Remembered feelings - outfit - getting ready to go to school. Could not recall any physical or sexual abuse of her by Hustwaite."

Mary Jo Porter's attorney was Roberta Riley and Roberta Riley was also the attorney for the "girl" who won 1.4 million dollars.

What these notes emphasize is that Mary Jo Porter (1) had no memories of any physical or sexual abuse by Russell Hustwaite, (2) was asked to testify even though she had no memories, (3) Roberta Riley wanted to file suit on her behalf against the church, as well as against Russell Hustwaite even though she *had not recognized her memories*.

Mary Jo Porter then went to therapist Mary Ann Thompson beginning on July 25, 1991, and the first therapy note shows: "Seeking counselling *because she believes* sexually molested as a child." (Emphasis added) She attended one more session August 29, 1991, "Mary Jo stated she thought her attorney would refer her to a different therapist." (See Exhibit No. 17)

She then commenced counselling on February 19, 1992, with Nancy Logan where she suddenly has memories of Russell Hustwaite. On the therapy note of March 10,

1992, is this quotation: "I am afraid that I will remember that my father sexually abused me. I can't do that right now." In the therapy session of March 31, 1992, attorney Roberta Riley was present and a note reads, "Memories began in bits and pieces for 8-9 months, cogent memories very recently 2-3 months until date of police report." (See Exhibit No. 18)

The above narrative shows the danger of this type of therapy. Not only did Porter have no memories of Russell Hustwaite until beginning therapy, she also never had any memories of her father until she entered this type of therapy.

In this particular case, the therapists have caused people to imagine themselves being raped and then to believe thereafter that they, indeed, were raped when, in fact, they weren't.

Based upon the above mentioned therapy disclosures, Roberta Riley sued the Seventh Day Adventist Church and Russell Hustwaite.

On August 21, 1992, Roberta Riley sent a letter to Mr. John Spencer Stewart concerning the impending lawsuit to be brought by Mary Joe Porter. On P. 2 at the bottom is found, "Mary Joe Porter repressed all memory of these traumatic childhood events until quite recently. As you know, it is common for victims of childhood sexual abuse to suffer memory repression." Washington law expressly recognizes the repression phenomenon and accords sex abuse victims a three (3) year delayed discovery statute of limitations. RCW 4.16.340 (See Exhibit No. 19)

At that point, Mary Jo Porter was still in the process of recovering her memories.

On August 24, 1994, the undersigned and his investigator, Creed Evans, met with Chief Deputy County Attorney Michael L. Fanning concerning discovery matters. At that time, Fanning stated he

couldn't understand why the Defense Counsel was claiming that Mary Jo Porter's memories were repressed. He stated unequivocally that in his speaking with Mary Jo Porter she claimed to have always remembered the alleged abuse.

On October 7, 1994, the undersigned along with his investigator, Creed Evans, and attorney, Rob Rosche, of Bullivant, Houser, Bailey, Pendergrass & Hoffman, who was Russell Hustwaite's attorney at the time of the previous civil settlement interviewed Mary Jo Porter with her Attorney, Roberta Riley. Mary Jo Porter's case was settled without the knowledge or consent of Russell Hustwaite or his attorneys at Bullivant Houser. During the interview of Mary Jo Porter, Roberta Riley specifically stated *that this was not a repressed memory case*. Both she and Mary Jo Porter claimed at that interview that Porter had always remembered the abuse.

As a result of that admission, Bullivant Houser is in the process of informing their client of the possibility that there was insurance fraud.

The statements in the above mentioned interview also quite vividly demonstrate that the alleged victims in the present case and their legal representatives will do whatever suits their best interest at the time. Porter and her attorney have already received \$710,000 after claiming repressed memories. Now, they are attempting to bolster the State's case by claiming that Porter's memories were never repressed.

This is fraud upon this Court. Yet, the Cascade County Attorney's Office intends on using this type of perjured evidence against Russell Hustwaite.

Paula PfiEFFle is another individual who settled with the Seventh Day Adventist Church. She received 1.4 million dollars. Roberta Riley saw to it that PfiEFFle appear on the program "America Behind Closed Doors," a program about Russell

Hustwaite and the alleged sexual accusations in the state of Washington which was broadcast in Great Falls, Montana, on August 6, 1992.

Mary Doe, a sister of Jane Doe, was interviewed by Deputy Dalke of the Cascade County's Sheriff's Department on June 5, 1993. During the course of that interview, she indicated that she and Sally Roe watched America Behind Closed Doors. At the end of that show they called Roberta Riley who had appeared on the show. Mary Doe indicates that Sally Roe talked with Roberta Riley about being sexually abused.

On September 15, 1992, Sally Roe saw Monte Kuka, Ph.D. Sally Roe indicated to Kuka that she had been referred to Roberta Riley. Sally Roe stated, "I have blacked four years of my life and would like to have those years back into my memory." (See Exhibit No. 5) Thus, Roberta Riley sent Sally Roe to a psychologist in order to recover her memories.

On September 15, 1992, Sally Roe informed Dr. Kuka: ". . . approximately a month ago she had watched a Patty Duke Program on television and there had been an episode where a girl was molested by a teacher on one of the programs." This program apparently brought back memories of being sexually molested by a teacher at the church school that Sally Roe had attended. Yet, when Deputy Dalke interviewed her on June 28, 1993, and asked her whether or not she had been abused by Russell Hustwaite she stated that she could not remember what had or had not happened to her.

This directly conflicts with her statements to Dr. Kuka nine months earlier.

Roberta Riley had contact with Barbara Iverson here in Great Falls and began shipping documents to her. This commenced in approximately May of 1992 per a report by

Cascade County Deputy Sheriff Dalke on May 26, 1993, and evidenced by the attached letter dated May, 1992. This letter clearly shows that Roberta Riley poisoned the community and caused the present hysteria. Barbara Iverson disseminated that information to others within the Seventh Day Adventist Church including the Doe family.

Barbara Iverson also video taped the program "America Behind Closed Doors" and presented the same to the Cascade County Sheriff's Department.

Jane Doe began therapy with Suzy Saltiel, a therapist in Bozeman, Montana, in October of 1989. On the note of December 19, 1990, Suzy Saltiel writes about Jane Doe, "I suspect sexual abuse of some sort at the bottom, just with so many of Jane Doe's behaviors. I expect either a family member or possibly an old church teacher, who has been in the news lately accused of some sex abuse." (See Exhibit No. 20) Importantly, here is an example of the first therapist beginning to . . . plant the seed of the "memory" that Russell Hustwaite abused her. She also suspects that it may have been a family member.

Suzy Saltiel's note of January 17, 1991, states:

Jane Doe is able to recognize the man in Texas did molest her. I am much more concerned with the church school teacher. Jane Doe does not want to talk about him, and she is somewhat defensive about him. We had an intensive discussion with me doing quite a bit of confronting. Jane Doe recalls this man wanting her to sit on his lap, caressing her legs and some other 'accidental touching' of her breasts. There is a lot more to this situation that she is not ready to deal with yet. I pushed her to remember as much as she could handle for now.

This graphically shows how ideas are "planted."

Jane Doe was hospitalized at St. Patrick's Hospital in Missoula early February, 1993, for an attempted suicide. In the discharge summary dated April 6, 1993, and signed by L. K. Martin, M.D., he states that he had a discussion with Candace Crosby, Jane Doe's therapist, and goes on to say, "Apparently a teacher of hers in Great Falls had been charged with abuse of a number of young children and *it was thought that Jane Doe be among the victims.*"

Candace Crosby then had Jane Doe write a letter on March 5, 1993, to Mr. Perry Parks, President of Montana Conference [of] Seventh Day Adventist[s] concerning alleged sexual touching by Pastor Jenson. (See Exhibit No. 21)

Candace Crosby then had Jane Doe go to Rogers Memorial Hospital to "recover her memories". At Rogers Memorial Hospital, Jane Doe purportedly "recovers" her memories of being molested by Russell Hustwaite on April 16, 1993. While at Rogers Memorial Hospital on the 25th day of April, 1993, she calls her father, John Doe, who affirms her by reading to her from information that he had concerning Russell Hustwaite. (See Exhibit No. 22) On the 28th day of April, 1993, she tells staff at Rogers Memorial Hospital.

Upon leaving Rogers Memorial Hospital, Jane Doe immediately began the process of instituting criminal charges against Russell Hustwaite as well as civil charges. She was discharged on May 5, 1993, and was in the Cascade County Sheriff's Department on May 24, 1993.

Jane Doe did not sue the friend's uncle in Texas that allegedly raped her. Jane Doe did not sue Pastor Jenson for alleged inappropriate sexual touching. *Jane Doe went into therapy specifically to recover*

memories of Russell Hustwaite. The reason that everybody wanted her to recover memories of Russell Hustwaite was so that she could sue the Seventh Day Adventist Church which had a history of settling cases for extraordinary amounts without ever contacting Russell Hustwaite.

This entire case is fraudulent. As indicated earlier, Jane Doe is a virgin. Jane Doe has never been raped. She has been induced through hypnotherapy to believe that she was raped. Sally Roe, likewise, had no memories... but is now working with Roberta Riley to sue the Seventh Day Adventist Church.

In the interest of justice this case should be dismissed with prejudice. To put the Defendant Russell Hustwaite through a criminal trial based upon the scenario outlined above is fundamentally unfair.

In addition to the foregoing, there are further grounds as noted in the Motion to Dismiss and in the Briefs in Opposition to Quash Discovery which, taken together form the basis collectively to dismiss this case in the interest of justice:

(1) This is a case of repressed memory and there is no scientific basis or validity to allow this type of evidence in a criminal case.

(2) The forms of therapy that were used in this case were trance inducing and therefore a form of hypnosis which should not be permitted.

(3) The only evidence against Russell Hustwaite are the statements of Jane Doe, Sally Roe and Mary Jo Porter, all of which were induced through therapy. None of them had any independent recollection of any of these events.

(4) This is a case of selective prosecution where Jane Doe is a sexual molester but because she is a woman the County Attorney will not prosecute her, yet will seek to

prosecute a man, Russell Hustwaite.

(5) Prosecutorial misconduct as noted earlier.

Conclusion

This case should be dismissed with prejudice. There are multiple grounds upon which to dismiss this case, any one acting alone should be sufficient.

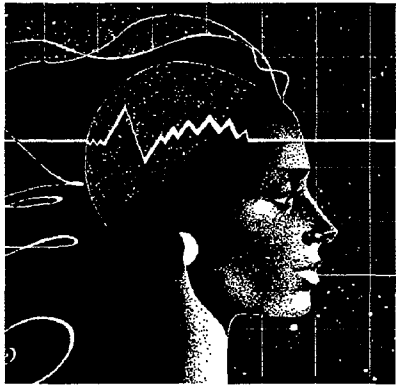
There is no scientific basis for the theory of repressed memory. Repressed memory is merely fantasy that has been induced by therapy and social influence. Likewise, the type of therapy involved in this case involves guided imagery, visualization, regression, and relaxation therapy, all of which are forms of hypnotherapy. The testimony of the "alleged" victims is based on this form of hypnosis and should not be permitted.

The State is selectively prosecuting Russell Hustwaite based upon his sex. The charges are based upon confabulated memories with no physical evidence. Yet, the State refuses to investigate and/or prosecute Jane Doe when she has declared against her penal interest that she is *in fact* a child molester.

There is prosecutorial misconduct which is further grounds for dismissal.

Finally, this case should be dismissed in the interest of justice. In addition to the foregoing grounds, there is also the underlying facts of this case. There are a number of zealots who have relentlessly presumed Russell Hustwaite guilty. The facts set forth in this Brief in Support of Motion to Dismiss and the accompanying exhibits demonstrate the tactics involved.

