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# The Office of the Holy Ministry

## Departments of Systematic Theology

### Introduction

The office of the holy ministry remains a significant topic in important discussions and debates within The Lutheran Church—Missouri Synod. From our standpoint, the topic arises most frequently in discussions about “lay ministers,” mission and evangelism, and the relationship of congregations and their ministers. But questions and issues involving the office arise elsewhere, including conversations on the responsibilities of the priesthood of the baptized, absolution and church discipline, the nature of ordination (e.g., whether it ought to be numbered as a “sacrament”), pastoral education (e.g., field education, vicarage, “alternate routes,” and “teachers of theology”), the tenure of calls, “auxiliary offices,” and “elders.”

Each of us has his own particular concerns and his own level of discomfort with matters in the Synod, but all of us are concerned that some of our disagreements and confusions are about *doctrine*. To be sure, there is no disagreement and confusion about *what* constitute the Lutheran articles of doctrine. There is, however, much disagreement and confusion about *how* we should embody these articles in our lives, including how we should embody the Lutheran doctrine of the office of the ministry.

We recognize that embodying a doctrine or a principle in our lives is much more difficult than merely stating it or agreeing with it. This is the way with the distinction of Law and Gospel. Embracing it is quite simple; learning to do it faithfully is a lifelong venture. This is the way with the Athanasian Creed’s central Trinitarian claim: “We worship one God in three persons and three persons in one God, neither confusing the persons nor dividing the substance.” Confessing it in the liturgy on the festival of the Holy Trinity is straightforward; observing it straightforwardly in our theological reflection often proves difficult. This is the way with the relationship of justification and sanctification. Stating that sanctification follows justification is easy; reflecting their relationship properly in preaching and pastoral care can strain even pastors who have seen it all. This is also the

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*The Departments of Systematic Theology of Concordia Seminary, St. Louis, Missouri, and Concordia Theological Seminary, Ft. Wayne, Indiana, in joint meeting offer this paper as a contribution to the continuing discussion in our Synod on the Office of the Holy Ministry.*

way with the office of the ministry and the life of the church. For instance, it is one thing to confess, “no one should publicly teach, preach, or administer the sacraments without a proper [public] call” (AC XIV).<sup>1</sup> But it is another thing to discern what courses of action properly embody this doctrine when no pastor is available for God’s people, or when considering how seminarians might acquire skill in preaching and teaching, or when a congregation has many shut-ins.

Difficult or not, however, discerning faithful ways of embodying our doctrine is just as basic a Christian responsibility as confessing our doctrine. To help us all in this task, we offer the following affirmations.

1. *The Scriptures and the Lutheran Confessions locate the office of the holy ministry within God’s plan and work of salvation through Jesus Christ.*

All reflection on the office of the holy ministry and every embodiment of the doctrine of the office should be faithful to the ways in which the Scriptures make known the office and to which the Lutheran Confessions testify. These, in turn, rightly begin by acknowledging that the Lord Jesus Christ Himself instituted and commanded the office:

Jesus said to them again, “Peace be with you. As the Father has sent me, even so I am sending you.” And when he had said this, he breathed on them and said to them, “Receive the Holy Spirit. If you forgive the sins of anyone, they are forgiven; if you withhold forgiveness from anyone, it is withheld” (John 20:21-23).<sup>2</sup>

The office of the ministry does not exist simply by virtue of apostolic precedence or for the sake of good order, but by virtue of Christ’s will and for the sake of the salvation of sinners.

However, our thinking and conversation—and our practices and policies—should be consistent not only with particular passages in the New Testament (e.g., John 20 and Matt. 28) and the Confessions (e.g., AC V and XIV) but also should be consistent with the ways the Scriptures and the Confessions present and discuss the office.

These ways are not hard to determine. The Scriptures and the Lutheran Confessions locate the office of the ministry within God’s plan and work of salvation through Jesus Christ.

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<sup>1</sup> Robert Kolb and Timothy J. Wengert, eds., *The Book of Concord: The Confessions of the Evangelical Lutheran Church* (Minneapolis: Fortress, 2000).

<sup>2</sup> All Scripture quotations, except those included in quotations from Kolb-Wengert, which are mostly from the NRSV, are from *The Holy Bible, English Standard Version*, copyright © 2001 by Crossway Bibles, a division of Good News Publishers. Used by permission. All rights reserved.

- a. *The Scriptures and the Lutheran Confessions locate the doctrine of the office of the holy ministry within the divine economy of salvation.*

The most basic and familiar way of locating the office of the holy ministry (and therefore the doctrine of the office) is *within God's economy of salvation*, i.e., *within God's plan and work of salvation through Jesus Christ*. The Lord Jesus Himself does this in the Gospels. These accounts serve as the basis for teaching that Christ Himself instituted and commanded the office, along with all that His institution and command entail.<sup>3</sup> From these accounts we also can discern the scope or the power of the office, namely, "to preach the gospel, to forgive or retain sin, and to administer and distribute the sacraments" (AC XXVIII.5).<sup>4</sup>

The New Testament teaches us that Christ is not only the one who authorizes the office and calls men to service but also serves as the paradigm for those whom He calls and sends: "As the Father has sent me, even so I am sending you." Those called to the office are called to continue work that God gave His Son. Ministers do not merely speak about God's grace and salvation; they are called to convey God's grace and offer salvation. Their calling is to act, as our liturgical orders put it, "in the stead and by the command" of the Lord. Their office is not simply to talk about God's reign or God's forgiveness or God's justification; their office is to announce the coming of God's reign, to forgive sins, and to justify sinners. This theme may be seen also in John 15:18-16:15 and 17:6-26. It is further reflected in the appointing and sending of the Twelve (Matt. 10:1-42; Mark 3:13-19; 6:7-13; Luke 9:1-6) and the Seventy-Two (Luke 10:1-20). Here Christ commissions for work that He Himself is doing—proclaiming the coming of God's reign, healing the sick, raising the dead, cleansing lepers, and casting out demons—and work that Christ Himself understands as characterizing Him as "the one who is to come" (Matt. 11:2-6). To be sure, the service to which Jesus Christ calls ministers of the Word is not identical to the service to which God called Christ. For instance, it was given to Christ alone to atone for the sins of the world. Those in the office that Christ instituted do not participate in a sacrificial office. And the service to which ministers of the Word are called today does not necessarily involve raising the dead or healing the sick, as it did for the Twelve and the Seventy-Two in the Gospels. But the point is that Christ gave the same office that the Father had given Him. Paul and Timothy convey the same conception of the office when they speak about the ministry and message that God has given them:

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<sup>3</sup> About the institution and command of the office, see Matthew 28:18-20, Luke 24:44-49, and John 20:21-23. See also John 21:15-17 and Acts 1:8.

<sup>4</sup> The article then quotes John 20:21-23 to justify this position.

Therefore, if anyone is in Christ, he is a new creation. The old has passed away; behold, the new has come. All this is from God, who through Christ reconciled us to himself and gave us the ministry of reconciliation; that is, in Christ God was reconciling the world to himself, not counting their trespasses against them, and entrusting to us the message of reconciliation. Therefore, we are ambassadors for Christ, God making his appeal through us. We implore you on behalf of Christ, be reconciled to God. For our sake he made him to be sin who knew no sin, so that in him we might become the righteousness of God. Working together with him, then, we appeal to you not to receive the grace of God in vain. For he says, "In a favorable time I listened to you, and in a day of salvation I have helped you." Behold, now is the favorable time; behold, now is the day of salvation (2 Cor. 5:17-6:2).

The Lutheran Confessions adopt this approach to characterizing the office of the ministry, especially when they establish and delimit the power or authority of those who have been called to the office. In AC/Ap XXVIII, this power is contrasted to the power of civil authorities. In Ap XIII, this power is established against the Roman conception of the priesthood as a sacrificial office on the one hand (Ap XIII.7-9), and against the Enthusiasts who set aside the Word entirely on the other hand (Ap XIII.11-13). In the Treatise on the Power and Primacy of the Pope, this power is shown to be given equally to all the apostles and to all who succeed them, not principally to Peter and his successors in the Roman church. We can see their concern to show that ministers represent Christ and do His work from their repeated citations of the words of Jesus recorded in Luke's Gospel: "The one who hears you hears me" (10:16; see AC XXVIII.22; Ap VII/VIII.28, 47; cf. Ap XII.40 and Ap XXVIII.18).

- b. *The Scriptures and the Lutheran Confessions locate the doctrine of the office of the holy ministry within the context of justification by faith in the Gospel.*

Some of the confessional witnesses already cited point to another significant way to characterize the office of the ministry: within the context of *justification by faith in the Gospel*. AC V directs us to this context when it connects justification with the means of grace: "To obtain such faith [i.e., faith that 'God will regard and reckon...as righteousness in his sight' AC IV.3] God instituted the office of preaching [*das Predigtamt*], giving the gospel and the sacraments. Through these, as through means, he gives the Holy Spirit who produces faith, where and when he wills, in those who hear the gospel" (AC V.1-2). This article emphasizes that the Holy Spirit

gives justifying faith *through the means of grace*.<sup>5</sup> Furthermore, the understanding that the keys have been given immediately to the church is consistent with this teaching.<sup>6</sup>

The Confessions, however, also understand that these means of grace are to be administered publicly only by those who have been properly called. This is asserted plainly in AC XIV: “Concerning church government it is taught that no one should publicly teach, preach, or administer the sacraments without a proper [public] call.” This office of teaching, preaching, and administering the Sacraments is held not simply as a matter of good order, but, as we have already seen, because the office has Christ’s institution and command. As we see in Ap XIII, the Confessions hold together both the emphasis that justification comes through the means of grace and the acknowledgement that God has given the office of the ministry so that these means might be administered and sinners thereby justified. When discussing whether ordination may be understood as a sacrament, the article first distinguishes the evangelical understanding of the office of the ministry as a calling to preach the Gospel and administer the Sacraments from the Roman Catholic conception of a sacrificial office (par. 7-9). But if ordination is rightly understood as having reference to the ministry of the Word, then the Apology has no objection to calling it a Sacrament. Why? Two reasons are given: first, because “the ministry of the Word has the command of God and has magnificent promises like Romans 1[:16]: the gospel ‘is the power of God for salvation to everyone who has faith’” (par. 11); second, because “the church has the mandate to appoint ministers” (par. 12).

Although the Confessions nowhere cite this passage, this way of locating the office of the holy ministry in God’s work is reflected in Romans 10. In this section of the letter (chapters 9-11) Paul deals with the theological problems of the many Jews who have rejected Christ and the righteousness of faith. In chapter 9 he addresses the question of whether salvation is by grace if so many of the chosen people are not in fact saved. In chapter 10, he establishes that righteousness comes not by works but through faith. Paul begins by announcing that “Christ is the end of the law for righteousness to everyone who believes” (v. 4), and he argues this with a Christological reading of the Old Testament:

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<sup>5</sup> This point is made repeatedly in the Augsburg Confession and the Apology (see especially XIII, as will be discussed in the next paragraph, and XXVIII), and also in the Smalcald Articles (see III.VIII on Confession) and in the Treatise on the Power and Primacy of the Pope (see especially par. 60-61, which address the issue of ecclesiastical power).

<sup>6</sup> “Moreover, it must be acknowledged that the keys do not belong to one particular person but to the church, as many clear and irrefutable arguments show. For having spoken of the keys in Matthew 18 [:18], Christ goes on to say: ‘Wherever two or three agree on earth...’ [Matt. 18:19-20]. Thus, he grants the power of the keys principally and without mediation to the church...” (Tr 24; cf. Tr 68) Also see below, §4.

For Moses writes about the righteousness that is based on the law, that the person who does the commandments shall live by them. But the righteousness based on faith says, "Do not say in your heart, 'Who will ascend into heaven?'" (that is, to bring Christ down) or "Who will descend into the abyss?" (that is, to bring Christ up from the dead). But what does it say? "The word is near you, in your mouth and in your heart" (that is, the word of faith that we proclaim); because, if you confess with your mouth that Jesus is Lord and believe in your heart that God raised him from the dead, you will be saved. For with the heart one believes and is justified, and with the mouth one confesses and is saved. For the Scripture says, "Everyone who believes in him will not be put to shame." For there is no distinction between Jew and Greek; the same Lord is Lord of all, bestowing his riches on all who call on him. For "everyone who calls on the name of the Lord will be saved" (vv. 5-13).

But this still leaves the problem of hearing about the Lord and His righteousness in the first place. Paul answers this problem by tracing out a theology of the Word of God:

But how are they to call on him in whom they have not believed? And how are they to believe in him of whom they have never heard? And how are they to hear without someone preaching? And how are they to preach unless they are sent? As it is written, "How beautiful are the feet of those who preach good news!" But they have not all obeyed the gospel. For Isaiah says, "Lord, who has believed what he has heard from us?" So faith comes from hearing, and hearing through the word of Christ (vv. 14-17).

Jesus Christ means "the end of the law for righteousness."<sup>7</sup> The way of salvation lies not by hearing and doing the Law, but by hearing and believing the Gospel, and the true righteousness of life comes as a consequence of faith. But, as Paul explains, there is no righteousness of life without faith, no faith without hearing, no hearing without preachers, and no preachers without sending. In this way, Paul locates the ministry of the Word and the office of this ministry within the context of justification by faith in the Gospel.

2. *Jesus Christ instituted and commanded the office of the holy ministry to save sinners.*

As the New Testament teaches and the Lutheran Confessions testify,

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<sup>7</sup> Cf. John 1:17: "For the law was given through Moses; grace and truth came through Jesus Christ."

God has not only established the office of the ministry, but He has established it for a definite purpose. Both ways of characterizing the office of the ministry stress that Christ instituted and commanded the office for a particular purpose, namely, to save. Seen in the context of God's economy of salvation through Jesus Christ, the office of the holy ministry consists of men appointed and sent by Christ as God His Father had sent Him. Seen in the context of justification by faith, the ministerial office has been established for the justification of sinners through their preaching of the Gospel, their forgiveness of sins, and their administration of Baptism and the Lord's Supper.

Therefore, the fact that the Scriptures and the Confessions locate the office of the holy ministry within God's plan and work of salvation directs us always to reflect upon and talk about this office in that context. Accordingly, a basic test of any understanding of the office of the ministry is whether it is consistent with God's plan and work of salvation and with His activity of justification through His means of grace.

The testimony of the Lutheran Confessions shows the importance of seeing the saving purpose of the office. The Confessions usually and most significantly discuss the ministry of the Word (i.e., the activity of preaching the Gospel, forgiving sins, and administering the Sacraments) and the ministerial office (i.e., the office responsible for conducting this activity) with the interest that God's saving work be accomplished. We cite several occasions. One arises in connection with justification by faith. In AC V the ministry of the Word and Sacraments is confessed as given for the working of justifying faith. Another comes in connection with the distinction of the two powers. In AC XXVIII, the evangelicals "have been compelled, for the sake of comforting consciences, to indicate the difference between spiritual and secular power, sword, and authority" (par. 4). When the Confutation misses the point of this article, the Apology answers, "If the opponents would only listen to the complaints of churches and pious hearts! The opponents valiantly defend their own position and wealth. Meanwhile, they neglect the state of the churches, and they do not care if there is correct preaching and proper administration of the sacraments in the churches" (Ap XXVIII.3). A third is seen in the Apology's discussion of the definition of a "sacrament." When Ap XIII has "no objection to calling ordination a sacrament," it is because "the ministry of the Word has the command of God and magnificent promises like Romans 1[:16]: the gospel 'is the power of God for salvation to everyone who has faith'" (par. 11). A fourth comes when the Treatise challenges papal primacy. Here it stresses, "certainly the church is not built upon the authority of a human being but upon the ministry of that confession Peter made, in which he proclaimed Jesus to be the Christ, the Son of God" (par. 25), and it charges that the Roman confusion about the authority of the pope "brought horrible darkness upon the church and afterward precipitated great tumult in Europe.

For the ministry of the gospel was neglected” (par. 34).<sup>8</sup>

3. *The saving activity for which Christ instituted and commanded the office of the ministry raises the question of “authority” or “power” (nature and scope of authority).*

Since the fundamental purpose of the office of the ministry is to save sinners, the existence of the office itself will naturally lead to questions and challenges about its authority or power, because salvation is the prerogative of God alone. Ministers in the exercise of their calling perform deeds that God alone has the right and power to perform. By what right do they do such things?

In answering this question, it is important to remember not only that Jesus Christ instituted and commanded the office, but also that He Himself is the paradigmatic minister. Acting as the Christ and Son of God, Jesus Himself also prompted questions about and challenges to authority. We see this not only in the particular instance when He forgave the sins of a paralytic (Matt. 9:1-8, where He proved His authority to forgive sins by healing the man), but in His ministry as a whole. Jesus gave signs of His authority: healing the paralytic, telling the Samaritan woman all about her life, being attested to “by God with mighty works and signs that God did through him (Acts 2:22),” and, above all, the sign of Jonah. His saving words and deeds led ultimately to His rejection and crucifixion, but His resurrection from the dead vindicated His identity and authority as the Christ and the Son of God.

Christ did not act on His own authority, but according to God’s dispensation and in the power of the Spirit. When Christ instituted and commanded the office, He did so in the same way. He did so because “all authority in heaven and on earth has been given to me” (Matt. 28:18) and in the same way “as the Father has sent me” (John 20:21), and He did so with the gift of the Holy Spirit (Luke 24:49; John 20:22; see also Acts 1:8; 2:1-21). In this way, namely, through Christ’s calling and ordaining, the apostles were given not only the responsibility but also the authority to speak and act in God’s name. Through call and ordination, ministers are given not only the responsibility to speak and act in God’s name, but also the power.

4. *The whole church’s possession of the power of the keys relativizes neither the necessity nor the authority of the office of the holy ministry, but it confers to the church both the right and the responsibility to call and ordain ministers.*

<sup>8</sup> It may be helpful to observe further that here the Treatise is retaining the medieval categories of the “power of the order” and the “power of jurisdiction,” as did the Apology (which the Treatise cites as the evangelicals’ general treatment of ecclesiastical power; see Ap XXVIII.13-14). But both the Apology and the Treatise appropriated the categories critically, and they removed from their definitions any confusion of the two powers and oriented their definitions for the service of conveying God’s grace. Both the Apology and the Treatise, moreover, criticize Roman Catholic doctrine and practice because they amount to a compromise of justification by grace alone.

As we noted in the Introduction, the topic of the office of the ministry arises “in discussions about ‘lay ministers,’ mission and evangelism, and the relationship of congregations and their ministers” (248). Looking further into all of these discussions, one frequently finds contentions over the relationship between the church as possessing the power of the keys and the office of the ministry also as possessing this power.<sup>9</sup> These contentions make this relationship an important issue today.

To sort out such issues faithfully, we should acknowledge both that Christ instituted the office of the holy ministry and gave it the power of the keys (John 20:21-23; Matt. 16:13-19), and also that Christ gave the power of the keys to the whole church (Matt. 18:18-20). The Lutheran Confessions affirm both testimonies. The Treatise affirms both explicitly when it refutes arguments for papal primacy (Tr 22-24). The Roman opponents insisted that its claims about the primacy of the bishop of Rome derived from Christ giving the keys to Peter in particular (Matt. 16:18-19; John 21:17). The Treatise counters with two arguments: one that Christ had given the power of the keys equally to all the apostles; and another that Christ gave the keys also to the whole church. The Confessions, moreover, testify to the keys granted to the whole church in other ways, notably when the Smalcald Articles speak about “the mutual conversation and consolation of brothers and sisters” (SA III.IV) and when the Large Catechism identifies a “secret confession that takes place privately before a single brother or sister” (LC Conf 13). These citations show that the Confessions understood that Christ gave the power of the keys both to the entire church and to the office of the ministry. To be sure, the Confessions themselves do not articulate a precise distinction of the possession of the keys. Nevertheless, it is a clear conclusion from the fact that they recognize and argue Christ gave the power of keys both to the church and to the office. Their use of the New Testament witness substantiates this conclusion. Particularly in their repeated use of the Lord’s words recorded in John 20, the Confessions reflect the understanding that Christ instituted the ministerial office as a distinct office within the church. They do not understand that the office derives from the church as the holder of the keys. At the same time, however, the Confessions also see the church as possessor of the keys by virtue of another of Christ’s teachings: “Where two or three are gathered in my name” (Matt. 18:20). They do not see the office as the sole location of the power of the keys nor those in the office as the sole possessors of the keys. Accordingly, we also must recognize that the power of the keys is neither the exclusive possession of those called to the office nor granted to the office simply by way of derivation from the church.

The assertion that Christ established the ministerial office is significant because it shows that the authority of the office derives from Christ’s

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<sup>9</sup> As significant as it may be, however, it is only one key point of contention.

own authority. It is true that Christ places men into the office and conferred this authority through the call of the church, whose right to call and ordain ministers stems from her possession of the keys. Ministers, however, exercise authority by virtue of the office that Christ Himself instituted.<sup>10</sup> When they act according to Christ's institution, those put into the office act "in the stead and by the command of" Christ and so that those who hear them, hear Christ (cf. Luke 10:16). Ministers do not serve at the pleasure of the congregation, as a servant or an employee, but serve as deputies of Christ.

Christ's institution, however, not only establishes the authority or power of the office but also qualifies it. What Christ established and commanded defines both what is and what is not within the scope of the authority of this office. The Confessions recognize this qualification particularly in AC/ Ap XXVIII on the power of bishops, which are concerned to articulate the range of the powers proper to the office.

Consequently, according to divine right it is the office of the bishop to preach the gospel, to forgive sin, to judge doctrine and reject doctrine that is contrary to the gospel, and to exclude from the Christian community the ungodly whose ungodly life is manifest—not with human power but with God's Word alone (AC XXVIII.21).

In the Confession we have said what power the gospel grants to bishops. Those who are now bishops do not perform the duties of bishops according to the gospel, even though they may well be bishops according to canonical orders, about which we are not disputing. But we are talking about a bishop according to the gospel. We like the old division of power into the "power of the order" and the "power of jurisdiction." Therefore, bishops have the power of the order, namely, the ministry of Word and sacraments (*ministerium verbi et sacramentorum*). They also have the power of jurisdiction, namely, the authority to excommunicate those who are guilty of public offenses or to absolve them if they are repentant and ask for absolution (Ap XXVIII.12-13).

When they act "according to the gospel," i.e., according to the institution and command of Christ, Christians should hear and obey them. "That is why parishioners and churches owe obedience to bishops, according to this saying of Christ (Luke 10[16]): 'Whoever listens to you listens to me'" (AC XXVIII.22). On the other hand, "whenever they teach, institute, or intro-

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<sup>10</sup> This truth is embodied in some orders for absolution, including this one from The Lutheran Hymnal: "Upon this your confession, I, by virtue of my office, as a called and ordained servant of the Word, announce the grace of God unto all of you, and in the stead and by the command of my Lord Jesus Christ, I forgive you all your sins in the name of the Father and of the Son and of the Holy Ghost."

duce something contrary to the gospel,” they must not be obeyed (AC XXVIII.23). To be sure, those who occupy the office may exercise other kinds of authority, but if they do so, they do so according to human agreements and for the sake of order, not because they have a divinely given right.

The assertion that Christ gave the keys to the whole church is significant for at least two reasons. First, this claim is the basis for recognizing that in certain circumstances any Christian might administer God’s grace.<sup>11</sup> Because Christ gave the power of the keys to the whole church, the Confessions recognize situations in which any Christian could convey God’s grace to another Christian brother or sister (Tr 67). One situation is “an emergency,” that is, a situation of imminent danger of death where no pastor is available. In such situations, “even a layperson grants absolution and becomes the minister or pastor of another” (Tr 67). Another situation includes instances when brothers and sisters in Christ deal with one another’s sins and burdens. Such instances include “the secret confession that takes place privately before a single brother or sister” (LC Conf 13) and the “mutual conversation and consolation of brothers and sisters” (SA III.IV).

We can see from this that the truth that Christ gave the keys to the Church often does not speak to some questions about evangelism commonly asked today, such as “Are all Christians missionaries?” or “Does the ‘Great Commission’ apply to ministers alone or to all Christians?” or “Can any Christian share the Gospel, or is this only for pastors?” When these questions are dealt with, they usually are referring to speaking about the one true God, His Son, His will, His forgiveness, His love, etc. Both the Old and New Testaments show that the one true God’s identity, actions, and will may be made known by any of God’s people, from the greatest to the least, from Moses and Elijah to the captive girl who lets it be known that the master should visit the prophet in Israel, from John and Paul to the Samaritan woman and the women at the empty tomb. If a slogan like “every Christian is a missionary” refers only to this much, then we should all acknowledge not only that any Christian may speak about God, Christ, judgment, and salvation as they live out their callings, but that Christians as a community in the world do testify to all these things by their very lives.<sup>12</sup> But the fact that Christ has given the keys to the whole church bears on different situations. It addresses situations where it is necessary not simply to speak about God, Christ, and forgiveness but to speak in the name of Christ and actually to forgive.

The assertion that Christ gave the keys to the whole church is significant also because it gives to the Church the right and the responsibility to

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<sup>11</sup> In support of this position, Tr 68 cites the words of Christ, “For where two or three are gathered in my name...” (Matt. 18:20) as pertinent. Again, see also Tr 22-24.

<sup>12</sup> Of course, it is a pertinent question to ask whether this witness is faithful, but this, too, is a question for another occasion.

call and ordain ministers. The Confessions never use the truth that the whole church possesses the power of the keys to make the office of the holy ministry unnecessary or merely useful. On the contrary, this truth serves as the basis for the church's right to call, choose, and ordain ministers.<sup>13</sup> Exercising this right by calling those who are placed in the office is one significant way that the church keeps Christ's institution and command.

The Treatise demonstrates this line of thinking. It acknowledges some difficulties and challenges that churches may face with respect to their ministers. Some churches may be confronted by ministers who abuse their power or lead ungodly lives. Other churches may find ministers unavailable in time of need. These kinds of situations, however, do not lead the Confessors to suggest that Christians might do without men called and ordained to the ministerial office. On the contrary, the fact that the church possesses the keys gives them not only the right but also the obligation to ordain ministers if necessary: "[W]hen bishops either become heretical or are unwilling to ordain, the churches are compelled by divine right to ordain pastors and ministers for themselves" (Tr 72). It might be said that this right holds even in an "emergency" and conclude that such situations do not show that ordination is optional but necessary. But this way of putting the understanding of the Confessions fails to acknowledge that the confessors took this sort of right and responsibility *for granted*. We can see that the confessors regarded ordination as necessary by the way that the Treatise uses the "emergency" situation in its argument. It was unnecessary for them to prove this; in fact, they could use it as a part of a proof. The Treatise uses it as a premise in order to prove that the church must have the right to choose, call, and ordain ministers.