For the foregoing reasons the Court should not allow the State to go forward. Justice requires that this case be dismissed with prejudice.



The Revenge Of the Repressed

Repressed (or recovered) memories—a medical condition, or a fading sociopolitical movement?

Throughout the past decade or so, a shock wave has been sweeping across North American psychotherapy, and in the process causing major repercussions within our families, courts, and hospitals. A single diagnosis for miscellaneous complaints—that of unconsciously repressed sexual abuse in childhood—has grown in this brief span from virtual nonexistence to epidemic frequency. As Mark Pendergrast shows in *Victims of Memory*, if we put together the number of licensed American psychotherapists (roughly 255,000) with survey results about their beliefs and practices, it appears that well over 50,000 of them are now willing to help their clients realize that they must have endured early molestation. Those professionals

Frederick Crews' most recent book is The Critics Bear It Away: American Fiction and the Academy. His long essay, "The Unknown Freud" appeared in the November 18, 1993, issue of The New York Review of Books. This essay, the first of a two-part series, appeared in the November 17, 1994, issue, and is reprinted with permission from The New York Review of Books. Copyright © 1994 Nyrev, Inc.

have been joined by countless untrained operators who use the yellow pages and flea market ads to solicit "incest work." It is hard to form even a rough idea of the number of persuaded clients, because most of them take no publicly recorded action against the accused, but a conservative guess would be a million persons since 1988 alone. The number *affected* is of course vastly higher, since, as all parties acknowledge, virtually every case sows dissension and sorrow throughout a family.

When one explanation for mental distress rockets to prominence so quickly, we ought to ask whether we are looking at a medical breakthrough or a fad. However, the choice between those alternatives is not always simple. As its main proponents insist, "recovered memory" is by now not just a diagnosis but a formidable sociopolitical movement. In the words of one of that movement's founders, the Harvard psychiatrist Judith Lewis Herman,

The study of trauma in sexual and domestic life becomes legitimate only in a context that chal-

lenges the subordination of women and children. Advances in the field occur only when they are supported by a political movement powerful enough to legitimate an alliance between investigators and patients and to counteract the ordinary social processes of silencing and denial.

The larger movement in question is, of course, women's liberation, including what Herman calls "a collective feminist project of reinventing the basic concepts of normal development and abnormal psychology . . ."¹

However uneasy one may feel about an ideologically driven "re-invention" of scientific notions, it is possible that the feminist critique of received psychological lore is substantially right. Feminists were certainly warranted, in the 1970s and 1980s, in declaring that the sexual abuse of children was being scandalously underreported. If they now go on to claim that untold millions of victims, mostly female, have *forgotten* what was done to them, their claim cannot be discredited by the mere fact that it sprang from an activist commitment. Obviously, it needs to be

assessed on independent grounds.

Yet such grounds are hard to come by. How can one count authentic cases of repressed memory when the very concept of repression stands in doubt? And what, for that matter, do the champions of recovered memory mean by repression? It is fruitless to press them very hard on this point, since most of them show an impatience with or outright ignorance of conceptual subtleties. Thus in the movement's most influential document, *The Courage to Heal*, first published in 1988, Ellen Bass and Laura Davis proclaim that "none of what is presented here is based on psychological theories." Instead, Bass and Davis appeal directly to "the experiences of survivors"—who, however, may or may not *be* survivors of abuse, depending on whether they have actually learned the previously repressed truth or succumbed to therapeutically induced delusion.

Although it is no secret that the idea of repression derives from Sigmund Freud, few of the movement's practitioners have actually studied his texts. Consequently, they are unrestrained by certain ambiguities and outright contradictions implicit in the Freudian theory of repression.² Freud's uncertainty, for example, whether *events* or *fantasies* make up the typical content of the repressed gets resolved in favor of events; as Herman puts it in the opening sentence of *Trauma and Recovery*, "the ordinary response to atrocities is to banish them from consciousness." Again, whereas Freud confusingly treated repression as both a conscious and an unconscious mechanism, his activist successors think of it as strictly unconscious—so much so, indeed, that they can routinely regard a young incest victim as leading two parallel but wholly independent

lives, one in the warm daylight of normal family affection and the other in continually repressed horror. And while Freud only occasionally portrayed the undoing of repression as yielding undisguised, accurate information about a patient's early past, contemporary "retrievers" entertain no doubts on the point; with the right coaxing, their patients can allegedly reproduce the exact details of their long-repressed traumas.

By today, recovered memory has enlisted the enthusiasm of many psychotherapists who lack the explicit feminist agenda of Herman, Bass and Davis, and other advocates whose views we will examine later. But all parties do share the core tenet of repression—namely, that the mind can shield itself from ugly experiences, thoughts, or feelings by relegating them to a special "timeless" region where they indefinitely retain a symptom producing virulence. Clinical experience, the therapists agree, has proven the cogency of this tenet in numberless successfully resolved cases.

But has it, really? When arbitrary assumptions leak into "clinical experience," confirming results can be pumped out as easily as bilge water. That is why research psychologists would insist that the concept of repression be required to pass tests in which variables are controlled and rival explanations for the gathered data are ruled out. Yet while psychoanalytic loyalists have repeatedly attempted to conduct just such experiments, their positive results have at best shown a compatibility with repression, not a demonstration of its existence. As David S. Holmes recently concluded after reviewing a sixty-year history of such efforts, "there is no controlled laboratory evidence supporting the concept of repression."³

Of course, repression cannot be experimentally disproved, either. Since the concept entails no agreed-upon behavioral markers, we are free to posit its operation whenever we please—just as we are free to invoke orgone energy or chakras or the life force. Indeed, as Elizabeth Loftus and Katherine Ketcham remark in their lively new book, *The Myth of Repressed Memory*,⁴ belief in repression has the same standing as belief in God. The idea may be true, but it is consistent with too many eventualities to be falsifiable—that is, amenable to scientific assessment.

It is possible, however, to mount experimental challenges to corollary tenets that are crucial to recovered memory therapy. That is just what Loftus, a highly regarded researcher and a professor of psychology at the University of Washington, has done in her own experimental work—and that is also why she has been pilloried by the recovery movement as an enemy to incest survivors. *The Myth of Repressed Memory* recounts some of that vilification and tries to head off more of it by taking a conciliatory tone wherever possible. But there is simply nothing to negotiate over. The burden of Loftus's argument is that memory does not function in anything like the way that the recovery movement presupposes.

Loftus offers no encouragement to the retrievers' notion that "videotaped" records of events are stored in a special part of the brain and then suddenly yielded up to near-perfect recall. Empirical science, she reports, has established that memory is inherently sketchy, reconstructive, and unlocalizable. Whether pleasant or unpleasant, it decays drastically over time, though less so if the experience in question gets periodically "rehearsed"—just the opposite of what the retrievers' theory would predict. Furthermore,

memory is easily corrupted, if not with an experimenter's deliberate intervention or a therapist's unwitting one, then with a normal "retrospective bias" that accommodates one's sense of the past to one's present values. Flashbacks to an early age, then, are highly unreliable sources of information about any event. All in all, Loftus finds no basis for thinking that repression, as opposed to a gradual avoidance and atrophy of painful recollections, has figured in a single molestation case to date.

Once we have recognized that a memory can disappear because of factors other than repression, even the best anecdotal evidence for that mechanism loses its punch. Consider, for example, the closely watched case of Ross Cheit, a Brown University professor who has recently proved beyond question that his suddenly recalled 1968 molestation by a music camp administrator was real.⁵ But had that abuse been repressed in the first place? In a phone conversation with me on September 7, 1994, Cheit declared that while he takes no position on the existence of repression, he is inclined to doubt that he abruptly and completely consigned his experience to oblivion. A more likely account is that the adult Cheit *refocused* his faded but unrepressed experiences after he had read a book about pedophilia (as he did) and became morally exercised about it. While this, too, is guesswork, the fact that it can't be ruled out renders Cheit's case useless as a demonstration.

Useless, that is, from the standpoint of logic. For another purpose, that of inducing popular belief in the theory of repression, anecdotes can be powerfully effective. The very idea of repression and its unraveling is an embryonic romance about a hidden mystery, an arduous journey, and a gratifyingly neat denouement that can ascribe our

otherwise drab shortcomings and pains to deep necessity. When that romance is fleshed out by a gifted storyteller who also bears impressive credentials as an expert on the mind, most readers in our culture will be disinclined to put up intellectual resistance.

One such narrator, of course, was Freud, whose shifting views about the content of the repressed will prove pivotal to an understanding of the recovery movement's intellectual ancestry. But Freud's stories purportedly explaining tics, obsessions, and inhibitions among the turn-of-the-century Austrian bourgeoisie are beginning to seem not just remote but eccentric. Not so the case histories recounted by the memory retrievers' most distinguished and fluent ally, Lenore Terr, who is not only a practicing therapist but also a professor of psychiatry at the University of California at San Francisco. Terr's deftly written book *Unchained Memories: True Stories of Traumatic Memories, Lost and Found*, has already been welcomed

Although the idea of repression derives from Freud, few of the movement's practitioners have actually studied his texts. Consequently, they are unrestrained by ambiguities and contradictions implicit in the Freudian theory of repression.

both by the Book-of-the-Month Club and by early reviewers who perceived it as a balanced and learned brief for repression.

The publication of *Unchained Memories* has been especially cheering to recovery advocates because Terr is not afraid to challenge their *bête noire*, Elizabeth Loftus. "[P]sychological experiments on university students," Terr writes, taking dead aim at Loftus's work,

do not duplicate in any way the clinician's observations. What comes from the memory lab does not apply well to the perceptions, storage, and retrieval of such things as childhood murders, rapes, or kidnappings. Trauma sets up new rules for memory.

From Loftus's vantage, of course, such a passage begs the question of how these new rules are to be validated without succumbing to the notorious circularity of "clinical experience." Isn't Terr simply handing herself a conceptual blank check? Nevertheless, she scores a strong rhetorical point with her animadversion against hothouse science. If Terr is right about the special character of real-world trauma, we may have to fall back on sheer stories after all.

The Lipsker Case: Dad As Murderer In Redwood, Calif.

Among Terr's own stories, none carries more weight than the George Franklin/Eileen Lipsker case, which occupies the first two chapters of her book. The case, in which Terr herself served as an expert witness "to explain," as she says, "repression" and "the return of the repressed," came to national attention in 1989 with newspaper and television reports of Eileen Franklin

Lipsker's long-buried but amazingly lucid recollection of the way her father, in her terrified presence in 1969, had raped her eight-year-old best friend in the back of his Volkswagen bus and then shattered the girl's skull with a rock and covered the body on a wooded hillside south of San Francisco. In Terr's rendering, this story has about it a ring of unanswerable truth, backed up by the soberest of corroborators, a jury in a murder trial.

But Terr's account is not the only one available. It was preceded by Harry N. MacLean's scrupulous booklength retelling of the murder story, *Once Upon a Time*, and now it has been scrutinized by MacLean himself, by Elizabeth Loftus and Katherine Ketcham in *The Myth of Repressed Memory*, and by Richard Ofshe, professor of sociology at the University of California, Berkeley, and Ethan Watters in an even more trenchant new book, *Making Monsters*.⁶ In view of their findings, the Franklin matter may come to serve as a very different object lesson from the one that Terr intended. If so, a man's freedom hangs in the balance—not a good man, surely, but a man who may have been wrongly convicted.