This right is a gift bestowed exclusively on the church, and no human authority can take it away from the church, as Paul testifies to the Ephesians [4:8, 11, 12] when he says: "When he ascended on high...he gave gifts to his people." Among those gifts belonging to the church he lists pastors and teachers and adds that such are given for serving and building up the body of Christ. Therefore, where the true church is, there must also be the right of choosing and ordaining ministers, just as in an emergency even a layperson grants absolution and becomes the minister or pastor of another. So Augustine tells the story of two Christians in a boat, one of whom baptized the other (a catechumen) and then the latter, having been baptized, absolved the former (Tr 67).

In an emergency situation, the fact that the whole church has been given the power of the keys makes ordination appropriate, not irrelevant. Per-

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<sup>13</sup> See especially Tr 60-72.

sons who act in such emergencies are not thereby put into the office. Simply because one is thrust into such a situation, or simply because one might possibly be thrust into such a situation, no one should be understood himself as being put into the office. The point is that the Treatise does not imagine churches without ordained ministers of some kind, even in emergency situations or when no one else will call and ordain men for the office. As confessors of the same doctrine, neither should we.

5. *We should observe both a clear distinction between aptitude for serving in the office and the authority of those in the office and also a definite relationship between them.*

The question of aptitude comes up regularly in conversations involving the office of the holy ministry. One argument for the ordination of women is that women are supposed to be more likely to have dispositions suited for pastoral ministry. One concern about non-residential pastoral education programs such as DELTO (Distance Education Leading to Ordination) is that they may not always provide adequate training and formation for pastors. One reason that the category of “teacher of theology” has been recently discussed is that there are women willing and able to teach theology in the Synod’s institutions of higher education. Whether such arguments, concerns, or reasons have validity is a question for another occasion; for our purposes, they illustrate how readily the issue of aptitude enters when a conversation involves the ministerial office.

Aptitude is a necessary category for thinking about ministers and their office because they are expected to have certain qualities and capacities and because they are given definite responsibilities to fulfill.<sup>14</sup> For instance, they must be “able to teach” (1 Tim. 3:2). But we should be careful not to let aptitude be the primary category for reflection and discussion of ministers and their office. Knowledge alone is not enough. Skill and wisdom to put knowledge to use are not sufficient. Authority or power to act is also needed. As we have already emphasized, Christ established this office for acts that convey God’s forgiveness and promises of life and salvation. Such acts require not only a certain aptitude, but they require divine authorization, which is given a man when he is called and ordained to the office. Accordingly, authority or power is also a necessary category for reflection on the responsibilities of the office of the ministry and on the expectations for those called to the office. We have already observed that the ministry of Jesus Christ shows that “authority” is a significant concept for the doctrine of the ministry.<sup>15</sup> At this point we would say more specifically that his ministry shows that the concept is significant for thinking about such is-

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<sup>14</sup> Therefore, education, certification, and oversight should neither be relativized as adiaphora nor dismissed as legalistic.

<sup>15</sup> See above, §3.

sues as call and ordination and also education of candidates for the ministry (“pastoral education”) and their certification.

First, it shows that “call and ordination” are essential for conduct of the ministry. Ministers do things in the place of Christ. They forgive and retain sins. They judge doctrine. They administer the signs of God’s favor. They warn and admonish against sin and error. They exclude and include particular persons. In all these things they stand over against others, and so the question follows naturally: “By what right? On whose authority?” When Moses went to Pharaoh, he had his staff. When Elijah stood off against the prophets of Baal on Mount Carmel, he could call down fire from the heavens. When Jesus was challenged for a sign, He gave them the sign of Jonah. These indicated their God-given authority. What is the sign of authority for ministers today? It is their call and ordination, which assure that they act by divine right and on the authority of Christ. This truth makes such ideas as “lay ministers” invitations for difficulties and troubles to ministers whose authority is doubtful and to laypersons whose assurance of God’s grace may be questioned.

Second, the concept of “authority” is significant for the formation and certification of candidates to the office of the ministry. In short, it defines questions of character and makes them essential. Of course, issues of character for ministers have been much discussed in recent years, and often for good reason. But the relevant issues go beyond the qualities expected broadly of professionals or certain “interpersonal skills.” The requirements of proclaiming the Gospel and judging doctrine require boldness and confidence. Excommunication of manifest sinners and the absolution of the penitent, especially in the face of opposition, require integrity and courage. Staying within the powers granted to the office requires humility and patience. Every level and every kind of pastoral education should seek to instill and encourage these qualities and should lead students to appreciate them, while certification of candidates should pay definite attention to discerning them.

# Human Embryo Freezing and Disposition: A Scientific, Legal, and Theological Overview

Robert W. Weise

During a reading of *The Journal of the Christian Medical & Dental Society*, an article entitled “Embryo Adoption Gets Boost”<sup>1</sup> caught my attention because I had just completed a conversation with a pastor who was counseling a couple that was interested in adopting frozen embryos. According to this article “[embryo] adoption provides a life-honoring alternative.”<sup>2</sup>

Is embryo adoption a “life-honoring alternative” to their destruction and use in embryonic stem cell research? Will it promote the ongoing freezing of embryos if couples know that their frozen children could be adopted? These choices are now before many couples who are facing the dilemma: “What do we do with our *spare* frozen embryos that we no longer want to have implanted in our womb?” While the answer to these questions may appear simple to many, couples who find themselves in this predicament discover that there are no quick and easy answers.

These questions and others have generated false and misleading information about the freezing, thawing, and disposition of embryonic human beings who are from one to five days old post-fertilization. This paper examines the scientific, legal, and theological perspectives of the disposition of unused frozen embryos in light of the Biblical teaching to “raise children in the instruction and discipline of the Lord” (Eph. 6:1-3).

## I. Scientific Overview of Embryo Production and Freezing

The use of ovarian stimulation (ovarian induction) to collect large numbers of a woman’s oocytes (eggs)<sup>3</sup> was initially conducted to improve and simplify human in vitro fertilization. This led to the collection of large

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<sup>1</sup> “Embryo Adoption Gets Boost,” *The Journal of the Christian Medical & Dental Society* 35, no. 4 (2004): 3.

<sup>2</sup> *Ibid.*

<sup>3</sup> “Egg” is best confined to its use with chickens and “Eggs Benedict.” It is an inappropriate biological term in a discussion about a woman’s reproductive system. See R. O’Rahilly and F. Müller, *Human Embryology and Teratology*, 3<sup>rd</sup> ed., (New York: Wiley-Liss, 2001), 12, regarding the correct use of terminology when discussing the process of human fertilization and development.

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numbers of oocytes and, hence, zygotes (fertilized oocytes are called zygotes, one-day-old embryos) that could be safely transferred at one time into the woman's womb without risking multiple pregnancy and, thereby, risking the life of the mother as well as the embryonic human being(s) within her womb. To lessen the risk of multiple pregnancies by implanting all fertilized oocytes, the development of embryo cryopreservation was initiated in the late 1970s.<sup>4</sup>

According to Burns et al.,<sup>5</sup> the cryopreservation of human embryos provides many clinical benefits, including a reduction in the risk of major multiple pregnancies, an increase in the number of embryo transfers and, hence, pregnancies per stimulation and retrieval cycle, the avoidance of Ovarian HyperStimulation Syndrome,<sup>6</sup> the preservation of future child-bearing capability in women facing ovarian surgery or cancer therapy, and, lastly, a reduction in patient expense and risk from additional stimulation and retrieval cycles.<sup>7</sup>

After infertile women undergo ovarian stimulation, approximately six to twenty-two oocytes are recovered, cleaned, and readied for In Vitro Fertilization (IVF)<sup>8</sup> or Direct Egg Sperm Injection (DESI).<sup>9</sup> The sperm of the husband is recovered via masturbation or aspiration of gonad tissues. Sperm are cleaned and counted, and those that are the most mobile and viable are kept for fertilization. In addition, oocytes that are determined to be viable and in "good shape" are cleaned and kept for the fertilization process. Following IVF, the embryos are graded for their suitability for implantation and freezing.

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<sup>4</sup> J. Mandelbaum, "Embryo and Oocyte Cryopreservation," *Human Reproduction*, 15, suppl. 4 (2000): 43.

<sup>5</sup> W. N. Burns et al., "Survival of Cryopreservation and Thawing with All Blastomeres Intact Identifies Multicell Embryos with Superior Frozen Embryo Transfer Outcome," *Fertility and Sterility* 72 (September 1999): 527.

<sup>6</sup> Ovarian HyperStimulation Syndrome (OHSS) results in excessive stimulation of the ovaries by superovulatory drugs such as Lupron or Clomiphene Citrate. This may result in severe abdominal and pelvic pain due to bloating and fluid retention. This may require hospitalization and observation. This occurs in about 5% of all women undergoing ovarian stimulation.

<sup>7</sup> The results here suggest that, on average, it costs approximately \$67,000 to \$114,000 per successful delivery with in vitro fertilization. For older couples with more difficult problems of infertility, the cost is approximately \$118,000 per delivery. P. J. Neumann, S. D. Gharib, and M. C. Weinstein, "The Cost of Successful Delivery with In Vitro Fertilization," *NEJM* 331, no. 4 (1994): 239-243.

<sup>8</sup> In Vitro Fertilization (IVF) is the production of a zygote (fertilized egg) in a small round glass dish by placing one egg in this dish and smothering it with sperm cells until one penetrates and fertilizes the egg to produce the zygote, a day-old embryo. This occurs outside of the body (*in vitro*—in glass) and may take up to thirty hours.

<sup>9</sup> Direct Egg Sperm Injection (DESI) is a process whereby sperm and eggs are collected in the same fashion as they are for IVF. One egg is directly injected with one sperm cell. If the process works, then fertilization will occur within several hours. As with IVF this process occurs outside of the body (*in vitro*—in glass).

While “grading scales” may vary from clinic to clinic,<sup>10</sup> these scales are based on qualitative visual observation, that is, technicians look for specific characteristics that tell them and the fertility specialist that some embryos may have a better chance of implantation and survival than other embryos. This conclusion is based not only on the quality of the oocyte that was fertilized, but also the quality of the resultant fertilized oocyte which is called a zygote. If the zygotic embryo has cells dividing (called blastomeres—any dividing cell within the embryo) and a low amount of cellular fragmentation,<sup>11</sup> then an embryo is determined to be ready for implantation or freezing. The more irregular the embryo’s cells look, the less chance that the fertility specialist would use it for implantation or freezing.<sup>12</sup>

The higher grade of oocytes and spermatozoa (sperm cells) are used for either IVF or DESI. If there are any left-over or spare embryos, they are frozen in liquid nitrogen. The homeless shelter of the frozen embryo is a cryovial called “cryostraws.”<sup>13</sup> These cryostraws usually contain a maximum of two embryos<sup>14</sup> that are plunged into a liquid nitrogen vat and cryogenically preserved for “life” at about -321.0 F (-196.0 C). Within this deep freeze, they face death not only from the slow process of freezing, but also from being frozen for extended time periods. In addition, approximately 7%<sup>15</sup> to 57%<sup>16</sup> of thawed human embryos die in the rapid thawing process.<sup>17</sup>

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<sup>10</sup> Advanced Fertility Center of Chicago uses a scale of 1 to 4 with Grade 4 embryo having the best opportunity to implant [see <http://www.advancedfertility.com>]. Opposite of this clinic is the grading system used by Atlanta Center for Reproductive Medicine. They use the same scale, yet Grade 1 is the best chance for implantation while 4 has the least opportunity for implantation [see <http://www.acrm.com>]. The Ohio Reproductive Medicine clinic uses a grading scale from 1 to 5, wherein 1 is the best and 5 is the worst for implantation [see <http://www.ohiorepromedicine.com>].

<sup>11</sup> Fragments are pieces of cytoplasm that form during the cell division of an embryo. The quantity of these “chips” or “fragments” are identified by the naked eye as “degree of fragmentation.” Usually, fragmentation is categorized into “no significant fragmentation,” “significant fragmentation,” and “excessively fragmented.”

<sup>12</sup> Burns, 528.

<sup>13</sup> R. P. Marrs, J. Greene, and B. A. Stone, “Potential Factors Affecting Embryo Survival and Clinical Outcome with Cryopreserved Pronuclear Human Embryos,” *American Journal Obstetrics Gynecology* 190 (2004):1768.

<sup>14</sup> *Ibid.*, 1768.

<sup>15</sup> L. Pal, P. Kovacs, B. Witt, S. Jindal, N. Santoro, and D. Barad, “Postthaw blastomere survival is predictive of the success of frozen–thawed embryo transfer cycles,” *Fertility & Sterility* 82, no. 4 (2004): 823.

<sup>16</sup> A. Salumets, T. Tuure, S. Makinen, S. Vilska, L. Husu, R. Tainio and A-M. Suikkari, “Effect of Development Stage of Embryo at Freezing on Pregnancy Outcome of Frozen–thawed Embryo Transfer,” *Human Reproduction* 18, no. 9 (2003): 1893. The survival rate of a frozen embryo upon thawing differs with the age of the embryo. Embryos that are one day old seem to survive better than embryos that are two to five days old.

<sup>17</sup> The scientific literature varies a great deal on the number of eggs (oocytes) recovered from an aspiration of the hyperstimulated ovaries of a woman. In general, sixty-six eggs may be recovered for either in vitro fertilization (IVF) or direct egg sperm injection (DECI). The death rate on freezing and during prolonged freezing is more dif-

The embryo's survival rate is not only dependent on the age of the embryo but also the amount of fragmentation (bits and pieces of embryo cytoplasm formed during cell division that may impinge development and implantation) that occurs within the embryo's cells.<sup>18</sup> Fragmentation does limit the *in vitro* development of the human embryo. The more embryonic volume that is taken up by these cell fragments, the worse the prognosis for embryo development and implantation.<sup>19</sup> While fragmentation occurs during *in vitro* fertilization, it appears to be more pronounced following the thawing of frozen embryos.<sup>20</sup>

In 1983 Trounson and Mohr<sup>21</sup> reported the first pregnancy from a cryopreserved eight-cell embryo. In 1986, the first live birth in the United States from an *in vitro* fertilized oocyte subsequently cryopreserved, stored, thawed and then, transferred to the uterus of the genetic oocyte donor occurred.<sup>22</sup>

## II. Abandoned Frozen Embryonic Human Beings

The future of frozen embryos is on "hold," that is, if they survive the freezing. They have neither family support nor voice. They are the "forgotten children" of the twenty-first century. A family who has abandoned these children to a frozen "concentration can"<sup>23</sup> called a Liquid Nitrogen Storage Dewar will send a yearly "welfare check" for about \$350 to the fertility clinic to preserve their frozen body.<sup>24</sup> The issue of homeless street children in the United States now includes approximately 400,000 home-

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difficult to determine. The data exists for the death of human embryos that are thawed also varies. See: B. Lassalle, J. Testart, and J-P Rencard, "Embryo Features That Influence the Success of Cryopreservation with the Use of 1, 2 Propanediol," *Fertility & Sterility*, 44 (1985): 645-651; A. Salumets et al., 1890-1895.

<sup>18</sup> *Supra*, n. 14.

<sup>19</sup> M. Alikani, J. Cohen, G. Tomkin, G. J. Garrisi, C. Mack, and R. Scott, "Human Embryo Fragmentation In Vitro and Its Implications for Pregnancy and Implantation," *Fertility & Sterility* 71, no. 5 (1999): 836-842.

<sup>20</sup> W. N. Burns, R. W. Gaudel, M. B. Martin, Y. R. Leal, H. Schoen, C. A. Eddy, and R. Schenken, "Survival of Cryopreservation and Thawing with All Blastomeres Intact Identified Multicell Embryos with Superior Frozen Embryo Transfer Outcome," *Fertility & Sterility* 72, no. 3 (1999): 527-532.

<sup>21</sup> A. Trounson & L. Mohr, "Human Pregnancy Following Cryopreservation, Thawing and Transfer of an Eight-cell Embryo," *Nature* 1983, 305 (5936): 708-709. Due to medical complications and the life of the mother the pregnancy was terminated at twenty-four weeks.

<sup>22</sup> R. P. Marrs, J. Brown, F. Sato, T. Ogawa, B. Yee, R. Paulson, P. Serafini, J. M. Vargyas, "Successful Pregnancies from Cryopreserved Human Embryos Produced by In Vitro Fertilization," *American Journal of Obstetrics Gynecology* 156, no. 6 (1987): 1503-1508.

<sup>23</sup> J. Lejune, *The Concentration Can* (San Francisco: Ignatius Press, 1992), 9.

<sup>24</sup> <http://www.fairfaxcryobank.com>. The Genetics and IVF Institute, Fairfax, Virginia. Prices may vary, but \$350 seems to be about the average for storing a family's embryos in liquid nitrogen for one year. I have seen fees up to and including \$500 per year. You can pay either for one month, one year, two years, or five years.

less frozen children.<sup>25</sup>

The grading and freezing of embryos continues to underscore how some in society view a human being's life as a product, a commodity, a means to an end—similar to an experimental “toy.” And when this technology is placed under God's Word, what does His voice speak regarding embryo freezing and adoption in light of marriage, procreation, and parenting? Is God's voice on this issue, as it relates to raising children, in disunion from current medical opinions on the freezing and donation of embryos?

### III. Medical Opinions Regarding Embryo Donation

#### A. American Medical Association (AMA)

The AMA's Council on Ethical and Judicial Affairs states, “Gamete providers should be able to use the pre-embryos themselves or donate them for use by other parties, but not sell them.”<sup>26</sup>

#### B. American College of Obstetricians and Gynecologist (ACOG)

ACOG titles their approach to frozen embryo donation, “Preembryo<sup>27</sup> Research.”<sup>28</sup> According to the ACOG, “each IVF program should develop policies regarding the options of transfer, storage, donation, research, and discard.... [An infertile couple's] choice should be made in circumstances due to financial or other coercion.”<sup>29</sup>

#### C. American Society of Reproductive Medicine (ASRM)

The ASRM guidelines for cryopreserved embryo donation are divided into four parts: (1) Guidelines for Assisted Reproductive Technology (ART) Practices Wishing to Offer Embryo Donation; (2) Guidelines for Couples Who Wish to Donate Embryos; (3) Guidelines for Potential Recipients; (4) Record Keeping.<sup>30</sup> In general, the following summary points can be made: (a) embryos should be quarantined for a minimum of six months before the potential donors are screened and tested or retested; (b) all donors

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<sup>25</sup> K. Powell, “Low Embryo Count Fuels US Stem-Cell Debate,” *Nature* 423, no. 6937 (2003): 213.

<sup>26</sup> “Code of Medical Ethics, Current Opinions with Annotations,” 2004-2005 ed., Council on Ethical and Judicial Affairs (American Medical Association Press, 2004): 51.

<sup>27</sup> R. O'Rahilly and F. Müller, “Human Embryology and Teratology,” 3<sup>rd</sup> ed., (Wiley-Liss, 2001), 88. Pre-embryo is an ill-defined term...and was introduced in 1986 “largely for public policy reasons.”

<sup>28</sup> “Preembryo Research” in *Ethics in Obstetrics and Gynecology*, American College of Obstetrics and Gynecology (Washington, D.C., 2004), 92-100.

<sup>29</sup> *Ibid.*, 98.

<sup>30</sup> “Guidelines for Cryopreserved Embryo Donation,” *The American Society for Reproductive Medicine*, Birmingham Alabama, *Fertility and Sterility* 82 (September 2004, suppl. 1): 16-17.

must provide a medical and genetic history; (c) all donors must consent to being tested for HIV-1 (type 1), transmissible spongiform encephalopathy (TSE),<sup>31</sup> blood type and Rh, and hepatitis B and C; (d) recipients must be willing to undergo these same blood tests; (e) the embryo donors must sign an informed consent document indicating their permission to use their embryos for embryo donation (herein, the donors relinquish all rights to the embryos and any child or children); (f) the decision to proceed with embryo donation is complex and patients may benefit from psychological counseling to aid in this decision.

## IV. Regulating Embryo Donation and Adoption

### A. The United States

Currently, there are no federal regulations regarding embryo donation or adoption. Clinics and their attending physicians use their codes of medical ethics to ensure that all possible health care and legal issues are covered for the embryonic human being and the “recipient couple.”<sup>32</sup> Under the current process, medical histories and counseling are proving to be effective in eliminating sexually transmitted diseases. However, the United States remains devoid of any stringent law-based regulations regarding the assisted reproductive technology industry. Hence, case law is sporadic and not very helpful in presenting a consistent overview of guiding fertility clinics in the creation, implantation, and disposition of embryos.

### B. Human Fertilization and Embryology Act 1990, United Kingdom<sup>33</sup>

In contrast to the lack of laws or legislation to exact controls on assisted reproductive technology and embryo donation, the United Kingdom, and its Human Fertilization and Embryology Act 1990, chapter 37 state,

14.—(1) In this Act, except where otherwise stated—(c) that no gametes or embryos shall be kept in storage for longer than the statutory storage period and, if stored at the end of the period, shall be allowed to perish, and.... (3) The statutory storage period in respect of gametes is such period not exceeding ten years as the license may specify. (4) The statutory storage period in respect of

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<sup>31</sup> TSE is a disease of the brain characterized by progressive diffuse vacuolation. This disease may be fatal.

<sup>32</sup> National Embryo Donation Center, [www.embryodonation.org](http://www.embryodonation.org) and Snowflakes Embryo Adoption, [www.nightlight.org/snowflakes](http://www.nightlight.org/snowflakes).

<sup>33</sup> Acts of Parliament, U.K. Human Fertilization and Embryology Act, 1990 Elisabeth II (c. 37). ([www.opsi.gov.uk/acts/acts1990/Ukpga\\_19900037\\_en\\_2.htm](http://www.opsi.gov.uk/acts/acts1990/Ukpga_19900037_en_2.htm)), June, 2005.

embryos is such period not exceeding five years as the license may specify.<sup>34</sup>

This 1990 Act of Parliament in the United Kingdom received immediate press in the United States and reinvigorated the debate not only over the moral status of the embryo but also, the disposition of those embryos that remain unclaimed, unused and abandoned by their parents in liquid nitrogen vats. For example, *USA Today* ran the headline: "British Embryos." There were between two thousand and three thousand embryos disposed of because parents no longer want them. Another three thousand were being destroyed because clinics could not find the owners (*parents*).<sup>35</sup>

*Time* magazine wrote an article on England's destruction of these "left-over embryos" entitled "Sorry, Your Time Is Up."<sup>36</sup> Michael D. Lemonick, the author, said, "In one sense the furor was an artificial one.... The term embryo, moreover, carries an emotional charge that may be misleading. These entities consist of a handful of cells, the very earliest stages of the nine-month process that turns a fertilized egg into a full-term baby.... They would not even merit the designation fetus until after three months in the womb."<sup>37</sup> He states that the United States has no national policy on abandoned embryos; clinics are generally responsible for setting their own guidelines. However, in an article published in July 1996, the *USA Today* stated that the American Society for Reproductive Medicine had established guidelines for fertility clinics with the specific instructions that frozen embryos could be destroyed if couples had left no other instructions.<sup>38</sup>

In response to embryo destruction in the U.K., the Vatican, in a published response in *USA Today*, suggested married women volunteer to bring the embryos to term.<sup>39</sup> Reverend Manrizio Faggioni wrote in *L'Osservatore Romano*, the Vatican newspaper, that these implantations should be treated as "prenatal adoptions."

## V. Case Law

While federal regulations are lacking on the disposition of frozen embryos, several legal cases have made the news and give us a general picture regarding the courts' direction on the future of embryos left frozen at -196° C in liquid nitrogen vats. Those cases that have been reported and published in legal journals are *Davis v. Davis* (1992),<sup>40</sup> *Kass v. Kass* (1998),<sup>41</sup>

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<sup>34</sup> *Ibid.*

<sup>35</sup> "British Embryos," *USA Today*, 2-4 August 1996, 13A.

<sup>36</sup> Michael D. Lemonick, "Sorry, Your Time Is Up," *Time*, 148 (1996): 26.

<sup>37</sup> *Ibid.*

<sup>38</sup> "Abandoned Embryos in Limbo at U.S. Clinics," *USA Today* 1 August 1996, 8B.

<sup>39</sup> Carrie Dowling, "Vatican Suggests 'Adoption' of Frozen Embryos," *USA Today*, 7 July 1996, 1A.

<sup>40</sup> *Davis v. Davis*, 842 S.W.2d 588 (Tenn. 1992).

<sup>41</sup> *Kass v. Kass*, 663 N.Y. S. 2d 581 (A.D. 2 Dept. 1997); 696 N.E. 2d 174 (N.Y. 1998).

J.B. v. M.B. (2000),<sup>42</sup> and A.Z. v. B.Z. (2000).<sup>43</sup> A review of these cases will aid in understanding the current “relative” view of the embryo as disposable “human cellular tissue” that is declared a non-person and, therefore, a non-issue.

From the onset of the first “test-tube” baby, created by IVF,<sup>44</sup> Louise Brown, a gap exists between assisted reproductive technologies and federal regulation. Currently, legal issues requiring juridical opinion regarding the disposition of frozen, abandoned embryos is addressed case by case. Court case laws are few but they may be divided into three categories: (1) divorce without a prior cryopreservation contract; (2) divorce with prior cryopreservation contract; (3) couples who seek financial compensation for fertility clinics that “mistakenly” destroy their frozen embryos.

#### A. Embryo Disposition in Divorce Case without a Cryopreservation Contract—Davis v. Davis

Mr. Junior L. Davis sought divorce from his wife of nine years, Mrs. Mary S. Davis. Initially, nine oocytes were recovered and fertilized. Two embryos were implanted, but did not result in pregnancy. The remaining seven embryos were frozen.<sup>45</sup> Mrs. Davis no longer wishes to utilize the “frozen embryos” herself but wants authority to donate them to a childless couple. Junior Davis is adamantly opposed to such donation and would prefer to see the “frozen embryos” discarded.<sup>46</sup>

The Supreme Court of Tennessee ruled that the embryos were not only to be called preembryos<sup>47</sup> but also, not considered persons.<sup>48</sup> The court ruled: “We conclude that preembryos are not, strictly speaking, either ‘persons’ or ‘property,’ but occupy an interim category that entitles them to special respect because of their potential for human life. It follows that any interest that Mary Sue Davis and Junior Davis have in the preembryos in this case is not a true property interest. However, they do have an interest in the nature of ownership, to the extent that they have decision-making authority concerning disposition of the preembryos, within the scope of

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<sup>42</sup> J.B. v. M.B., 751 A.2d 613 (N.J. Super. A.D. 2000).