During the 1990 murder trial in Redwood City, California, it turned out that no concrete evidence implicated Franklin in Susan Nason's death. On the contrary, Franklin's junked van from 1969, located and microscopically studied by police investigators, bore no trace of the twenty-year-old crime. Until a recollection on the part of Eileen's vindictive sister Janice was conveniently revised under therapy, Franklin had a solid alibi for his whereabouts at the time of the abduction. The jury, however, determined with little difficulty that Eileen Lipsker's recovered memory too closely matched the known facts of the unsolved murder to be

considered specious. As a result, Franklin is now serving a life sentence in state prison, and the theory of recovered memory has acquired an imposing trophy.

Lenore Terr appears to have assumed from the outset that Franklin was guilty as charged, and she was eager to make herself useful to the prosecution. Awkwardly, however, her research interest in actual cases of repressed memory was quite new; it seems to have postdated the writing of her 1990 book, *Too Scared to Cry*, which contains no index entry for "repression" and which reports on cases of continuously remembered rather than forgotten trauma.⁷ Terr's expertise on sudden recall, moreover, dated from her first interview with Eileen Lipsker herself—and was then swelled by a flood of highly dubious anecdotes about other women's therapeutically prompted visions of incest. But Terr is a thoroughly trained Freudian, and as such she felt qualified, after all, to offer the Franklin jury what she calls "an education" in the reality of re-

Tests have shown conclusively, Loftus told the court, not only that memory fades with time but that it readily incorporates "post-event information" (whether true or false) that becomes indistinguishable from the actual event.

pressed memory and its retrieval. Coordinating strategy with the prosecutor and tailoring her testimony, as she now relates, to the job of rendering Eileen Lipsker a wholly credible witness, Terr exceeded the expectations of her temporary employers.

Of course, Terr testified, an expert such as herself can verify the authenticity of a recovered memory through careful interpretation of the subject's symptoms. In some cases, she continued, the expert can even reliably infer the nature of an *unknown* trauma. Indeed, she herself had recently done exactly that, deducing from Stephen King's novels and films the certain knowledge that in his childhood King had watched a playmate die under the wheels of a railroad train.

As Terr now recounts, she mentioned that feat of detection in order to create a helpful analogy in the jurors' minds.⁸ She hoped they would see that, like Stephen King in his violence-ridden fiction, Eileen Franklin, for five years after the murder, had symptomatically acted out the awful scene that she had observed but almost immediately repressed. According to prosecutors, between the ages of nine and fourteen Eileen had continually pulled out all the hair from one segment of her crown, leaving what Terr calls "a big, bleeding bald spot." That spot uncannily corresponded to the part of Susan Nason's head that had allegedly been smashed by George Franklin. Eileen, then, had apparently turned herself into a living hieroglyph of a crime that Terr could have inferred all by herself, simply by translating the language of Eileen's symptomatic behavior into its mnemonic source within her repressed unconscious.

In an ordinary trial, caught up in claims and counterclaims about the purport of submitted evidence,

the mesmerizing quality of Terr's self-depiction as a Freudian Sherlock Holmes could scarcely have assumed much importance. But this was no ordinary trial. Factually impoverished, it came down to little more than a twelve-person referendum on the photographic return of the repressed. According to the later word of several jurors, and to Terr's great present satisfaction, her testimony was decisive in obtaining George Franklin's conviction.

What most impressed both Terr and the jury about Eileen Lipsker's recovered memory was its extraordinary vividness and precision. The brands of beer and cigarettes consumed by George Franklin at the murder scene; Susan Nason's raising her right hand to ward off the fatal blow; the glint of the sun in her clear blue eyes as George brought the rock down on her head; "a crushed, stoneless, silver child's ring" on the now lifeless hand—all of these details and more were as fresh to Eileen in 1989, Terr

says, as they had allegedly been twenty years before. How, then, could they not be authentic and conclusively damning?

One answer to that question was provided at the trial by none other than Elizabeth Loftus herself, an expert witness on the other side. Tests on thousands of subjects have shown conclusively, Loftus told the court, not only that memory always fades with the passage of time but that it readily incorporates "post-event information" (whether true or false) that becomes indistinguishable from the actual event. Those two facts together suggest that the sharpness of Eileen Lipsker's "memory" must have been caused by *recent* images—and, as we will see, there was no shortage of such potential contaminants at hand.⁹ With coaching from Terr, however, the prosecution was ready to remove the sting from Loftus's reported findings. Did any of her experiments, she was asked in cross-examination, deal with memories that were two decades

old? Wasn't it the case that her experimentally induced distortions of memory affected only some details and not loss of the brute fact that an event had occurred? And had she ever studied a repressed memory? No, she hadn't, for two excellent reasons: she wasn't sure that such memories exist, and even if they do, she couldn't imagine how one could get at them for controlled study.

Regrettably, however, this answer occurred to Loftus after she had left the stand. What she replied instead was that post-event information would probably corrupt a repressed memory in just the way that it assuredly corrupts a non-repressed one. The concept of repression was thus left unchallenged, and the befuddled jury had no recourse but to side with the rival expert witness—the one who boasted intimacy with the dark and subtle workings of the unconscious.

But Lenore Terr first needed to tiptoe across a theoretical

Adventist Leaders Confront Sexual Misconduct

Risk Management Services is not the only part of the church wrestling with sexual misconduct. That one of the six breakout groups at the 1995 General Conference Session was devoted to "Abuse and Family Violence" is only the most notable evidence that the Seventh-day Adventist Church is taking the problem seriously.

The document prepared for that breakout group notes that the largest local conference in the United States, Southeastern California, conducted a scientifically controlled survey just last year. The 1994 survey shows that 40 percent of those randomly sampled had personally experienced physical or emotional abuse in their homes before age 18, and that more than 25 percent were currently living in a home in which abuse occurs. The study document goes on to recommend that the world church develop a code of ethics for denominational employees regarded sexual misconduct.

Actually, the North American Division is completing an 11 page section on "Sexual Misconduct in Church Relationships Involving Denominational Employees and Volunteers," to be approved and added this year to the division working policy. North America will be the first division to do so, although it is anticipated that other divisions will draft their own versions. A pamphlet outlining how these provisions of the working policy can be invoked will be available this autumn from the division's Office of Human Relations, headed by Dr. Rosa T. Banks.

Other parts of the church have also addressed the issue of sexual misconduct. The *Adventist Review* (Sept. 2, 1993, Vol. 17, No. 35) published a special cluster of articles, edited by Kit Watts, entitled "Understanding Abuse." The Family Ministries Department of the General Conference, headed by Karen and Ronald Flowers, has held seminars worldwide on the subject. In February, the department convened an interdivisional and interdepartmental Task Force on Abuse and Domestic Violence; it met for two days at General Conference headquarters.

—The Editors

minefield of her own. Her studios of children who had lived through the notorious Chowchilla bus kidnapping and the *Challenger* explosion had shown unambiguously that such experiences do not get repressed. Why, then, should the jury believe that Eileen Lipsker had repressed her harrowing ordeal? Just in time for the trial, but too late for prior publication, Terr came up with a face-saving theory.¹⁰ True, she granted, one-time trauma victims always remember the event, but victims of multiple trauma like Eileen Lipsker, whose father had been a bullying drunk and a sexual abuser of two of his other daughters, turn repression into a daily routine. By the time of the murder, according to Terr, Eileen had become an old hand at stuffing bad memories into the mental freezer.

Terr's brainstorm was remarkable in several respects. For one thing, it overlooked the fact, later acknowledged in *Unchained Memories*, that Eileen had always remembered her father's violence around the house. Second, it contradicted universal human experience of protracted duress. Has anyone past the age of, say, six who has survived racial persecution, a famine, a bombing campaign, or a brutal enemy occupation ever forgotten that it occurred? Terr had evidently confused the normal fading of *individual instances* of repeated, patterned mistreatment with willed unawareness of that mistreatment. And third, Terr was refusing to grant any distinction in memorability between George Franklin's usual brutality and the witnessed rape and murder of Eileen's best girlhood friend.

Beyond the already mentioned dubieties in Terr's version of the Franklin case lie a good number of others emphasized by MacLean, Loftus, and Ketcham, and Ofshe and Watters, and more briefly by Mark Pendergrast as well. The car-

dinal point is that Eileen Lipsker's certainty that she had attended the murder of Susan Nason did not overwhelm her in a single unprompted flash on what Terr calls "a quiet winter afternoon in 1989." That was the least plausible of five distinct stories that Lipsker kept changing to forestall objections. As the trial record shows, Lipsker, whom Terr characterizes as having known "nothing at all" about repression, had already been consulting two therapists who were helping her probe her childhood "memories" and her conscious, long-standing suspicions about the murder. Both practitioners employed the theory of repression and had discussed it with her. Moreover, Eileen was aided in producing increasingly bizarre visions of George Franklin committing another murder—this one not just unsolved but completely unknown to police or anyone else—with herself as a witness and of his raping or otherwise sexually abusing her, sometimes in the presence of oblivious family members, from the ages of three through fourteen. She even came to believe that George had physically assisted her godfather in raping her. Incredibly, though, none of these barbarities had left a glint of longterm memory in her conscious mind.

Terr omits any mention of George's second "murder" committed in Eileen's presence, but she does cite the equally implausible memories of incest scenes. In doing so, however, she offers no clue that all this knowledge emanated from a regimen of therapeutic dowsing and that some of it *preceded* the original murder flashback. This latter fact is important because Eileen's newly formed belief that she had spent her childhood being molested provided her with an extra motive for wanting to see George imprisoned. Terr as author is no more interested in

dwelling on such motives than the prosecution was. She uses Eileen's sexual "memories" only in the partisan and highly effective way that they were used in the trial, to establish that a beast like George was just the sort of person who could have raped Susan Nason and then bludgeoned her to death.

The fact that memory therapy lay at the very heart of the Franklin case was manifested in little-noted testimony from one of Eileen's therapists, Kirk Barrett. According to Barrett, as Ofshe and Watters report,

Eileen's memories "developed" over the course of the therapy sessions and often during the encounter itself. With the relaxation exercises and the free-association techniques, these memories often became more detailed during their hour-and-a-half meetings. . . .

Barrett remembers that from June [1989], when she initially visualized the first element of what was to become the crime scene, through July, Eileen worked both in and out of the sessions trying to sort out the meaning of her feelings, visualizations, and memories. He assured Eileen at the time that it "wasn't important . . . whether her visualizations were real or not," and that they could "sort that out later." In and out of therapy the details slowly cohered into a narrative. One day she came in and reported to Barrett that she had seen a flash image of someone hitting Susan with a rock—but *that she couldn't make out who the person was*. According to Barrett it was several sessions later, in a highly emotional moment, that Eileen revealed that she was finally able to see the face of the man who killed [Susan]. It was her father's.

Eileen Lipsker originally told her brother that the murder scene had revealed itself to her *in hypnosis*

during her therapy. Later, she told a sister that she had *dreamed* the crucial knowledge—an equally suggestive fact, since recovered memory therapy often employs either hypnosis or dream analysis or both. Lenore Terr wants us to regard these statements as forgivable “lies” and to put our trust in the more enchanting image of Eileen’s single flashback to the murder scene. It makes a good deal more sense to suppose that Eileen only belatedly learned that evidence from hypnosis had recently been deemed inadmissible in California courts.