<sup>43</sup> A.Z. v. B.Z., 725 N.E.2d 1051 (Mass. 2000).

<sup>44</sup> P. C. Steptoe & R. G. Edwards, *Lancet* 2 (1978): 366.

<sup>45</sup> Davis v. Davis, 593.

<sup>46</sup> *Ibid.*, 590.

<sup>47</sup> *Ibid.*, 593-594. The term preembryo was based on testimony from several “experts” but primarily this conclusion was arrived at through the use of the American Fertility Society’s June 1990 report on Ethical Considerations of the New Reproductive Technologies. The court ruled: “*It is for this reason that it is appropriate to refer to the developing entity up to this point [fourteen-day-old embryo—herein added for clarification] as a preembryo, rather than an embryo.*”

<sup>48</sup> *Ibid.*, 595. The court ruled that the embryos were not persons. The court said: “Nor do preembryos enjoy protection as ‘persons’ under federal law.” This was primarily based on the Roe v. Wade ruling on elective abortion, 1973.

policy set by law.”<sup>49</sup> Therefore, the court’s goal was to determine the locus of the decision-making process. Is the locus the husband or the wife?

The court made the following points regarding Junior Davis’s interest in avoiding parenthood via Mary S. Davis’s (she since remarried and has the last name Stowe)<sup>50</sup> interest in donating the preembryos to another couple for implantation. The Supreme Court of Tennessee concluded that Mary S. Davis’s interest in donation was not as significant as the interest Junior Davis had in avoiding parenthood. If she were allowed to donate these preembryos, he would face a lifetime of either wondering about his parental status or knowing about his parental status but having no control over it. He testified quite clearly that, if these preembryos were brought to term he would fight for custody of his child or children. Frozen embryo donation, if a child came of it, would rob him twice—his procreational autonomy would be defeated and his relationship with his offspring would be prohibited.<sup>51</sup>

The court said that Mrs. Davis would have a reasonable opportunity, through IVF, to try once again to achieve parenthood in all its aspects—genetic, gestational, bearing, and rearing. And if this became impossible, she could still achieve the child-rearing aspects of parenthood through post-birth adoption.<sup>52</sup>

Without a prior agreement, the court decided in favor of Mr. Junior Davis. He was awarded custody of the seven frozen preembryos, and therefore, the Knoxville clinic was free to follow their normal procedure for destroying unused embryos.<sup>53</sup>

## B. Embryo Disposition in Divorce Cases with a Cryopreservation Contract (informed consent)

### 1. **Kass v. Kass**

Maureen and Steven Kass were married July 4, 1988, and “almost immediately began trying to conceive a child.”<sup>54</sup> Between March 1990 and June 1993 the Kassess underwent ten unsuccessful attempts to have a child through IVF at a total cost in excess of \$75,000.<sup>55</sup> “Before the final procedure, for the first time involving cryopreservation, the couple on May 12, 1993 signed four consent forms provided by the hospital.”<sup>56</sup>

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<sup>49</sup> *Ibid.*, 597.

<sup>50</sup> Jeremy L. Fetty, “A ‘Fertile’ Question: Are Contracts Regarding the Disposition of Frozen Preembryos Worth the Paper Upon Which They Are Written?” *Law Review Michigan State University–Detroit College of Law* 3 (2001): 1007.

<sup>51</sup> *Davis v. Davis*, 604.

<sup>52</sup> *Ibid.*

<sup>53</sup> *Ibid.*, 605.

<sup>54</sup> *Kass v. Kass*, 696 N.E. 2d 174 (N.Y. 1998), 175 [hereafter referred to as *Kass 2*].

<sup>55</sup> *Kass v. Kass*, 663 N.Y.S.2d 581 (A.D. 2 Dept. 1997), 583 [hereafter referred to as *Kass 1*].

<sup>56</sup> *Kass 2*, 176.

Regarding the disposition of the pre-zygotes,<sup>57</sup> the Kasses agreed in these consent forms that they “will not be released from storage for any purpose without the written consent of both of us, consistent with the policies of the IVF program and applicable law.”<sup>58</sup> However, in the event of a divorce, the legal ownership of any stored pre-zygotes must be determined in a property settlement and would be released as directed by order of a court of competent jurisdiction.<sup>59</sup> Secondly, if death or divorce were to occur the frozen pre-zygotes could be examined by the IVF Program for Biological Studies and be disposed of by the IVF Program for Approved Research Investigation as determined by the IVF program.<sup>60</sup>

On May 20, 1993 doctors retrieved sixteen oocytes from Mrs. Kass. This resulted in nine pre-zygotes. Mrs. Kass asked her sister to serve as a surrogate. Two days later, four pre-zygotes were transferred to her sister, but the results were negative.<sup>61</sup> Five pre-zygotes were frozen in liquid nitrogen. Shortly after the failed implantations with her sister as surrogate, the Kasses signed an “uncontested divorce” on June 7, 1993.<sup>62</sup> Following the divorce, the Kasses, on or about January 9, 1995, agreed to rely solely on the paper submitted to the court.<sup>63</sup>

The court concluded, “We now affirm, agreeing with the plurality that the parties clearly expressed their intent that in the circumstances presented, the pre-zygotes would be donated to the IVF program for research purposes.”<sup>64</sup>

This case involved a cryopreservation informed consent form that stated that if both parties could not agree on the disposition of the frozen pre-zygotes, the court would make their decision based on all court documents, including this informed consent form. In the end, the informed consent form was declared valid. The five frozen pre-zygotes were turned over to the IVF program of the John T. Mather Memorial Hospital for destruction and research.

## **2. A.Z. v. B.Z.**<sup>65</sup>

The husband (A.Z.) and wife (B.Z.) were married in 1977. In their attempt to bear a child, she became pregnant, but suffered an ectopic pregnancy and miscarried. Her left fallopian tube was removed.<sup>66</sup>

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<sup>57</sup> *Ibid.*, 175, n. 1: Pre-zygote is defined as “eggs which have been penetrated by sperm but have not yet joined genetic material.”

<sup>58</sup> *Ibid.*, 176.

<sup>59</sup> *Ibid.*

<sup>60</sup> *Ibid.*, 177.

<sup>61</sup> *Ibid.*

<sup>62</sup> *Ibid.*

<sup>63</sup> *Kass 1*, 585. This included the court’s evaluation, which refers to the present judge’s opinion within the *Kass* case.

<sup>64</sup> *Kass 2*, 178.

<sup>65</sup> *A.Z. v. A.Z.*, 725 N.E.2d 1051 (Mass. 2000). A.Z. (husband); B.Z. (wife).

<sup>66</sup> *Ibid.*, 1052.

In 1988, they began IVF treatments at an IVF clinic. After consultation and medical evaluation, the couple was eligible for either Gamete Intrafallopian Transfer (GIFT)<sup>67</sup> or IVF.<sup>68</sup> They underwent GIFT on November 6, 1988. Another ectopic pregnancy resulted, and the wife's remaining fallopian tube was removed. The couple then turned to the IVF program.<sup>69</sup>

The IVF protocol resulted in the birth of twin daughters in 1992. During the 1991 procedure, a surplus of pre-embryos was created and two vials of pre-embryos were frozen for possible future implantation.<sup>70</sup>

The wife, without informing her husband, had one of the two vials of frozen pre-embryos thawed, and one pre-embryo was implanted.<sup>71</sup> No pregnancy resulted in a live birth.<sup>72</sup> The husband learned about this through his insurance company regarding the procedure.<sup>73</sup> Ultimately, the couple separated, and the husband filed for divorce<sup>74</sup> and a motion to obtain a permanent injunction, prohibiting his wife from using the remaining vial of frozen pre-embryos.<sup>75</sup>

Prior to the freezing of pre-embryos, the parties signed an informed consent form entitled, "Consent Form for Freezing (Cryopreservation) of Embryos."<sup>76</sup> Under a contingency clause in this form, the following options for disposition of the preembryos are given: "donated or destroyed—choose one or both."<sup>77</sup> A blank line beneath these choices permits the donors to write in additional alternatives not listed as options on the form, and the form notifies the donors that they may do so. Any decision regarding the disposition of the frozen pre-embryos would be based on divorce or separation of the couple, death of either or both spouses, wife or donor reaching normal menopause or age forty-five years, or pre-embryos no longer being healthy.<sup>78</sup> The husband always signed a blank consent form. In each form that was signed and filed with the fertility clinic, the wife specified in the option for "[s]hould we become separated," that the pre-embryos were to be returned to the wife for implantation.<sup>79</sup>

The Supreme Judicial Court of Massachusetts agreed with the Probate Court's decision: the last agreement (consent formed signed by both

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<sup>67</sup> *Ibid.*, 1053. GIFT involves the removal of oocytes ("eggs," inappropriate embryological term) from the woman that are then transferred simultaneously with the sperm into the fallopian tube where fertilization occurs before the embryo implants in the wall of the uterus.

<sup>68</sup> *Ibid.*

<sup>69</sup> *Ibid.*

<sup>70</sup> *Ibid.*, 1052. The court used the term "preembryo" to refer to the four-to-eight cell stage of a developing fertilized oocyte.

<sup>71</sup> *Ibid.*, 1053.

<sup>72</sup> *Ibid.*, *supra*, n. 7.

<sup>73</sup> *Ibid.*

<sup>74</sup> *Ibid.*

<sup>75</sup> *Ibid.*

<sup>76</sup> *Ibid.*

<sup>77</sup> *Ibid.*, 1054.

<sup>79</sup> *Ibid.*

parties in 1991) was not enforceable. In the absence of a binding agreement, the probate judge determined that the “best solution” was that the husband’s interest in avoiding procreation outweighed the wife’s interest in having additional children and granted the permanent injunction in favor of the husband.<sup>80</sup>

In general, the court said that the husband is not bound to the informed consent form that said the wife wanted to have the remainder of the frozen pre-embryos implanted because they are no longer husband and wife. He cannot be forced into a family relationship that no longer exists. Coercion is not part of the court’s ethical guidelines.

### 3. J.B v. M.B.<sup>81</sup>

The couple was married in February 1992. Attempts to have a child were unsuccessful. They contracted with the Cooper Center for In Vitro Fertilization (Cooper).<sup>82</sup> Following IVF, the wife delivered a “healthy baby girl” in March 1996. It was not clear from the medical records if this pregnancy resulted from IVF or intercourse. However, the IVF treatment resulted in extra embryos/pre-embryos that were frozen at -196°C.<sup>83</sup>

They separated on September 20, 1996, and judgment of divorce was entered on November 6, 1998.<sup>84</sup> The wife stated that she no longer wanted the embryos implanted in her, given up to the husband for his use, or given to a couple via embryo donation/adoption.<sup>85</sup> The husband said that his wife agreed to donate unused embryos to infertile couples.<sup>86</sup> The parties signed a cryopreservation agreement that the embryos would be turned over to the clinic in the event of the “dissolution of our marriage by court order.”<sup>87</sup>

The court granted the wife’s motion for a summary judgment to have the pre-embryos destroyed. They concluded, “It is apparent from the context of the case and the trial court’s written opinion, that the court’s order requires destruction of the embryos.”<sup>88</sup> This decision was based on the court’s analysis of the facts and previous case law rulings, especially *Davis v. Davis*, *Kass v. Kass*, and *A.Z. v. B.Z.*<sup>89</sup>

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<sup>80</sup> *Ibid.*, 1054-1055. She is not permitted to use the last vial of frozen preembryos for implantation.

<sup>81</sup> *J.B. v. M.B.*, 751 A.2d 613 (N.J. Super. A.D. 2000). *J.B.* (wife); *M.B.* (husband).

<sup>82</sup> *Ibid.*, 615.

<sup>83</sup> *Ibid.*, *supra*, n. 1, 614. This case law used the term embryo only in this decision because it is linguistically convenient. From the judge’s perspective, preembryo could have been used without any linguistic problems.

<sup>84</sup> *Ibid.*, 615.

<sup>85</sup> *Ibid.*, 616.

<sup>86</sup> *Ibid.*

<sup>87</sup> *Ibid.* This resolution in concert with the wife’s written court testimony meant that the embryos would be destroyed.

<sup>88</sup> *Ibid.*, 620.

<sup>89</sup> *Ibid.*, 616-620.

In general, the court decided that since the pre-embryos were created within a marriage that was no longer was legal, and because the “husband” was still “capable of fathering children in another relationship,”<sup>90</sup> the disposition reverts to the wife and the signed agreement to have them destroyed in the event of separation or divorce.

### C. Case Law Analysis

#### 1. The Courts’ View of Human Embryos

Based on the case law discussed in this paper, the fertilized oocyte is identified as an embryo, pre-embryo, and pre-zygote. Sometimes they have the same identity; more frequently they are given different definitions yet refer to the same developmental stage of the embryo, the four-to-seven day-old blastocyst. In *Davis v. Davis*, the court switched from “embryo” to “preembryo.” The case of *J.B. v. M.B.* uses the term “embryo” and “preembryo” interchangeably. “Preembryo” is used in *A.Z. v. B.Z.* “Prezygote” is used in *Kass v. Kass* 1 and 2.

#### 2. Terminology

The courts will be sympathetic towards whatever term is generated by the cryopreservation agreement. Regardless, the courts don’t consider the embryo, pre-embryo, or pre-zygote to be a human being. This is based on the *stare decisis* of *Roe v. Wade*. Secondly, the courts appear to find direction and solitude in going with the strong fertility lobby, i.e., the American Fertility Society.

There appears to be a blatant disregard for the scientific data regarding the correct terminology applied to the fertilized oocyte called an “embryo.” The historicity of this can be traced back to 1986 when the American Fertility Society adopted the term “pre-embryo” as their official term for the developing fertilized oocytes from day one through day fourteen.<sup>91</sup> In general, the courts seem to be indifferent to embryological terminology. In every case the courts gave a brief review on the “moral status” of the human embryo to justify their claim that it is neither person nor property, but deserves “special respect.” Of course, “special respect” is arbitrary. This phrase not only satisfies the court and many scientists but also provides an emotional excuse for couples wishing to destroy their embryos. It is a phrase of relativism and vagueness. It is part of the ongoing deconstruction by a liberal, postmodern society.

*Embryo:* The embryo is a unicellular zygote. The zygote is the last

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<sup>90</sup> *Ibid.*, 616.

<sup>91</sup> *Fertility and Sterility* 46, suppl. 1 (1986): 26S-28S.

phase of the fertilization of an oocyte by a sperm.<sup>92</sup> This unicellular embryo, or “zygote” is the beginning of a new human being.<sup>93</sup> “Embryo” is the correct scientific term that covers the developing human from the zygote stage through the end of the eighth week (fifty-six days).<sup>94</sup> Of the words used in these court cases, “embryo” is the only word that is found in the “law dictionary” *Words and Phrases*. Its use goes back as far as 1946 in *Hans v. State*.<sup>95</sup> In this case, Hans was being prosecuted for performing an illegal abortion in Nebraska. The Supreme Court of Nebraska upheld the guilty verdict of feticide.<sup>96</sup>

*Pre-embryo*: In *Davis v. Davis*, the court believed that scientific testimony in this and other case law was stronger for the use of pre-embryo.<sup>97</sup> In addition, the court used an article published by the Ethics Committee of the American Fertility Society (AFS) that agreed with the scientific use and application of the term “pre-embryo.”<sup>98</sup> This term was accepted not only because of the testimony and the AFS report that stated that the term “pre-embryo” is the currently acceptable scientific term for zygote immediately after cell division but also because this term applies to the developing one-day-old embryo through its fourteenth day of development. Secondly, this fourteen-day period defines the accepted period for pre-embryo research.<sup>99</sup> Hence, the pre-embryo may be experimented on and destroyed because it is only “potential life” rather than a “human being possessing potential.”<sup>100</sup> Relying on the lexicon of words and definitions published by the American Fertility Society, human embryos in this case are neither persons nor property, but occupy an interim category that entitles them “special respect” because of their potential for human life.<sup>101</sup>

Experts in the field of embryology, especially Drs. R. O’Rahilly and F. Müller state the following regarding the use of the term “pre-embryo”: (1) it is ill-defined because it is said to end with the appearance of the primitive streak or to include neuralation; (2) it is inaccurate because purely embryonic cells can already be distinguished after a few days, as can also the embryonic (not preembryonic!) disc; (3) it is unjustified because the *accepted* [emphasis added] meaning of the word embryo includes all of the first eight weeks; (4) it is equivocal because it may convey the erroneous idea that a new human organism is formed at only some considerable time

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<sup>92</sup> O’Rahilly and Müller, *Human Embryology & Teratology*, 3<sup>rd</sup> ed. (Indianapolis: Wiley-Liss, 2001), 33.

<sup>93</sup> Keith L. Moore and T.V.N. Persaud, *The Developing Human: Clinically Oriented Embryology*, 7<sup>th</sup> ed. (Philadelphia: Saunders, 2003), 2-3.

<sup>94</sup> *Ibid.*, 3.

<sup>95</sup> *Hans v. State*, 22 N.W.2d 385.

<sup>96</sup> *Ibid.*, 396.

<sup>97</sup> *Davis v. Davis*, 593-594.

<sup>98</sup> *Fertility and Sterility* 53, suppl. 2 (1990): 1S.

<sup>99</sup> *Ibid.*, 593.

<sup>100</sup> *Ibid.*, 594.

<sup>101</sup> *Ibid.*, 596-597.

after fertilization; and (5) it was introduced in 1986 “largely for public policy reasons.”<sup>102</sup> Kischer adds, “There is no stage in human development as the *pre-embryo*.... That is to say, after that initial contact of sperm and egg there is no subsequent moment or stage which is held in arbitration or abeyance by the mother, or the embryo or fetus.... Human development is a *continuum* in which so-called stages overlap and blend one into another, even after birth and unto death.”<sup>103</sup>

*Pre-zygote*: This term was used in *Kass v. Kass*. The court said, “We use the parties’ term ‘pre-zygotes,’ which are defined in the record as ‘eggs which have been penetrated by sperm but have not yet joined genetic material.’”<sup>104</sup> This term was used also in the initial appeal case law of *Kass v. Kass* because it was part of their cryopreservation agreement.<sup>105</sup> The court does say that it is synonymous with *pre-embryo*.<sup>106</sup> Unfortunately, the court’s use of *pre-zygote* based on their definition is inaccurate. Embryos that are frozen after the oocytes are fertilized have already divided into a two-to-eight-cell embryonic stage. Since fertilization is a continuous process that begins with the sperm making contact with the oocyte,<sup>107</sup> it is an inappropriate, non-scientific term. Hence, the use of this term is ill-defined and arbitrary. Like the term *pre-embryo*, *pre-zygote* appears to be a “political and scientific construct” created for the sole purpose to justify research and freezing and to circumvent the bioethical dilemmas regarding the moral status of the human embryo.

### 3. The Legal Status of the Embryo

Before the courts made their decisions in the cases reported in this paper regarding the disposition of frozen embryos, they first had to determine the embryo’s legal status. Embryos may be viewed by the courts in four different categories: (1) embryos as persons; (2) embryos as property; (3) embryos that deserve “special respect”;<sup>108</sup> (4) the court may avoid 1-3 and base its decision on contract principles.

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<sup>102</sup> O’Rahilly and Müller, 88. Dr. O’Rahilly originated the international Carnegie Stages of Human Embryological Development, used for many decades now by the International *Nomina Embryologica* (now the *Terminologica Embryologica*) Committee which determines the scientifically correct terms to be used in human embryology around the world.

<sup>103</sup> C. W. Kischer, “Human Development and Reconsideration of Ensoulment,” *Linacre Quarterly*, 60 (1) (February 1993), 62. Dr. Kisher is a Professor *Emeritus* in the Department of Anatomy, The University of Arizona College of Medicine, Tuscon, AZ. He specializes in human embryology.

<sup>104</sup> *Kass* 2, 175.

<sup>105</sup> *Kass* 1, 583.

<sup>106</sup> *Kass* 2, 175.

<sup>107</sup> O’Rahilly & Müller, 8, 31-33.

<sup>108</sup> P. C. Redman II and L. F. Redman, “Seeking a Better Solution for the Disposition of Frozen Embryos: Is Embryo Adoption the Answer?” *Tulsa Law Journal*, 35, nos. 3 & 4 (2000): 588.

## 4. Embryo as Person

If an embryo is viewed as a person, the embryo is legally defined to be a human being from the moment of the conceptual process. None of the court cases reported in this paper viewed the embryo as a person. Their decision was based primarily on the lack of constitutional precedence, and specifically, the Tennessee Supreme Court's decision that would not view the embryo as a person. This is based not only on Tennessee abortion law<sup>109</sup> but also the federal law on abortion established in the 1973 *Roe v. Wade* Supreme Court ruling.<sup>110</sup>

## 5. Human Embryo as Property

The use of the term property does not signify ownership in a commodity like other property. It refers to "decisional authority" regarding the legal available options with early human embryos, such as creation, storage, discard, donation use in research, and placement in a uterus, whether wife or surrogate.<sup>111</sup> Yet, J. A. Robertson, an attorney, concluded that a clear opinion referring to the legal status of the human embryo has not yet developed.<sup>112</sup> He adds, "In most instances, the embryo's legal status will be determined by the importance of competing interests of bodily integrity, procreative choice, and family formation, and not by whether the early embryo is a prenatal subject of rights, or merely a living, human entity that deserves special respect."<sup>113</sup> However, as a matter of legal status, Satpathi sums up this issue as follows: "...as a matter of legal definition, the term 'property' refers to a right and interest or dominion rightfully obtained over an object with an unrestricted right to its use, enjoyment, and disposition."<sup>114</sup> It is important to note that the fertilized oocytes, (embryos implanted in the uterus) are akin to the property of the pregnant woman. However, a fertilized oocyte, (an embryo within a petri dish) is not.<sup>115</sup>

The classification of human embryos as "property" has some support in case law. In *Steven York, M.D., and Risa Adler-York, Plaintiffs, v. Howard W. Jones, M.D., Medical College of Hampton Roads, the United States District Court, Eastern District, Virginia, Norfolk Division*, found that their one remaining frozen human pre-zygote was "property" for purposes of

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<sup>109</sup> *Davis v. Davis*, 594-595.

<sup>110</sup> *Roe v. Wade*, 410 U.S. 113, 164, 163 (1973); 93 S.Ct. 705, 35 L.Ed.2d 147 (1973).

<sup>111</sup> J. A. Robertson, "In the Beginning: The Legal Status of Early Embryos," *Virginia Law Journal* 76 no. 3 (1990): 454-455.

<sup>112</sup> *Ibid.*, 449, 452.

<sup>113</sup> *Ibid.*, 449.

<sup>114</sup> S. J. Satpathi, "Gliding Over Treacherous Ice: Fulfillment and Responsibility in the New Reproductive ERA; Why Contractual Ordering Is Appropriate," *Temple Environmental Law & Technology Journal* 28, no. 1 (1999): 60.

<sup>115</sup> *Roe v. Wade*, 113.

their contract.<sup>116</sup> If both the husband and the wife agree that the human embryos belong to them because they have the right to procreate and thus, the right to ownership, then this approach works well in litigation. This view, that the embryo may or may not be treated as “property” is not the prevailing legal answer to resolving the disposition of frozen embryos.<sup>117</sup>

## 6. Human Embryo “Deserving Special Respect”

Apart from a couple’s cryopreservation agreement signed by both the husband and wife, which, unless both agree to a different disposition of frozen human embryos, is binding, the prevailing opinion is that the human embryo be given “special respect.” This was emphatically stated in *Davis v. Davis*: “We [the court] conclude that pre-embryos are not, strictly speaking, either ‘persons’ or ‘property,’ but occupy an interim category that entitles them to special respect because of their potential life.”<sup>118</sup>

This is a legal compromise of utility. It provides the court with an emotional and relativistic out: an embryo is a “potential human life,” without the same moral status as newborns or infants.<sup>119</sup> This status (“special respect”) is given only to human embryos.<sup>120</sup> The emphasis by the court and others who support the use of the term “pre-embryo” is placed on the word “potential.”

This categorical compromise leaves the door open to freezing, destruction via experimentation in the form of embryonic stem cell research, and embryo grading. It appears to be an outcome of the *Roe v. Wade* ruling. Hence, since the embryo is a non-person, it is a non-issue when it comes to its disposition. In other words, “decisional authority” rules when it comes to embryo disposition.

### D. The Legal Status of the Human Embryo and *Roe v. Wade*

*Roe v. Wade* secured the right of a husband and wife to decide whether or not they wanted to bear a child.<sup>121</sup> The Supreme Court concluded that in the second trimester the state had a circumscribed right to protect the mother’s life, but not until the third trimester did the state have a compelling right to protect the life of the fetus.<sup>122</sup> This became evident when the Court held that a woman’s right to an abortion was unrestricted until “viability,” that is, when the fetus could survive outside the womb (twenty-

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<sup>116</sup> *York v. Jones*, 717 Federal Supplement 421 (1989), 421, 426.

<sup>117</sup> *Fetty*, 1019.

<sup>118</sup> *Supra*, n. 67.

<sup>119</sup> National Institutes of Health Report of the Human Embryo Research Panel, September 27, 1994, 2.

<sup>120</sup> *Fetty*, 1019.

<sup>121</sup> *Roe v. Wade*, 410 U.S. at 113.

<sup>122</sup> *Ibid.*, at 164-165.

four to twenty-eight weeks, post-fertilization).<sup>123</sup> Hence, the state's interest in the fetus as potential life becomes "compelling," because the fetus is presumed capable of meaningful life outside the womb. The state may prohibit abortion during that period of viability, except when it is necessary to preserve the life or health of the mother.<sup>124</sup> Yet, a woman can have an abortion any time during her pregnancy. The decision during the second and third trimesters may involve the state courts.