Kirk Barrett’s neglected testimony does exculpate Eileen Lipsker in one respect: she had sincerely come to believe that her father was the murderer. Once committed to having him put away, however, she allowed her “memories” to evolve as expediency required picking up new details and dropping others as newspaper reports disclosed the content of old police records. As Ofshe and Watters remark, virtually the only correct details in her original report were “that Susan had been killed with a rock and that her ring had been crushed—facts that she had told Barrett she had known all her life.”¹¹

There remains, however, the one striking detail that captivated both the jurors and, I am sure, the early readers of Terr’s book: the bleeding bald spot that was said to have marred Eileen Franklin’s pate for five straight years after the murder. Quite simply, it turns out to be a figment of Eileen’s adult imagination. As Ofshe and Watters discovered, more than forty photographs of her in the relevant period—potential exhibits that the prosecution wrongly withheld from the defense—show no trace of missing hair. Eileen’s mother, Leah, who has changed her mind about George’s guilt after finding the narrative in *Unchained Memories* so erroneous, has told Ofshe and Watters that she couldn’t have failed to notice any such disfiguration if it had occurred even once. An older and a younger sister have also refuted this claim. If, as Terr believes, every symptom tells a story, in this instance the story is a fairy tale.

Once understood in its true lineaments, the Franklin/Lipsker matter turns out to be highly typical of other recovered memory cases. There is, in the first place, the eerily dreamlike quality of the

“memories” themselves whose floating perspective, blow-up details, and motivational anomalies point to the contribution of fantasy. There is the therapist’s reckless encouragement of the client to indulge her visions and worry “later”—usually never—whether or not they are true along with his “supportive” absence of concern to check the emerging allegations against available knowledge. There is the interpretation of the “survivor’s” moral frailties as further evidence that she is a “trauma victim.”¹² There is also, we can infer, the therapist’s false promise that excavation of the repressed past will lead to psychic mending instead of to the actual, nearly inevitable, result—disorientation, panic, vengefulness, and the severing of family ties. And there is the flouting or overlooking of what is scientifically known about memory, leaving the field free for dubious theories exfoliating from the original dogma of repression.

One remaining feature of the Lipsker case turns out to be reproduced in nearly every controversy over therapeutically assisted recall. The Franklin jury members, like many people who must weigh the credibility of “survivors,” felt that they had to accept Eileen’s story because she stood to gain nothing and lose everything by accusing her own father of murder. Of course, that was an oversimplification; Eileen felt that the pedophile George was a threat to her own child, and besides, as many observers perceived, she had a distinct taste for fame.¹³ In a deeper sense, however, the jury was right: Eileen had opened a Pandora’s box of bitterness and recrimination that will probably trouble her for the rest of her life. Nevertheless, the cardinal point about all this self-destructiveness went completely unnoticed. Eileen Lipsker did not *decide* to send her mind



into a tailspin after making rational calculations about the opposing claims of justice and filial loyalty; she was progressively *encouraged* to do so by therapists who believed that full psychic health must wait upon a vomiting up of the repressed past.

Disastrously missed at the trial, this cardinal fact slipped away once again on a subsequent Faith Daniels talk show where, for the first time, Eileen Lipsker and Elizabeth Loftus sat down together. "Why would you want to suffer if you didn't have to?" asked one member of the audience who, like nearly all the others, believed Eileen's story and considered Loftus a heartless crank. "Why would you want to put yourself through it? There's no logic behind it." As Loftus now tells us in her book, she smiled stoically as the audience continued to berate her and rally to Lipsker's cause. And then the program was over.

Reading about this episode, one experiences an extreme frustration. Couldn't Loftus have pointed out that other parties besides Eileen had "put her through it"? That, however, was four years ago, when no one yet had an explanatory handle on the burgeoning plague that still besieges us. Now at last, thanks to the inquiries of Loftus and others, it is starting to make an eerie kind of sense.

The Ingram Family Case: Satanic Rituals in Olympia, Washington

The Franklin/Lipsker case, so attractive to Lenore Terr as Exhibit A of validated repression, actually shows how a "memory" originating in conscious hunches and resentments can be crystallized by protracted therapeutic *suggestion*,

or the subliminal contagion of ideas between a dominant and a subordinate party. That is what we regularly find when missing elements of recovered memory stories are filled in; where repression was, there shall suggestion be. Indeed, someone who reviews many such cases will eventually realize that the salient question isn't whether or not a bona fide instance of repression can be found, but rather whether there are any limits at all to the malleability of the human mind. Therapists, it seems, are helpful but not strictly necessary to the production of wildly fantastic memories. Given a facilitating belief structure, the compliant subject can use the merest hints as triggers to delusion.

To illustrate this fact, there is nothing quite like the sequence of events recounted in Lawrence Wright's *Remembering Satan*, a short but gripping and brilliantly constructed book that will already be familiar to some readers from its serialization in *The New Yorker* in May 1993. Wright tells of Paul Ingram, an Olympia, Washington, sheriff's deputy, a born-again Christian, and the chair of his county Republican committee, who was eventually thought to have raped both of his daughters as well as one of his sons innumerable times, to have passed the daughters around sexually as poker nights at home turned into gang rapes, to have hideously tortured the girls and forced them and his wife to have sex with goats and dogs, and to have murdered and cannibalized many babies at huge gatherings of his Satanic cult—where, be it noted, long gowns, pitchforks, and "Viking hats" were *de rigueur*. The still greater novelty, however, is that Ingram, though he initially remembered none of those atrocities, succeeded in visualizing most of them through the exercise of prayerful introspection. Indeed, he

labored so hard to admit to new crimes that his tale-spinning daughters sometimes fell behind his pace.

All this would be hilarious Thurberesque Americana if it were not also inexpressibly sad. Whereas the Franklin household, when Eileen Lipsker went public with her vision, no longer contained a married couple or any children, in the Ingram case a devout family of seven was shattered for good. Moreover, Ingram, who is now serving a twenty-year term in prison after having confessed to six counts of child molestation, came close to being joined there by others who were caught in a widening net of lunacy—and at least two of them, who were in fact jailed briefly and then kept under house arrest for five months each, will never recover their reputations. Even those men had to think long and hard about whether they might have unknowingly lived double lives; and Ingram's wife, Sandy, did conclude that she must have been a secret Satanist. She has moved away now and lives under a different name, as does the only one of her five children who hasn't fled Olympia.

What is most arresting about the Ingram calamity is how little suggestion—indeed, how little *auto-suggestion*—was required to set it in motion and then to keep it hurtling toward its climax. Ericka Ingram had a history of making unsubstantiated sexual charges prior to her "realization" at age twenty-two that her father had been raping her. That insight did not occur during therapy but at a Christian retreat in August 1988 at which a visiting charismatic healer told Ericka the news, relayed to her by the Holy Spirit, that she had been molested as a child. Ericka immediately accepted the diagnosis—and, six years later, she apparently still does.¹⁴

Similarly, during the second day of his questioning Paul Ingram easily allowed himself to be led into a trance, resulting in his confession to all of the crimes with which he was eventually charged after prosecutors had deleted the witches' sabbath material, which could have raised awkward questions in jurors' minds if the case had come to trial. Ingram's prolific later admissions were facilitated not only by prayer but by "relaxation techniques," one of which he had picked up from a magazine. And two of his sons also developed a knack of instantly becoming "dissociated" in order to provide inquisitors with the required lurid reminiscences.

This is not to say that the Ingram family generated hallucinations entirely under its own steam. To begin with, Paul Ingram's police colleagues exerted unscrupulous (though hardly unusual) pressure on him, extending the second interrogation over a mindbuckling eight hour period and using his piety as a wedge to confession. They lied to him about what others had revealed and assured him that if he would only begin by admitting his guilt, the relevant memories would come flooding back.¹⁵ By that second day, furthermore, Paul was being advised by a Tacoma psychologist whose recent practice had included Satanic abuse cases, and who later helped Paul's son Chad to conclude that his remembered childhood dreams were proof of molestation. An assistant pastor in the Church of Living Water also helped both Paul and his wife to sustain the cleansing flow of visions. During five months of interrogation, no fewer than five psychologists and counselors kept the heat on Paul, preventing him from ever stepping back to test whether the grimmer yet more tentative of his two memory systems—his "horror movie," as he called it—was anchored to actual events.

When all this pressure has been duly weighed, however, the fact remains that the Ingram case displays a breathtaking readiness on the part of its major players to form lasting "memories" on very slight provocation. And this is important for grasping the explosive potentiality of recovered memory allegations. There was nothing exceptional about the Ingram family's prelapsarian makeup or the Olympia scene in general. Apparently, a community steeped in Biblical literalism on the one hand and *Geraldo* on the other needs only a triggering mechanism to set off a long chain reaction of paranoia.¹⁶ Yet such a community epitomizes a good portion of North America. The potential for mass havoc from "memory" based accusations is thus no smaller today than it was in the seventeenth century. In fact, it is incomparably greater, thanks to the power of our sensation-seeking media to spread the illness instantaneously from one town or region to another.

As Lawrence Wright properly stresses, one further ingredient acts as a multiplier of trouble. Not surprisingly, it is a shared belief in the theory of repression. Only a few hours into his first grilling, Paul Ingram was ready to state, "I did violate them and abuse them and probably for a long period of time. I've repressed it." His questioners of course held the same view, which took on firmer contours as more psychologists were called in: before long, the official version was that Paul had repressed each of his myriad offenses just as soon as he had finished committing it. A county under-sheriff (himself falsely accused of Satanism, but still an enthusiastic believer in its reality) became so enamored of this notion that he started moonlighting as a counselor to survivor groups and writing theoretical papers about the effects of repression. One can

only second Lawrence Wright's conclusion: "[w]hatever the value of repression as a scientific concept or a therapeutic tool, unquestioning belief in it has become as dangerous as the belief in witches."

Some secular-minded readers may feel that the Ingram case, in view of its fundamentalist soil and its resultant exotic blossom of Satanism, is too outlandish to tell us much about the prudent and responsible search for incest memories. Yet the more one learns about the scare over "Satanic ritual abuse," the more porous its boundary with the larger recovered memory movement appears to be. According to surveys taken by the False Memory Syndrome Foundation, at least 15 percent of all memory retrievers come to recall Satanic torture in childhood—this despite a lack of evidence to support the existence of *any* sadistic devil-worshipping cults in North America or anywhere else.¹⁷ The fact is that "memories" of baby barbecues and the like are usually evoked through the same techniques of psychic exploration commended by prestigious academics such as Judith Herman and Lenore Terr. Indeed, as she testified at the Franklin trial, Terr herself has treated "victims" who thought they recalled having been forced to watch ritual human sacrifices.

Until the recovered memory movement got properly launched in the later 1980s, most Satanism charges were brought against child-care workers who were thought to have molested their little clients for the devil's sake. In such prosecutions, which continue today, a vengeful or mentally unhinged adult typically launches the accusations, which are immediately believed by police and social workers. These authorities then disconcert the toddlers with rectal and vaginal prodding, with invitations

to act out naughtiness on "anatomically correct" dolls with bloated genitals, and, of course, with leading questions that persist until the child reverses an initial denial that anything happened and begins weaving the kind of tale that appears to be demanded. As many studies have shown, small children can be readily induced to believe that they have experienced just about any fictitious occurrence. In this respect, however, they do not stand fundamentally apart from their elders. The only real difference is that the grown-ups, in order to become as gullible as three-year-olds, must first subscribe to a theory such as that of demonic possession or its scientific counterpart, Freudian repression. They then become putty in the hands of their would-be helpers.

As it happens, the most impressive controlled illustration of this fact to date came directly from the Paul Ingram case, after the prosecutors—not the defense!—had invited the social psychologist Richard Ofshe to Olympia as an expert on cults and mind control. Perhaps, they thought, Ofshe could cast some light into the murky Satanic corner of the affair. But Ofshe, immediately struck by the conditional quality of Ingram's confessions and their suggestion that a scene was taking place in the mind's eye ("I would've," "I must have," "I see it," etc.), decided to

test Ingram's suggestibility by proposing a false memory for him to accept or reject.

"I was talking to one of your sons and one of your daughters. . .," Ofshe told Ingram. "It was about a time when you made them have sex with each other while you watched." This was one charge that had *not* been levied and would never be, but one day later, Paul proudly submitted a new written confession:

. . . I ask or tell Paul Jr. & Ericka to come upstairs, . . . I tell Ericka to knell [sic] and to caress Paul's genitals. When erect I tell her to put the penis into her mouth and to orally stimulate him. . . . I may have told the children that they needed to learn the sex acts and how to do them right. . . . I may have anal sex with Paul not real clear. . . . Someone may have told me to do this with the kids. This is a feeling I have.

When Ofshe then informed Ingram that this memory was specious, Ingram refused to believe him. "It's just as real to me as anything else," he protested.

When, months later, Ofshe phoned Ingram in jail and begged him not to plead guilty, Ingram wavered but declined. Apart from consideration for the daughters who had so egregiously betrayed him, he cited the likelihood that he was still repressing material that would make the whole case clear. Pro-

tected at last from the ministrations of his "counselors," he did change his mind shortly thereafter, but his guilty plea had already been accepted by the court, and two subsequent appeals have failed.

The criminal cases we have examined suffice to show that the "return of the repressed," however bland its uses within the amorphous aims of Freudian therapy, can turn noxious when it is considered by police, prosecutors, jurors, and even accused malefactors to be a source of unimpeachable truth. In the light of the actual recovery *movement*, however, the Franklin and Ingram examples can be seen to lack a baleful but typical ingredient. So far as we know, neither Eileen Lipsker nor Ericka Ingram (not to mention Paul Ingram himself) was systematically recruited by self-help "recovery" books to believe that certain despicable deeds must have been committed and then wholly repressed.

Just such solicitation—we can think of it as suggestion-at-a-distance—has by now been brought to bear on myriad vulnerable people, mostly women by advocates in search of ideological and/or financial gain. The result has been a widespread tragedy that is still unfolding before our incredulous eyes. To lay bare not just its nature but also its causes, both proximate and remote, is a socially urgent task.

NOTES AND REFERENCES

1. Judith Lewis Herman, *Trauma and Recovery* (Basic Books, 1992), pp. 9, ix.

2. On this point, see Matthew H. Erdelyi, "Repression, Reconstruction, and Defense: History and Integration of the Psychoanalytic and Experimental Frameworks," *Repression and Dissociation: Implications for Personality Theory, Psychopathology, and Health*, edited by Jerome L. Singer (University

of Chicago Press, 1990), pp. 1-32. Remarkably, Erdelyi welcomes Freud's unclarity as providing a sound basis for integrating the "dynamic" with the cognitive unconscious. The idea is that since Freud didn't really know what he meant by repression, we are free to bring the concept into alignment with current research while still thinking of ourselves as Freudians.

3. David S. Holmes, "The Evidence

for Repression: An Examination of Sixty Years of Research," in Singer, *Repression and Dissociation*, pp. 85-102; the quotation is from p. 96.

4. Although two of the works under consideration here have double authorship, the Loftus and Ketchum book is cast in the first person singular, and its protagonist is Loftus herself. Although Ketchum did not concentrate some of the interviews that inform *The*

Myth of Repressed Memory, I will usually call the "author" Loftus alone. In contrast, the junior partner in *Making Monsters*, Ethan Watters, was the first journalist to sound an alarm about the recovered memory movement, and the book casts him as a full collaborator; that is why I will refer to "Ofshe and Watters" below. I will also refer interchangeably to "the recovered memory movement" and "the recovery movement," even though the latter term is often used more broadly.

5. See Katy Butler, "S.F. Boys Chorus Settles Abuse Suit," *San Francisco Chronicle*, Sept. 1, 1994, p. A2.

6. See Harry N. MacLean's *Once Upon a Time: A True Story of Memory, Murder, and the Law* (HarperCollins, 1993) and his critique of Terr in the September 1994 *False Memory Syndrome Foundation Newsletter*. The foundation can be reached at (215) 387-1865 or (800) 568-8882, or by mail at 3401 Market St., Suite 130, Philadelphia, PA 19104.

7. Lenore Terr, *Too Scared to Cry: Psychic Trauma in Childhood* (Harper and Row, 1990; Basic Books, 1992).

8. Whether Terr had actually detected anything is open to doubt. The upsetting death of King's boyhood friend was already familiar to her from King's autobiography—where, however, King reports that, so far as he knows, he did *not* witness the accident in question. Thus Terr's courtroom example of trustworthy clinical reasoning—proceeding from obsessive themes in King's eventual artistic productions to a "repressed" fact about one early day in his life—actually dealt with a *still uncorroborated* detail superadded to a story in the public domain. Insofar, then, as the Franklin trial hinged on Terr's testimony about Stephen King, it appears that one no-evidence case was decided on the basis of another.

9. Eileen Lipsker's problems with memory are echoed by Terr's own in her capacity as storyteller. Eileen never testified about seeing what Terr calls "white socks and white child-size underwear" in the rape scene, but only something white. And Terr, bent upon condemning George Franklin as a rapist, has lately supplied the useful "fact," which is false, that semen was found in the dead Susan Nason's vagina.

10. See Lenore Terr, "Childhood Traumas: an Outline and Overview," *American Journal of Psychiatry*, Vol. 148 (1991), pp. 10-20.

11. Indeed, as Terr reports, so aware was Eileen that her subsequent divorced father had been raping her that she went off to live with him for a while at age fourteen, right after the alleged eleven years of violation had ended. Later, the two of them drove across the country together to Florida, employing the back of the VW van, the supposed site of Susan Nason's rape, as their joint sleeping quarters. For Eileen's nineteenth birthday celebration, she took a similar trip with George to Ensenada in the same vehicle. How strange that "the repressed" produced no symptoms or qualms to warn her against talking those risks with the rapist-murder!

12. Intriguingly, one of the tiny errors that survived Eileen's testimony, having to do with a confusion between two rings on Susan Nason's hands, corresponded exactly to a mistake made in a newspaper story in 1969. That could only mean that Eileen's "memories" were tainted by misinformation that she had either heard or, more probably, read in old clippings or microfilm. Quixotically, however, the judge ruled all journalism from the murder period was inadmissible—as if the only possible question were whether Eileen was revealing sheer truth or telling lies, instead perhaps of unknowingly recycling second-hand lore. Such bits of truth and error were available to her at all times, thanks to the fact that within her family George Franklin had always been considered a suspect in the Nason murder.

13. As for anomalies, why did George Franklin take his daughter along to watch the rape and then murder of her dearest friend? How could he not have expected to be found out? Why would he then make Eileen witness to another killing? Why did no one in a crowded living room notice George inserting his finger in Eileen's vagina? Etc.

14. As Loftus and Ketcham say, "With that diagnosis all the quirks and idiosyncrasies of Eileen Franklin's personality could be explained away. Yes, she lied about being hypnotized. . . . but that's understandable because she is a *trauma victim*. Yes, she used drugs

and was arrested for prostitution . . . but her behavior makes sense given that she is a *trauma victim*. Yes, she repressed the memory for twenty years . . . but that's a defensive reaction common to *trauma victims*. Anything the defense might say in an attempt to undermine Eileen's credibility as a witness could be turned around and presented as an ongoing symptom. . . ."

15. Lipsker quickly became a heroine in psychotherapeutic circles, appeared on *Sixty Minutes*, collaborated on an as-told-to book, and found herself flatteringly portrayed by Shelly Long in a made-for-TV movie about the case. Her book and movie contracts, negotiated by a Hollywood entertainment lawyer, were signed before the case had gone to trial.

16. At the sentencing, Ericka was instrumental in seeing that her father receive the stiffest allowable punishment, and afterward, like Eileen Lipsker, she advanced her cause on the tabloid talk shows. Today, I gather, she is still concerned with denouncing a coven of Satanists within the Olympia police department.

17. The Olympia police authorities never conducted an investigation in the usual meaning of that term. "Believe the children" was their tacit motto from the word go. To this day they haven't realized the unfairness of collecting a mountain of absurd and contradictory stories from patently unstable witnesses, lopping off the charges that would be most likely to arouse a jury's suspicions about the reliability of those sources, and using the remaining, equally unsubstantiated charges to hustle a respected colleague off to prison. Nor, in Wright's words, did the detectives "even consider the possibility that the source of the memories was the investigation itself."

18. One month before Paul Ingram was summoned to police headquarters for his first grilling, the Ingram family sat down to watch Geraldo Rivera's prime-time special, *Devil Worship: Exposing Satan's Underground*. The previous day's program, which they may or may not have seen, was called *Satanic Breeders: Babies for Sacrifice*.

19. Ingram himself learned, pathetically, how to talk the self-pitying lingo of the recovered memory movement. "I have also been a victim since I was

five years old," he told an interrogator, "and I learned very early that the easiest way to handle this was to hide it in unconscious memory. . . ."

20. For a reliable account of the way that the mania over "Satanic ritual abuse"

has blended with the recovery movement, see Jeffrey S. Victor, *Satanic Panic: The Creation of a Contemporary Legend* (Open Court, 1993). For the FBI's inability to locate any such abuse, see Kenneth V. Lanning, "Sa-

tanic, Occult, Ritualistic Crime: A Law Enforcement Perspective," *The Police Chief*, October 1989, pp. 62-83. Among the books under review, the question of Satanism is more fully covered in Mark Pendergrast's *Victims of Memory*.



Richard Rice's *Openness of God* Causes Stir Among Evangelicals

by Gary Chartier

Recent issues of America's two leading Protestant weeklies focused on a provocative new book co-authored by La Sierra University theologian Richard Rice. In May, *The Christian Century*, the voice of the Protestant mainline in America, and in January, *Christianity Today*, an evangelical periodical with the largest circulation of any American Protestant journal, published essays analyzing *The Openness of God: A Biblical Challenge to the Traditional Understanding of God*, co-authored by Rice, Clark Pinnock, John Sanders, William Hasker, and David Basinger.

Rice and his colleagues defend the view that God's interaction with and experience of the world are dynamic, that free creatures make a genuine difference in God's ongoing life. According to Rice and his co-authors, God has made human beings and other creatures with genuine freedom and integrity; thus, they are able to frustrate the achievement of God's purposes. Further, while God is aware of all future possibilities, if creaturely choices are genuinely free, then even God cannot know for certain how a free creature will decide in any given situation. Such knowledge is impossible in principle; "having certain knowledge of a future free decision" is, suggest the authors, logically on a par with "drawing a square circle"—a set of words that sound meaningful, but

really are not.

The Christian Century included two extended articles concerned with the issues raised by the *Openness of God*. Roger Olsen, of Bethel College, editor of *Christian Scholar's Review*, examines the move toward the open view with sympathetic reserve. And Andover-Newton Theological Seminary systematic theologian Gabriel Fackre cautions proponents of the open view to attend to the insights of neo-orthodox theology, with its stress on the majesty, transcendence, and incomprehensibility of God. For Fackre, paradox is an unavoidable element in any theology that intends to respond faithfully to the infinite reality of God. Fackre suggests that, in their search for coherence, consistency, clarity, and rationality, proponents of the open view may be too quick to jettison paradox.