The *Roe v. Wade* decision was based primarily on a woman's right to privacy in concert with the state's interests, such as protecting potential life.<sup>125</sup> The central question addressed by *Roe v. Wade* is whether the right to privacy encompasses a woman's right to decide the fate of her frozen human embryos. In general, papers that address this issue conclude that since frozen human embryos reside outside of the woman's body and not in her uterus, the right to control the integrity of her body, as given in *Roe v. Wade*, is invalid.<sup>126</sup> Secondly, Schwartz makes the point that since a woman has the right to an elective abortion when the embryo is within the womb, why would she not have the same bodily integrity and procreative liberty to choose to have the embryos destroyed or implanted?<sup>127</sup> This latter conclusion is based on the court's conclusion in *Roe v. Wade* that the rights of the fetus during the first trimester are negligible. In addition, since the state cannot interfere with the mother's right to seek an abortion within this time period, and since the embryo is only a few days old when frozen and will not pass the first trimester until it is implanted, it should have no legal status and no "right" to be implanted.<sup>128</sup>

The court's decision regarding "viability" and the mere passage of time for a frozen human embryo is what matters to case law decisions. "Its weak potentiality diminishes the 'right to life' interest."<sup>129</sup> In general, one could argue that since the frozen embryo hasn't reached "viability," the woman has decisional authority over the embryo's disposition. If the state's interests prevail, the state could prevent destruction of the embryo for a longer time.<sup>130</sup>

One of the most important factors regarding the current legal disposition of embryos is not the health of the mother but the possibility of "psychological harm" that could befall her if embryos are donated or adopted by another couple. Once the embryo is no longer in the mother's womb,

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<sup>123</sup> *Roe v. Wade*, 160, 163-164.

<sup>124</sup> *Ibid.*, 163-164.

<sup>125</sup> T. Schwartz, "Frozen Embryos: The Constitution on Ice," *Loyola of Los Angeles Law Review* 19, no. 1 (1985): 270-271.

<sup>126</sup> *Ibid.*, 279-290; *Roe v. Wade*.

<sup>127</sup> Schwartz, 280.

<sup>128</sup> J. Matosky, "Divergent Conceptions: Procreational Rights and Disputes over the Fate of Frozen Embryos," *The Boston University Public Interest Law Journal* 7, no. 2 (1998): 331.

<sup>129</sup> *Ibid.*, 332.

<sup>130</sup> L. Hemphill, "American Abortion Law Applied to New Reproductive Technology," *Jurimetrics Journal* 32, no. 3 (1992): 373.

the burden on the mother shifts to her emotional stability.<sup>131</sup> Hemphill adds that at a minimum the mother should be able to decide that the embryo will not be implanted in another.<sup>132</sup> Therefore, if a parent has the right to decide against implantation, as with organ donation, the parent should also have the right to decide that the embryo should be destroyed, not the state. Hemphill believes that the latter approaches a “Hitler-type” of eugenics wherein there is state-controlled reproduction and destruction. Instead, a parent’s right to decide against implantation should extend to the right to destroy the embryo.<sup>133</sup>

Finally, since under *Roe v. Wade* the state has a protectable interest in potential human life, as long as the state does not exert its interest at the expense of the mother’s health or life, the state may assume custody of abandoned human embryos when parents decide not to bring them to term or destroy them. According to Hemphill, this is dangerous because it treats embryos as persons. In addition, the state would have the duty to foster the life of the embryos to term via surrogate or artificial wombs.<sup>134</sup>

## VI. A Theological View of Parenting and Freezing Human Embryos

Currently, the legal view of the human embryo is that it is a non-viable, non-person that does not deserve the same moral status as an infant or newborn, yet, at the same time, the embryo deserves “special respect” as a developing form of human life. It is a potential human, but not a human being with potential. Saying that the embryo deserves “respect” because of its potentiality, but that this “respect due to potentiality” does not prevent its destruction is incongruent and illogical. Those who posit this approach have criminalized common sense. If the embryo has the potential for being a human, then the human being is present along with its potential. Why destroy the potentiality? Destroying the potentiality destroys the human being, and destroying the human being destroys its future potential.

The scientific views are diverse. Some say that a human being is formed during the miracle and mystery of conception. Others point out that it begins its humanity at implantation. Some say at viability (between twenty-four and twenty-eight weeks *in utero*), the acquisition of an electroencephalogram pattern (EEG),<sup>135</sup> and yet others say that it is not fully a human being until it is born. As presented in this paper, when a contemporary embryology is examined, the embryo is a human being in continuous

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<sup>131</sup> *Ibid.*, 374.

<sup>132</sup> *Ibid.*, 375.

<sup>133</sup> *Ibid.*, 376.

<sup>134</sup> *Ibid.*, 379.

<sup>135</sup> S. F. Gilbert, A. L. Tyler, and E. J. Zackin, *Bioethics and the New Embryology: Springboards for Debate* (Sunderland, MA: W. H. Freeman & Company, 2005), 42-44.

development through birth and beyond.<sup>136</sup>

From the perspective of the theology of cross, the truth and meaning of our humanity is seen in the incarnation of God in the flesh of Jesus Christ, His Son, and our Lord and Savior from sin, death, and the power of the devil.

God became one of us: true man, yet without sin. The Nicene Creed states, "...conceived by the Holy Spirit of the Virgin Mary and was made man...." At His conception God became a male human being without sin. He took on the flesh and blood of humanity (John 1:14; Heb. 2:14-15; Phil. 2:7). His conception is different from ours, yet the Incarnate God went through all of the human development stages: embryo, fetus, and newborn infant. He is true God and true man.

If God did not exist as a human being, body and soul, from His conception, then the Old Testament promise spoken by God regarding His person and work of redemption to the serpent in Genesis 3:15 and retold throughout the Bible until God took on the flesh and blood of man at the appointed time, is cancelled, along with the whole Word of God in the Scriptures. Hence, His two natures, true God and true man, would not be true.

Jesus Christ became one of us in every biological and physiological manner, yet He was without sin. We did not take on His humanity; He took on our humanity. If we say that we are not a human being until the fourteenth day (pre-embryo language) or thereafter, we deny the incarnation.

While the Bible does not explicitly state that a human being's life begins at conception, it does speak of the relationship that God has with the unborn child in the womb (Ps. 139:16 and Jer. 1:5). God created us. During the process of conception, we receive our body and soul and all of its members from our parents (traducianism). Denying the doctrine of the creation of man denies God the Creator and His authority.

In addition, the Davidic Psalm says, "Behold, I was brought forth in iniquity, and in sin did my mother conceive me" (Ps. 51:5, ESV). Only a human being is conceived in sin, not a "potential human." Sin has no potential. Sin is sin. The fertilized oocyte is a corrupted body and soul. It is sinful and unclean.

Keeping in perspective the doctrine of original sin, parental responsibility begins from the moment parents learn of their pregnancy. From this point, both parents are involved in rearing their child, God's gift of creation. St. Paul writes, "Fathers, do not provoke your children to anger, but bring them up in the discipline and instruction of the Lord" (Eph. 6:4, ESV).

Parents are called to raise their children in the instruction and discipline of the Lord. Raising a child in this manner begins in the womb. The *one-flesh* union of the male and female genetic material within the outer

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<sup>136</sup> R. P. George and P. Lee, "Acorns and Embryos," *The New Atlantis*, no. 7 (2005): 91.

layer of cells of the embryo unites to form the placenta of the embryonic human being that implants into the womb. One-flesh union begins at the blessing of a couple at His altar of grace and continues throughout their life, even during the development of the child in the womb.

Our bodies are the temple of God's Spirit. We are called to take care of the body that God has given us. The human embryo is a symbiotic part of the body. The child will remain in the womb for between thirty-seven to forty-two weeks, and, if it is God's will, will be born into the daylight of the sun or the night of the moon and stars.

Throughout this time period the parents raise their child in the instruction and discipline of the Lord as they go to worship, pray, and study the Bible together. These are the stories that they will share with their child later in life. Eventually, they will bring this child to the waters of Holy Baptism. Later, the child will receive the body and blood of Christ in the bread and wine given and shed for the forgiveness of sins. This rearing involves parental instruction in living the life of Christ in a pagan world.

Freezing a human embryo denies God as the author and creator of human creatures. It denies the doctrine of original sin and the Sacraments, especially Holy Baptism. It places a child's life on a course with the Russian roulette of rapid thawing: will it live or die? The freezing of an embryo violates the Lord's command to parents to raise their children in His instruction and discipline.

While freezing embryos has perpetuated and facilitated the assisted reproductive technology (ART) industry, it has added to the ongoing devaluing of the meaning of human life given to us as God's gift. "Special respect" given to embryos by the courts is a phrase of relativistic humanism. If I demonstrate "special respect" for another human being, I would not freeze or kill him or her. I would care for him and attend to his needs. Human embryos should never be frozen, only to be treated as future opportunities or commodities. Avoiding child rearing by freezing is a parental myopia. Adult human beings are not intentionally frozen in liquid nitrogen. Why, then, would we freeze embryonic human beings? Human life is a continuum. This is a tragic decision.

## **VII. Embryo Adoption: A Troubling Choice?**

Frozen human embryos may be either cared for or destroyed in the following ways: (1) return to the mother's womb; (2) remain frozen until they succumb to death from prolonged freezing while they lie in liquid nitrogen; (3) destruction under the direction of a fertility clinic due to parental or legal notification (this is addressed under Case Law); (4) allowance to thaw and be left in the hands of God's grace under the direction of one or both parents; (5) destruction via experimental embryonic stem cell research; (6) placement into a family via embryo adoption through the

Snowflake Embryo Adoption Agency. Even though human embryos should never be frozen, what is to happen to the current 400,000 frozen human embryos and those embryos who are being frozen from day-to-day in fertility clinics across the United States?

Where you begin is where you will go. Since human embryos are human beings, their destruction for personal or scientific purposes violates the Fifth Commandment and should be neither condoned nor supported by Christians. Therefore, embryos should either be placed in the mother's womb, remain frozen, or be placed for adoption through Snowflake.

#### A. Return Frozen Embryos to Womb or Leave Frozen

Dr. David T. Ozar supports the continuous freezing of embryos unless they are implanted in a womb or have been destroyed by prolonged freezing.<sup>137</sup>

He concludes the following: "(1) under the 'right to life' position, the fruit of human conception has a moral right not to be killed";<sup>138</sup> "(2) based on the first criterion, if no woman volunteers her womb for the implantation of the unused frozen embryo, those responsible for its care will fulfill their obligations simply by not killing the embryo, that is, keeping the embryo frozen";<sup>139</sup> "(3) keep embryos frozen until they can be no longer be implanted in a womb."<sup>140</sup> Ozar believes that whether a person believes that the embryo has the same moral rights as any human being regardless of developmental stage, or believes that it has no moral rights because it is non-sentient, frozen embryos should remain frozen until they either can be implanted or have lived out their implantability. He places the Fifth Commandment on the same plane as the philosophical principle of nonmaleficence (doing no harm).

He is attempting to point out the inconsistency in those pro-lifers who do not support the willful killing of any human being regardless of age, race, creed, or color, yet support ART, which will result in the death of embryonic human beings. This approach deserves careful scrutiny by all pro-lifers who detest the 1.4 million elective abortions every year but support or remain silent regarding those reproductive technologies that result in embryo death due to the processes of IVF or DESI, which include the freezing and thawing of embryos. Ozar's approach would imply that the sanctity of life principle applies across the board—no exceptions to the rule that all life is a gift from the triune God.

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<sup>137</sup> D. Ozar, "The Case Against Thawing Unused Frozen Embryos," *Hasting Center Report* 15, no.4 (1985): 7-12.

<sup>138</sup> *Ibid.*, 9.

<sup>139</sup> *Ibid.*

<sup>140</sup> *Ibid.*, 10.

## B. Embryo Thawing: God's Grace or Embryonic Euthanasia?

Currently, approximately 400,000 homeless human embryos remain frozen in liquid nitrogen.<sup>141</sup> Contrary to Ozar, I have heard several say regarding the disposition of frozen human embryos, "Let them thaw and die. Leave them in the hand of God's grace." If this approach is taken, then they would be removed from their liquid nitrogen Dewar and allowed to thaw and die. For those embryos who are abandoned and unclaimed by their biological parents, they would be placed in the section of the cemetery reserved for the burial of the homeless.

Allowing someone to die, regardless of his or her developmental stage or age, occurs only when the attending physicians say that the person is dying due to organ shutdown or irreversible brain death, circulation, and respiration. In other words, death is imminent or the person is already dead.

Frozen human embryos are not dying. They are in a state of "suspended animation." Since they are neither dying nor dead, how can anyone allow them to die in the thawing process? They already reside within the grace of God. He is their Creator, and they are His human embryonic creatures.

As His servants, we apply the received medical ethic and theological principle, "Do no harm"<sup>142</sup> or, "Always care and never kill."<sup>143</sup> They should be cared for and nourished by the biological parents or the Christian community. This is carried out by their continuous upkeep while they remain frozen or, until they are returned to the womb or die within their frozen domain. This care is consistent with a Christian who lives the life of Christ in this world, looking at others as better than him or her. For mankind to determine that embryos are better off dead than frozen, with the possibility of being implanted in the womb, is tantamount to "embryonic euthanasia" or the principle of "nothing is lost."<sup>144</sup> You cannot scratch the surface of embryonic human life and death issues, without scratching the surface of all life and death issues regardless of the age and developmental stage of a human being.

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<sup>141</sup> *Supra*, n. 27.

<sup>142</sup> Hippocratic Oath, 400 B.C. Although Hippocrates (called the Father of Medicine) is given credit for authoring this oath, this remains an issue in question. Regardless, it was written in Greek. "Do no harm" is not in the original Greek translation of this oath. It is implied in the following translation: "but also to keep away injury of health and injustice"; as well as in Romans 13:8-14.