Given the dominance of Calvinist perspectives within the evangelical movement, it is not surprising that the reaction from the contributors to the earlier *Christianity Today* discussion was mixed at best. Roger Olsen describes the book as "powerful and persuasive." But the other three discussants are clearly very uncomfortable with its thesis and arguments. Describing them as "afraid of infinity," Douglas F. Kelly argues that the authors are insufficiently familiar with the patristic tradition and its understanding of God, and con-

Evangelicals stimulated by theological proposals from Adventist theologians; rise in Adventist Book Center sales; North American college enrollments; and debate over church authority.

cludes that "all too little . . . in this volume can be taken seriously either by scholars or by ordinary Christian layfolk until its authors rethink their basic approach." For Timothy George, the authors "have devised a user-friendly God who bears an uncanny resemblance to a late-twentieth-century seeker." And Alister McGrath complains that neither Luther nor Charles Wesley is discussed in the book, maintaining that both had something of value to contribute to a discussion of divine suffering and suggesting that their absence highlights modern evangelicalism's "lack of familiarity with its own historical roots and traditions."

The theme receiving so much attention will be familiar to readers of *Spectrum* who recall Rice's first book, also entitled *The Openness of God*. In that book, Rice explored the relationship between God and the world from biblical, theological, and philosophical perspectives. Though many Adventist readers regarded its argument as flawed, reacting angrily to the claim that God's knowledge of the future might be limited, many others found its message liberating and encouraging.

This is not the first time Rice has received scholarly attention from outside the Adventist community. Evangelical New Testament scholar Royce Gordon Gruenler's Calvinist polemic, *The Inexhaustible God*, singled Rice out for criticism as an evangelical who sought to reconcile belief in creaturely freedom with a commitment to divine transcendence. Leading theological ethicist Stanley Hauerwas used a critique of an article by Rice, discussing the problem of suffering as a springboard from which Hauerwas launched an indictment of Christian responses to evil. In turn, Alvin Plantinga, whom *Time* once described as the "leading orthodox

Protestant philosopher of God in America," weighed in on Rice's side in a subsequent critique of Hauerwas.

Pinnock, a Baptist theologian who teaches at Canada's McMaster University, first discovered a reference to Rice in Gruenler's *The Inexhaustible God*. After securing a copy of the original *The Openness of God*, he became acquainted with Rice and other Adventist theologians. After the Review and Herald Publishing Association decided not to reprint *The Openness of God*, Pinnock arranged for Bethany House, an evangelical publisher, to reissue it under the new title, *God's Foreknowledge and Man's Free Will*. And Pinnock's direct and indirect contributions to dialogue within Adventism have continued: He reviewed Rice's third book, *The Reign of God*, in *Spectrum*; and an Andrews University Ph.D. student, Roy Roenfeldt, chose Pinnock's understanding of the Bible as the focus of his doctoral dissertation.

The Openness of God is the second major Pinnock project enriched by Adventist cooperation. In 1987, Zondervan published *The Grace of God, the Will of Man*, a collection edited by Pinnock and defending Arminianism—the view held by Adventists, Methodists, many Anglicans, and a variety of other Christians according to which God's grace does not destroy or obviate human freedom. Fritz Guy, a theo-

logian at La Sierra University, sensitively explored "The Universality of God's Love," while Rice examined the knotty question of the relationship between divine foreknowledge and creaturely freedom. "I haven't seen the will of God yet" regarding a new project, Pinnock says, though he notes that he finds the possibility of exploring the nature of divine providence appealing. He does not know for sure whether Adventist scholars will be involved in his next joint effort, but he is clearly open to their participation. While some Adventist scholars may yearn for greater contacts with the Protestant mainline, Pinnock's generosity and openness to Adventist theologians may prove to be Adventism's most significant link with the wider Christian world.

Until recently, most Protestant and Catholic systematic theologians have been largely inattentive to the question of freedom and foreknowledge. By contrast, Protestant philosophers of religion—including such essentially conservative figures as Keith Ward, Richard Swinburne, Nelson Pike, and Brian Hebblethwaite—have for many years advocated a dynamic, open view of created reality and God's relationship to the world.

Gary Chartier is managing editor of Adventist Heritage and the news editor of Spectrum, to which he is a regular contributor.

Adventist Book Center Sales in U.S. Go Up \$4.5 Million in 1994

by Ralph Martin

When President Bill Clinton wants "Boca Burgers" for vegetarian cuisine at the White House, where does he go? To the Potomac Adventist Book and Health

Food Center, of course. After the FBI checked out the store and employees, we became his supplier. The President joins U.S. senators, the director of the Federal

Aviation Administration, engineers from NASA, and thousands of ordinary citizens who find this store their one-stop center for books and health foods.

This past year was outstanding for Adventist Book Centers in the North American Division. Sales went from \$45.2 million to \$49.7 million. The Columbia Union has 18.5 percent of that total. To give our members the best possible prices on books, managers keep profits very low in our ABCs. The net earnings for 1994 were 1.5 percent.

To bring new customers into the Potomac store, manager Clyde

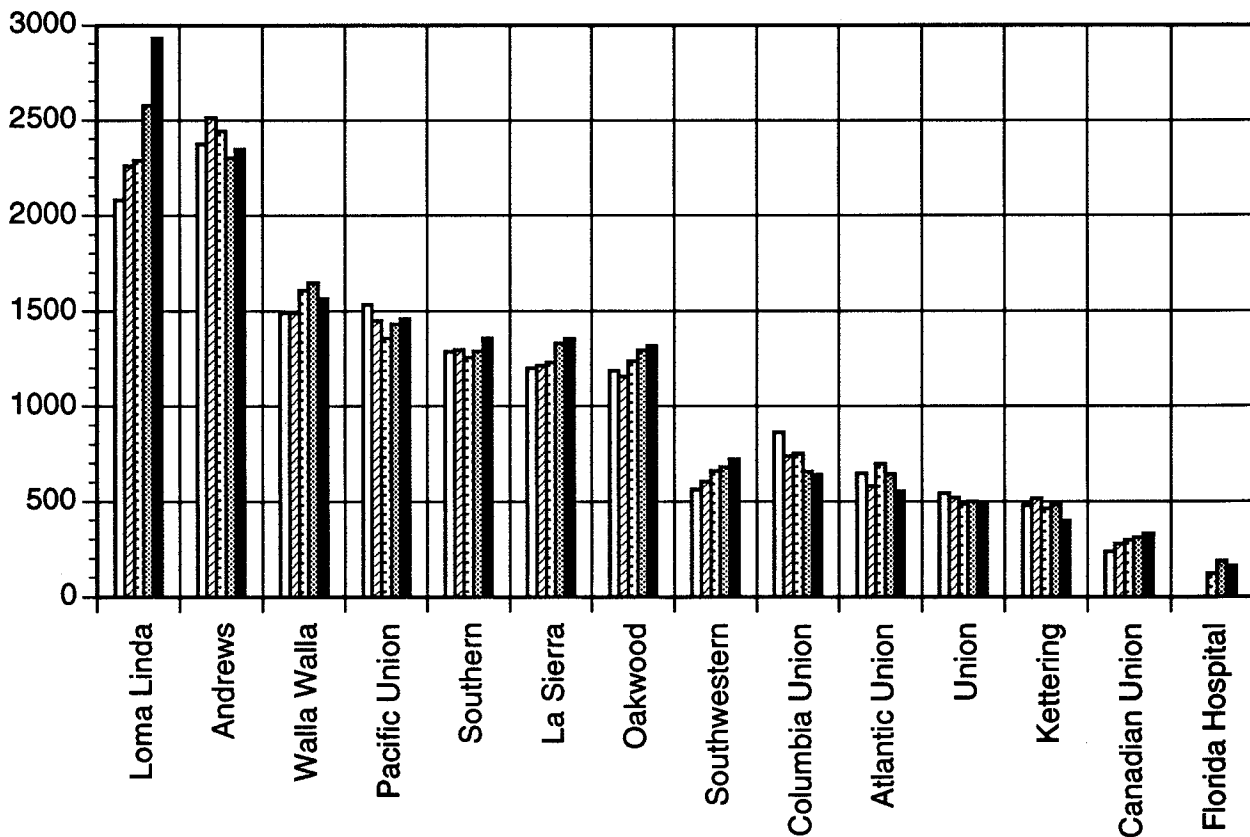
Kinder has used every method possible. The most successful is book signing by well-known writers. Authors such as Ben Carson, Joe Wheeler, Clifford Goldstein, Josh McDowell, Robert Schuller Jr., and Tipper Gore have held successful signings at the Potomac ABC. The most controversial signing was by Ollie North. The crowd was so large it created a traffic tieup. In addition, he was picketed by opponents and the store was in the public news.

How do ABC sales compare to other religious book stores? The average yearly gross sales across the nation is about \$300,000 per

store. In New Jersey, the ABC's Herb Shiroma sold \$2,517,265 in the past four years. Dick Young at the Pennsylvania ABC sold \$1,120,831 this past year. Fred Neigel at the Ohio ABC sold \$933,816 in 1994. Potomac has the largest ABC in the world, with sales of \$6,498,343 last year. Recently three Adventist Book Centers were included in the top 100 religious retailers in the United States.

Ralph W. Martin is president of the Columbia Union. This article is reprinted with permission from the Columbia Union Visitor, May 15, 1995.

Five-Year (1990-1994) Enrollment Trends (Full-time Equivalent) Adventist Colleges and Universities in North America



Figures from the North American Division Data Management Service: Board of Higher Education, December 5, 1994

Church Leaders Defend Greatest Reorganization Since 1901

by Bryan Zervos

Proposals for changing how delegates are selected to the General Conference Session were being adjusted by committees at General Conference Headquarters as late as June 2, 1995. The next day, Sabbath, June 3, world leaders of the Adventist Church met with lay leaders and more than 90 members of the Washington area chapter of the Association of Adventist Forums for three-and-a-half hours of intense discussion of two topics: ordination of women, and what has been called the most far-reaching changes in church organization adopted since 1901.

Athal Tolhurst, undersecretary of the General Conference, said that if the General Conference Session did not approve the request of the North American Division that divisions be permitted to ordain women, and then, if a local conference and/or union in North America went ahead and ordained women pastors, he personally did not think they would be in "apostasy." They would therefore not be subject, he thought, to the discipline from higher levels of church structure just approved at the 1995 Spring Council of the General Conference Executive Committee. However, Neal Wilson, the immediate past president of the General Conference, suggested that perhaps such a conference or union would be in a state of "rebellion."

Wilson also complimented the leadership of the church in the room for making adjustments "this

week" in reorganization proposals. These adjustments would go a considerable way in meeting the concerns of those who objected to proposed major changes in how delegates to the GC Session will be selected.

Tolhurst and Wilson were part of a panel, chaired by Bryan Zervos, that included Bert Beach, director of the General Conference Department of Public Affairs and Religious Liberty, and Susan Sickler, a member of the General Conference Commission on World Church Organization and author of a widely noticed article in *Spectrum* on church structure. Also, Robert Folkenberg, president of the General Conference, attended the meeting. At one point he came to the front to provide an extended explanation of what the church has approved in terms of "linkage" of different levels of church structure.

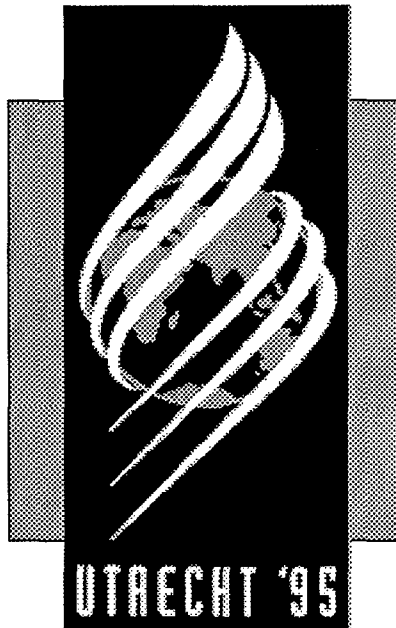
Folkenberg also underscored that adjustments of church reorganization approved at Spring Council were continuing. He specifically agreed with Susan Sickler that possible action by the General Conference to discipline or even dissolve a union probably ought to be taken by the General Conference Session, not just the General Conference Executive Committee. After all, the session was the constituency meeting of the General Conference. However, Folkenberg and Sickler clearly continued to disagree as to whether the changes in church structure already approved made the

Adventist Church more hierarchical.

On the ordination of women, Folkenberg said that for those in the room—who he assumed favored the ordination of women—there was good news and bad news. The good news was that an increasing number of leaders and members outside the United States were beginning to realize how strongly some in America felt about ordaining women as pastors. The bad news was that, although he was not predicting how the vote at the General Conference would go, the proposal from North America that divisions be permitted to proceed to ordain women may be "about 10 years too early."

Charles Scriven, president of Columbia Union College, challenged the president of the General Conference to speak out at the GC Session and to lead the Adventist Church to understand that treating women fairly, including their ordination, was a part of "what it meant to follow the gospel." Roy Branson, director of the Washington Institute, warned that the demoralizing consequences in North America would be far greater than many leaders realized, if the General Conference Session, in effect, officially declared that simply because of a person's gender the Adventist Church was required to discriminate against her. It would cause the same "moral pain" as the church officially requiring that certain Adventist preachers, no matter how committed or effective, must never be ordained simply because they were black.

Bryan Zervos, a member of the board of directors of the Washington Institute, is president of the Columbia Union College Alumni Association and president of the Washington area chapter of the Association of Adventist Forums.



Laypersons and church leaders debate church authority and reorganization as well as ordination of women.

Athal Tolhurst: Susan Sickler Gave False View of GC Commission

Some clarifications are in order regarding the recommendations made by the Commission on World Church Organization. It was by a majority vote that the recommendations were accepted by the General Conference Committee at its 1994 Annual Meeting (and 1995 Spring Meeting). It was not without speeches on both sides of the issues and one interruption by ovation; however, the majority recognized the honorable motives behind the recommendations and voted in their favor. This, in a General Conference Committee where 75 percent of the 320 attendees were North Americans.

The General Conference officers believe that the work of the Commission on World Church Organization is valuable to the church and ought to be correctly represented and understood. For this reason, they have asked me to respond briefly to the report entitled "Dispatch From the Governance Wars" (*Spectrum*, Vol. 24, No. 4). Unfortunately, that report gives a false view of the rationale and motives behind the decisions of the commission, and indeed incorrectly represents the honesty and integrity of those charged with the responsibility of recording the commission's actions and of presenting them to the General Con-

ference Committee.

For example, it is quite untrue to say the "denominational administration . . . took certain items from the general discussion [of the Commission] and turned them into recommendations in the final report without an authorizing vote of the commission."

The official minutes, as recorded by Maurice Battle, show that all 36 of the commission's recommendations were approved by vote of the commission. It is just as certainly untrue, as was reported in the last issue, that "the commission adjourned its last meeting without ever having voted any of the linkage proposals." There are, in fact, six linkage proposals recorded in the official minutes of the commission as written by Maurice Battle. These, and only these, were presented to the General Conference Committee.

There are numerous other mistakes and biases in the "Dispatch" that give a false view of the work of the commission and of the character of its members. It is regrettable that readers are sometimes prevented from seeing good where good abounds. The commission produced good recommendations; and for those readers who wish to understand them correctly, let me direct your at-

tention to the June 1 issue of the *Adventist Review*, North American Edition, where a comprehensive report of the commission, its processes and recommendations

appeared as a special insert.

Athal Tolhurst
Undersecretary
General Conference of SDA

Gordon Bietz: Sickler Sees Thorns Where There Are Roses

Susan Sickler and I both served on the two governance commissions that she refers to in the article "Dispatch From the Governance Wars" (*Spectrum*, Vol. 24, No. 4). However, our observations and perspectives of those meetings are significantly different.

I do agree with much of her general philosophy, especially when she talks about the importance of leadership maintaining a diverse church in unity, as compared to attempting to maintain that unity through top-down control. Also, concerning the final report, I agree with her that it was not tied into a neat package, as was the report of the first commission we served on together. That was a mistake. The commission should have been called together again to review and approve the final product.

My disagreement with her relates to the general picture of the Commission on World Church Organization that she paints. Most of the evidence that she marshals to support her belief that there is a top-down power grab are issues that were voted down by the commission. I would hate to think that the final product of a commission's work was to be judged by the issues that were discussed and discarded during the meetings. A lot of things were discussed that were not in the final report.

I am concerned that she tars the

entire report with the "power-grab" brush. The fact is there are many things in the report that follow the principles we voted when we first got together. Principles such as:

- "Delegate authority so that it may be exercised at the lowest appropriate organizational level."

- "Ensure that the decision-making process is participatory, informed, effective, and efficient." (See *Adventist Review*, April 27, 1995, pages 16 and 17 for a full list of the principles.)

Consider also that the commission recommends:

- That the General Conference Committee be more reflective of our world church (31 percent drop in size with a 69 percent rise in field representation with the General Conference paying for all members to attend);

- That more elections of division personnel occur at division level instead of at the General Conference level (72 people will be elected at the General Conference Session, instead of hundreds);

- That all departments need not be represented at each level of the organization;

- That formal, periodic evaluation be instituted to enhance accountability;

- That the smaller General Conference Committee now constitutionally mandates more lay representation. (About 10 percent are now mandated, whereas in the

past it was at the will of the nominating committee.)

What are the things that were recommended that might concern Susan?

1. "The officers of a higher organization are members ex officio of the executive committees of a lower organization," but are never to make up more than 10 percent of the membership. It doesn't seem to me that that smacks of authoritarianism. If we intend to maintain a worldwide church, this kind of "linkage" seems appropriate.

2. The division presidents' credentials are held by the General Conference, and it was voted that it be the same for the secretary and treasurer. Their credentials would be held by the organization that elected them. The same holds true for union missions and conference missions. Those officers are elected by the higher organization and would receive their credentials from that organization. Again, it seems to me appropriate that the electing organization would hold credentials.

3. If there is a major problem with the president, for instance, of a local conference, the union executive committee cannot remove the president, but working together the conference and union executive committees can call a conference constituency meeting. This is simply requiring the president to be responsive to the constituency that elected him.

4. Susan's major concern was that higher levels of church structure can merge or dissolve lower levels. The higher level that brings an organization into existence has the authority (through its constituency) to dissolve the same organization to which it gave birth. For example, the conference brings a church into the fellowship of churches and can also remove the church from the fellowship. The conference executive committee

can't do that, but the conference constituency can. It is the same as you move up the organization. A union executive committee can't dissolve a conference, but the union constituency that gave birth to the conference could. To bring an organization into being and then have no authority over it doesn't seem reasonable.

In the end, the result of the World Church Organization Commission is a net positive for the organization of the church. I really think Susan is seeing thorns where there are roses.

Gordon Bietz
President

Georgia-Cumberland Conference

Sickler Responds to Tolhurst, Bietz: There *Is* a Power Grab

One good reason to subscribe to *Spectrum*—where else in SDA publishing circles can one engage in such open debate?

Athal Tolhurst

After reading Athal Tolhurst's comments I requested and received a copy of the minutes of the final meeting of the commission. Still perplexed, I consulted with several persons who are far more knowledgeable in the area of General Conference culture than I am. Finally, light began to dawn. It seems that there can be an honest difference of opinion as to what is meant by the term "voted." I innocently assumed that it meant that someone made a motion, someone else seconded it, there was discussion, and then the chair called for a formal vote. It seems that there is also another version where a topic is discussed, and if there is no significant opposition, especially from the more powerful people in the room, it is considered passed. To their credit, these items have usually been marked "recommended" rather than "voted." Several of the items referred to by Athal Tolhurst are in this category, which explains our differing views of what happened. The commission also referred some items to the

secretariat for further work that most of commission members assumed we would see again, for either our approval or disapproval. Alas, this was not to be. I was pleased to see that Athal Tolhurst does not attempt to claim that the report as a whole was ever voted by the commission.

Elder Tolhurst says the report was voted by the entire Annual Council. He neglects to mention that when two of the linkage recommendations were significantly weakened on the floor of Annual Council, the General Conference Officers pulled the most controversial recommendation—the merger/dissolution proposal—and referred it to the Spring Meeting of the General Conference Committee. I have asked a number of church employees who attend Annual Council on a regular basis if they think the merger/dissolution proposal would have passed Annual Council intact, and the unanimous reply has been "no way."

What I did not realize at the time that I wrote the original article is that the report was divided up into items voted as "policy" at Annual Council or Spring Meeting and items going to Utrecht. The more controversial "linkage" proposals were voted as policy. It is necessary to see the entire report together in

order to see the strength of the overall trend to centralize authority at higher levels. To me, the idea that the most far-reaching reorganization of our church in almost 100 years would not be closely examined and *all* of it voted on by the General Conference in session is a serious mistake. I pray that wiser heads will prevail and that the original report that went to Annual Council will be made available to each delegate at the General Conference Session. I hope that all proposals will be carefully considered and either voted or rejected in a proper manner by the only body that should have jurisdiction over such a major decision.

I would call readers' attention to an error in the article by Elder Tolhurst on church reorganization in the June 2 *Adventist Review*. He states that only constituency sessions should vote to merge or dissolve organizational entities. Yet the policy voted at Spring Meeting allows for a union to be merged or dissolved by a decision of an executive committee at the division or General Conference level. I am experiencing major stress over all of the leaders insisting that this reorganization report in no way centralizes authority at higher levels. Either they think that if they keep saying this enough times we will begin to believe it or else they honestly don't see what they have done. I can't decide which of these two explanations is the more frightening.

Gordon Bietz

Reading Gordon Bietz's clear, articulate prose reminds me again of how much I wish he had written the report in question. I agree wholeheartedly with him about both the principles we voted to guide our work and the value of Dr. Dederen's excellent paper. I just wish we had followed the

guidelines and the paper. I was pleased to see that *Ministry* magazine has published Dr. Dederen's paper in its entirety. I highly recommend it to all *Spectrum* readers. I don't think I have ever seen a circumstance where people's hearing of an oral presentation was so selectively based on their personal biases as occurred when Dr. Dederen presented his paper to the commission. I am grateful that David Newman has set the record straight by publishing the paper.

Unfortunately, the commission went directly contrary to Dr. Dederen's recommendations in two key areas. He advocated that more laypersons and pastors be selected as delegates to General Conference Sessions to counterbalance the oversupply of delegates from administration. We came up with only small numbers of each. He also recommended more direct election of General Conference delegates by local constituencies. The commission recommendation, as presently worded, goes in exactly the opposite direction. It recommends that the General Conference Session delegates should be chosen by divisions rather than by unions. Since the division is just a branch office of the General Conference, the General Conference could name the delegates to the General Conference Session that is supposed to hold them accountable. Cozy, huh? Our system of checks and balances on power is weak now. The proposal would destroy it completely.

I approve of reducing the size of the General Conference Executive Committee and making it more representative of the world field. However I think it needs fewer administrators on it and more pastors, teachers, and laypersons. Also, all members not ex officio by reason of the office they hold would be chosen either by the General Conference Executive Committee (which really means the adminis-

tration, since the committee tends to rubber stamp names submitted by administration), or they would be recommended by the divisions. We need to keep one fact front and center here. The division is the General Conference. So, essentially, the General Conference would be choosing all of the non-ex officio members of the General Conference Committee, the committee that is supposed to hold its officers accountable. This is representative democracy? I don't think so. I would suggest that the entire committee be chosen by the General Conference Nominating Committee from names recommended by the union executive committees, taking into consideration the need for a good cross-section of the membership, including young people, women, and others.

Contrary to what Gordon Bietz might think, I do not have a major problem with some officers of the next higher organization being members of the executive committee of the next lower organization. In general, I have always found their advice to be valuable. Their recommendations are not always approved, but their comments always well worth factoring into the decisions at hand. However, the document being proposed to the General Conference Session does not limit representation to just the next higher level of structure. In the case of a local conference, the document adds not only union representatives, but also division and General Conference people as well. Enough is enough! Conference officers are not members of local church boards, so why the big push at higher levels?

I also support the right of the next higher level of organization to be able to call a constituency meeting of the next lower level. That is an appropriate check and balance. I favor anything that broadens the

base of the decision. Unfortunately the merger/dissolution proposal, as voted at the Spring Council meeting of the General Conference does not meet that criteria. Had it been brought to Annual Council, it might have been amended enough to make it as palatable as several other items were. Alas, the larger body never got that chance with this item.

My objections here fall into two main areas. First, the process for who decides what information is pertinent to the proposed merger or dissolution is not clearly spelled out. If, as a union committee member, I were to hear a proposal to merge or dissolve one of our conferences, I would want to be absolutely sure that I have *all* of the information on both sides of the issue. In my experience, it is unreasonable to expect administration to present in an unbiased way the opposing side of something they want you to vote.

Second, if only a constituency session can vote a union into existence, then only a constituency session should be able to vote a union out of existence. The constituency session above the union level is the General Conference in session, not the North American Division year-end meeting. With divisions there seems to be an attempt to have it both ways. Are they or are they not a separate level? The answer seems to depend on which is more useful for the current argument. However, one thing is clear. In order to broaden the base for a decision, you must take it to a constituency meeting. Moving it to the North American Division Executive Committee or the General Conference Executive Committee puts the decision higher up the hierarchical ladder, but it does not broaden the base of people who are likely to be knowledgeable about the issues involved. Also the General Conference Executive Committee can meet

with as few as 15 persons constituting a quorum. That is not my idea of broad-based decision making. This entire merger/dissolution issue raises legal issues of ascending and descending liability that have not been adequately explored and that concern many of us.

One issue that I did not understand at all well when I wrote the original paper was the extent to which the proposed method for selecting delegates to a General Conference Session gives control of those delegates to the General Conference. I am indebted to my African-American brothers for my education in this area. I support a cap on the total number of delegates chosen for a General Conference Session. However, in a

representative democracy it is far more important who chooses the delegates than how many are chosen. In the proposal of the commission the General Conference would control the selection of an astonishing 74 percent of the total number of delegates to each future General Conference Session. Needless to say, this is the polar opposite of what Dr. Dederen suggested in his paper on church unity. Checks and balances would cease to exist. Gordon Bietz denies that there is a power grab going on here. Pray tell, how else can you describe this?

What these men do not seem to comprehend is that at least in a country that claims to have a democracy the authority of the governing body is directly related to

how representative it is of the overall group it governs. The end result of this proposal, once people catch on to what has actually happened, will be to destroy the authority of the General Conference in session. Where then will be our precious unity?

As to my not appreciating the roses, *au contraire*, Gordon. I love roses, but when I pick them I always wear sturdy gloves to protect my hands from the thorns. Does anyone know where we can get a great price on 2,600 pairs of gardening gloves for the delegates to the General Conference Session in Utrecht?

Susan Sickler
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Burton: Don't Compare Ordaining Women to Freeing Slaves



While the title of Gary Patterson's article ("Let Divisions Decide When to Ordain Women," *Spectrum*, Vol. 24, No. 4) would lead one to believe that he is proposing ecclesiastical congregationalism at the divisional level of the church, the lion's share of his discussion is dedicated to promoting grounds for his bias in favor of the ordination of women. As I read his argument, I couldn't help but feel that Patterson was treading on dangerous ground as he attempted

to obscure the relevance of biblical authority in his defense for the ordination of women to the gospel ministry. Furthermore, when pushed to the extreme, the logic behind his arguments proves to be flawed.

The major question that Patterson raises is chiefly concerned with interpretational method. I would be the first to admit that everyone does not inherit an automatic capability for understanding the Word of God. However, I do feel that those of us who have made the study of the Word of God our life's work should be able to lay down some ground rules under which to operate in the arduous task of interpretation.

Patterson is right in his recognition that an exegetically based translation provides a literal and indisputable reading of the text. The problem with interpretation, however, has to do with how this text is

to be understood in 1995. I believe that most would agree that the first task in interpretation is to determine the audience situation of the original text. When one takes this approach, it is obvious that the penalties attached to violating the Sabbath in Exodus 31:12-17 (which Patterson raises) pertain to Jewish civil law and have nothing to do with Seventh-day Adventist Sabbathkeeping in 1995.

It is also obvious that the Pauline restriction against women speaking in church in 1 Corinthians 14 and 1 Timothy 2, is not a universal rule, but a Pauline *balakab* that served a specific purpose in the churches of Asia and Europe in the first century. Patterson seems to be saying that we either have to interpret the entire Bible literally or figuratively, and leaves no place for contextual hermeneutics. If Patterson does anything in his argument, it is to betray those historical-critical presuppositions that place the individual's experience as authoritative in the interpretational quest.

The person reading Patterson's argument for the first time would think that the massive protest against the ordination of women rests solely on the prohibition of 1 Corinthians 14. I would be the first to admit that it is easy to discredit an argument that is based solely on this text. However, many who seek biblical counsel in finding a solution for this problem, base their conclusions on other biblical passages; particularly those that establish the principle of male headship. Patterson and his supporters may call this principle culturally motivated, but the interpretational trajectory of the teaching finds its starting point at Creation.

Would Patterson's view of inspiration accommodate the charges of Phyllis Bird and Mary Daley that the Bible is a product of male chauvinists and is culturally biased? Would Patterson have us believe, like David Scholer, that both male and female were created at the same time and were designed for the same roles? Does Patterson hope that we will adapt Elisabeth Schussler-Fiorenza's androgynous interpretation of Galatians 3:28?

One point that is raised by Patterson exposes a gaping hole in his thesis. In his discussion about the ministry of Philip, Patterson admits that Philip's evangelistic efforts had nothing to do with his ordination as a deacon. If this is the case, then why push the issue for women's ordination if they can function without being ordained? Based on his reasoning, ordination is obviously not the stamp of approval for a spiritual gift.

The point at which I see the biggest hermeneutical flaw is when Patterson brings up the issue of slavery. While his agenda is concealed, it is obvious to me that he is trying to gain the sympathy of those of us from the African Diaspora. However, in his statement, he falls victim to the same naive and

fundamentalistic reading of the text with which he accuses others. Unlike the biblical role distinctions between male and female, slavery was *never* in God's original plan and is not a part of the Creation order. Responsible biblical hermeneutics demands that each equation in the *haustafel* must be understood in its own cultural and theological context, and cannot be grouped together. (What surprises me is that if Patterson feels so strongly about the church's stance on slavery and other social justice issues, why does he not address the racist attitudes of the church administration toward our brothers and sisters in Zimbabwe and throughout non-Western [Eurocentric] Adventism?)

What Patterson's approach really does is raise the question about how one ought to approach

the interpretation of Scripture. I feel that rather than view every comment and situation as culturally motivated, it behooves us to set up standards whereby we can intelligently distinguish between culture and revelation. That which has been revealed by God is not subject to scrutiny or culturally motivated modifications. If it is truth, it will always be truth. While we do see through a glass dimly, it is not in our best interest as seekers for truth to cloud the glass even further by releasing our personal steam on the face of the glass. I invite Patterson to lay aside his interpretational biases and take another look through the not-so-misty glass.

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Patterson: All Scripture Is Written in a Cultural Setting

That I am for the application of ordination equally for men and women is no surprise to those who have followed the flow of this argument in recent years. However, I resist the word *bias* used by Burton as being a pejorative term. I am not biased in this matter. Rather, I am persuaded by Scripture, by reason, and by fairness to take the stance I have taken. Burton is welcome to come to other conclusions, and to disagree with me. But to call my position a "bias" is a comment I reject as judgmental.

In my arguments, there is no "attempt to obscure the relevance of biblical authority" as Burton suggests, but rather an attempt to lead us to see the inconsistencies in our methodologies—inconsistencies that are all too often convenient escapes from the reality of what the

text says. Burton rightly observes and discovers the point of the argument when he states, "What Patterson's approach really does is raise the question about how one ought to approach the interpretation of Scripture." Indeed, this is the nub of the matter. It is the purview of the community of the church to do this work together. That is what ecclesiology and hermeneutics are all about.

Burton seems to suggest dividing Scripture into separate sections, some of which have higher authority than others. These divisions he calls "culture and revelation." But I ask, who is to say what is in which category? Is not all of Scripture written in a cultural setting? Does not every writer have a perspective? Or are we to believe that some of it is normative and some

ignoreable?

In this context, Burton maintains that punishment for violating the Sabbath and silence for women in church "pertain to Jewish civil law and have nothing to do with Seventh-day Adventist Sabbath-keeping in 1995. It is also obvious that the Pauline restriction against women speaking in church . . . is not a universal rule." Obvious to whom? While I may agree with his conclusion on these matters, it is yet the work of the church to make such decisions. That is what biblical interpretation in the community of the church is all about. And this is exactly the point of the article. How do we make such decisions? Odd as it may seem to Burton, what he sees as "obvious" is not obvious to everyone else.

It is not my intent to suggest that the whole matter of women in ministry rests on the interpretation of 1 Corinthians 14. Indeed, there are many other passages that must come into the discussion. It is cited only as an example of the interpretive work that must be done if we are not going to follow explicitly what the text says. And if not, then how do we relate to other texts in question? If we glibly write off certain texts as "cultural," then we

are on rather shaky ground when we wish to enforce others that seem to support our favored positions. Truth is not found in the quoting of scriptural particulates that support our favored positions, but rather, is derived from the whole of Scripture. There are not some portions that we write off as "cultural" and others that we claim are "revelation." Even if this notion were true, who would decide which texts are in which category?

Burton assumes a "Creation order" as if it is an accepted tenet of faith or scriptural fact. Indeed, it is neither. The Genesis account is quite explicit in its equality. "So God created man in his own image, in the image of God he created him; male and female he created them." There is no order here. Both male and female are in the image of God. And actually if one assumed a "Creation order" to be valid, it would be obvious that the whole of Creation moves from the inanimate to the animate, with the higher orders being created later and the Sabbath as the final act of Creation. This being the case, women would be higher in the Creation order than men, having been created later in the order.

Finally, I do not take lightly the

accusation that I would play politics with a matter so morally imperative as slavery. Moreover, my resistance to this evil is not so narrow as to be merely in the context of the "African Diaspora." Slavery is an evil that goes far beyond any racial or territorial limit. In fact, Burton shows evidence of his own cultural influence as he attempts to fog the issue by bringing in unrelated matters of "other social justice issues." He suggests we explore the "racist attitudes of the church administration to our brothers in Zimbabwe and throughout non-Western (Eurocentric) Adventism."

To make such implications without support or verification of the charges in the context of this discussion of women in ministry serves only to obscure the matter. What "racist attitudes" and what "church administration" is he referring to? That these matters need to be clarified and discussed, I have no doubt. But it would be a tragic conundrum if the matters of one social injustice were allowed—or even worse, deliberately used—to obscure the need for justice in another.

Gary Patterson
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