<sup>143</sup> This declaration was produced by the Ramsey Colloquium of the Institute on Religion and Public Life. "Always Care; Never Kill, A Declaration on Euthanasia," *First Things* (February 1992): 36-38.

<sup>144</sup> Gene Outka, "The Ethics of Human Stem Cell Research" in *God and the Embryo*, ed. B. Waters and R. Cole-Turner, Washington, D.C.: Georgetown University Press, 2003, 45-48. Herein, Outka espouses support for the "nothing-is-lost" principle which simply stated: since intentional killing was not in the original thinking of the parents who created the "spare embryos" that must be frozen, then they may be destroyed, then "no-

## C. Destroy Embryos Via Experimental Embryonic Stem Cell Research

Scientists, politicians, clergy, and laity that support embryonic stem cell research seek not only the destruction of “spare frozen embryos,” but also their creation for destruction via experimental research. Embryos are not adult skin cells. They are human beings that are being destroyed under the hype of “cure” and “treatment” of genetic diseases and spinal cord trauma injuries, yet to be established.

Where you begin is where you will go. Since human embryos are human beings, their destruction for personal or scientific purposes violates the Fifth Commandment and should neither be condoned nor supported by Christians. Therefore, embryos should either be placed in the mother’s womb, remain frozen, or placed for adoption through Snowflake. Christians are neighbor to the unborn child in the womb. We care; we do not cause death.

## D. Embryo Adoption:<sup>145</sup> Snowflakes<sup>146</sup> and the National Embryo Donation Center<sup>147, 148</sup>

How should frozen embryonic human beings be treated? Should they be destroyed by disposing of them down a stainless steel sink or through embryonic stem cell research? Nightlight Christian/Snowflakes Adoption and the National Embryo Donation Center provide an alternative to the destruction of frozen embryos: embryo adoption. If an infertile husband and wife believe that an embryo is a human being, then adopting a donated frozen embryonic human being may be compared to the adoption of any child regardless of age or location.

Dr. Jeffery Keenan, director of the National Embryo Donation Center (NEDC) thinks that having couples “adopt” and use other couples’ embryos is a viable method of getting a handle on the issue of what to do with extra

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thing is lost” if another can be saved by the death of these unwanted frozen embryos. As Outka states: “...(1) nothing *more* is lost, and (2) *less* is lost, or, at least, *someone* is saved.”

<sup>145</sup> Embryo donation is the more correct legal phrase. Based on current laws, adoption only refers to the placement of a child with a family following the child’s birth. Therefore, legal agreements are used to govern the process of embryo donation/adoption. For information on this distinction, see [www.embryodonation.org](http://www.embryodonation.org).

<sup>146</sup> [www.nightlight.org/index.htm](http://www.nightlight.org/index.htm), Nightlight Christian Adoption, located in Fullerton, California. Click on “Snowflakes Embryo Adoptions” for information. Snowflakes has been in operation since 1997. The term “snowflake” comes from the fact that embryos are “unique,” fragile and, of course, they are frozen.

<sup>147</sup> [www.embryodonation.org](http://www.embryodonation.org), National Embryo Donation Center, located in Knoxville, Tennessee. This website will give you the basic links to learn more about this center and embryo donation. It is more complete than the Snowflakes web page regarding fees, application process, medical waivers, and privacy issues. This center has been involved in frozen embryo donation and adoption since 1990.

<sup>148</sup> If you are interested in additional information from these organizations, go to their websites. They will address the issues of success rate, cost, liability, counseling, genetic testing of the embryos, donating family, etc.

embryos.<sup>149</sup> To encourage this approach, the United States government has distributed approximately two million dollars in grants in the last two years to promote embryo “adoption.”<sup>150</sup> The NEDC has received \$304,000 to pay for efforts to educate the public about embryo adoption. The Snowflake Embryo Adoption (SEA) program received more than \$325,000 from the U. S. government to produce a series of general videos for clinics and the public about embryo adoption.<sup>151</sup>

The NEDC has not succeeded in a live birth from their frozen embryo donation program.<sup>152</sup> SEA reports the following statistics: 94 families have completed 151 transfers; 70 children have been born; several recent transfers are awaiting pregnancy test results.<sup>153</sup>

Embryo donation or adoption has been spear-headed by Snowflakes<sup>154</sup> and National Embryo Donation Center.<sup>155</sup> Their history and purpose have already begun discussion. However, is this a “life honoring alternative” as presented by the Christian Medical and Dental Society?<sup>156</sup> Indeed, more than one hundred frozen embryos have been brought from the frozen caverns of liquid nitrogen vials to the womb to birth.

Currently, Snowflakes, a subsidiary of Nightlight, has matched 230 genetic families (with 1,584 embryos) with 145 adopting families. To date, eighty-one babies have been born, and ten adopting families are currently expecting fifteen babies.<sup>157</sup> In general, a couple’s cost for this program is about \$6,600, including the home study.<sup>158</sup> As of April 2005, 985 embryos have been thawed for transfer, of whom 521 were viable; therefore, the overall thawing success rate of Snowflakes is 53%.<sup>159</sup> Based on this survival rate of thawing frozen embryos and the known 400,000 frozen embryos available for embryo adoption, approximately 212,000 would be available for implantation. This presupposes that all 400,000 frozen embryos are viable. Powell estimates that only 275 are likely to be of any use.<sup>160</sup>

All couples that wish to adopt one or more frozen embryonic children for implantation must follow a selection process. This process will determine if the adoptive parents are willing to adopt frozen embryos from their genetic parents. Before a final selection or match is determined, each adoptive parent (husband and wife) will be introduced to several ge-

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<sup>149</sup> A. Robeznieks, “Ethics for Extra Embryos,” *American Medical News*, February 14, 2005, 14.

<sup>150</sup> *Ibid.*

<sup>151</sup> *Ibid.*

<sup>152</sup> *Ibid.*

<sup>153</sup> [www.nightlight.org/snowflakes\\_faqs.asp](http://www.nightlight.org/snowflakes_faqs.asp). These data are available only on this website. They have not been published in a peer-reviewed journal.

<sup>154</sup> *Supra*, n. 29.

<sup>155</sup> *Supra*, n. 30.

<sup>156</sup> *Supra*, n. 1.

<sup>157</sup> *Supra*, n. 29, Questions and Answers.

<sup>158</sup> *Supra*, n. 29, Questions and Answers.

<sup>159</sup> *Ibid.*, 7.

<sup>160</sup> *Supra*, n. 27.

netic parents.<sup>161</sup> The following criteria are used in the selection and matching process: (1) religion; (2) work, (full- or part-time, or home for adopting mother); (3) length of marriage; (4) financial status; (5) educational status; (6) number of other children in the family; (7) prior marriage; (8) ethnic background; (9) ages of adopting parents; (10) mother must be able to “carry” the embryos. The adoptive family may work with more than one genetic family and, therefore, adopt embryos from more than one genetic family. Once a match is made, the frozen embryos are shipped via Federal Express (approximated cost is \$200-300), and, if necessary, a shipping container may have to be rented for approximately \$500. Adoptive families are informed that if they choose not to use all of the frozen embryos, they will be returned to the genetic family and made available for adoption by another family.<sup>162</sup>

JoAnn Davidson, Program Director for Snowflakes Embryo Adoption Program, stated the following advantages for the human embryo adoption process:<sup>163</sup> (1) provides an adoption opportunity for the estimated 6.5 to 10 million infertile couples; (2) it is much cheaper than IVF or DESI averaging between \$7,000 to \$10,000 per implantation, compared to the published to the average of \$67,000 per cycle of implantation; (3) embryo adoption is better than embryo donation because it involves a thorough screening process designed to ensure that all embryos are placed with stable families meeting the expectations of genetic parents; (4) it promotes open adoption over closed adoption; (5) embryo adoption is permitted in all fifty states.

## 1. From Liquid Nitrogen to Birth: Meet Hannah<sup>164</sup>

Hannah was born December 31, 1998 at 7:07 a.m. She is one of twenty frozen embryos who were adopted by Mr. and Mrs. Strege. While it is not legally necessary to adopt all frozen siblings, this couple adopted all twenty frozen embryos in March of 1998. Hannah and her siblings were shipped FedEx to a fertility clinic in Pasadena, California. In the initial thawing and implantation process only three of twelve embryos survived. The ini-

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<sup>161</sup> JoAnn L. Davidson, “A Successful Embryo Adoption,” *The National Catholic Bioethics Quarterly* 1, no. 2 (2001): 231.

<sup>162</sup> *Ibid.*, 230; [www.nightlight.org/snowflakes\\_faqs.asp](http://www.nightlight.org/snowflakes_faqs.asp).

<sup>163</sup> “Testimony of JoAnn L. Davidson before the United States House of Representatives Committee on Governmental Reform Subcommittee on Criminal Justice, Drug Policy, and Human Resources Hearing on Embryonic Cell Research,” in *Opportunities and Advancement in Stem Cell Research*, July 17, 2001, Serial No. 107-38, 74-84. Available at <http://www.gpo.gov/congress/house>. *Ibid.*, 43.

<sup>164</sup> “Testimony of Marlene Strege before the United States House of Representatives Committee on Governmental Reform Subcommittee on Criminal Justice, Drug Policy, and Human Resources Hearing on Embryonic Cell Research,” in *Opportunities and Advancement in Stem Cell Research*, Serial No. 107-38 (July 17, 2001): 41-48. Available at <http://www.gpo.gov/congress/house>.

tial implantation resulted in a negative pregnancy test.<sup>165</sup>

The remaining eight embryos were thawed. There were three survivors, including Hannah. Mrs. Strege testified: “The embryologist snapped a picture of Hannah and her siblings for our baby book.”<sup>166</sup>

Hannah is the *first* success story of the adoption of twenty frozen embryos reported by Snowflakes adoption agency.<sup>167</sup>

## 2. Human Embryo Freezing Adoption: A Troubling Biological Choice?

A few authors have published their concerns regarding embryo adoption. Kennedy says, “I am convinced, however, that the appearance of moral “goodness in this case is deceptive. Christians should have significant misgivings about embryo adoption.”<sup>168</sup> This conclusion is based on the following reasons: (1) it will make irresponsible *in vitro* activity more likely; (2) will perpetuate the production of “spare embryos” and their eventual death; (3) embryo adoption is morally different than the standard case of adoption—unlike the latter, the genetic parents of embryo adoption have conceived *with the intent of abandoning some of their offspring*;<sup>169</sup> (4) there are questions regarding the appropriateness of Christians to invest great fortunes in pursuit of a child and why couples willing to adopt choose embryos rather than infants. Kennedy concludes this article by stating, “Embryo adoption is perhaps not a moral evil, but we do well to note that neither is it an unqualified good.”<sup>170</sup>

Other scenarios that couples should consider prior to entering into IVF, wherein additional embryonic humans will be frozen and in conjunction with embryo adoption are as follows: (1) since unused embryos may be returned to their genetic parents for other adoptive parents, a brother and sister may grow up in separate towns, meet in college, and marry without knowing that they are siblings; (2) a more bizaare scenario, yet probable, is if siblings are adopted separately and one, unknowingly, finds herself or himself sitting on a jury that must determine the guilt or innocence of the other; (3) inefficient method for the implantation and birth of a child.

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<sup>165</sup> *Ibid.*, 43.

<sup>166</sup> *Ibid.*

<sup>167</sup> *Ibid.*, 41.

<sup>168</sup> T. Kennedy, “A Deceptive Good,” *Christianity Today* 44, no. 10 (2000): 108.

<sup>169</sup> In my experience working with infertile couples interested in pursuing IVF, I did not find this premeditated intent. I found that this use of their frozen children took them off-guard and left them in a depressive quandary. However, based on a few readings on this topic, some couples indeed have pursued IVF technology knowing full well that they can always relieve themselves of parental responsibility and accountability through embryo adoption.

<sup>170</sup> *Ibid.*

### 3. Human Embryo Freezing and Adoption: A Troubling Christian Choice?

Embryo adoption appears to be a very appealing “life honoring alternative”<sup>171</sup> for the pro-life community to support and embrace. Since a human being’s life begins with the process of fertilization (genetic union of paternal and maternal DNA of sperm and oocyte) and continues its development throughout its life inside and outside of the womb, then embryo adoption is of little difference from adopting a newborn infant or adolescent child. Of course this is only one of the preferred methods over against the other possibilities regarding the homeless frozen embryos.

The preferred approach is to place the frozen embryos into their maternal womb. Next would be their adoption by a non-biologically related family. If a family is unable to maintain the cost of the ongoing freezing of the embryos and does not want to place them up for adoption, then they will have to be thawed and disposed of in a “respectful manner.” The latter two choices are unacceptable. A couple should not have their frozen embryos destroyed because the embryos are viewed as a financial or social burden. Likewise, any frozen embryo that is destroyed for the sake of research is morally reprehensible.

The greatest concern that this author has is the troubling prospect that parents who are undergoing IVF or DESI may be persuaded to generate extra embryos knowing that they may be adopted. If this is the case, this will become analogous to embryo farming. This will continue to add to the ongoing homeless population of frozen embryos, which will eventually be destroyed or given up for research. This is an unavoidable byproduct of the assisted reproductive technology industry.

### VIII. Conclusion

The unicellular zygote (day-old embryo) or the five-day-old embryonic blastocyst is a developing human being. This is affirmed by the science of embryology. In addition, the Scriptures support the conclusion that the developing child in the mother’s womb, regardless of location, is a creature of God from “conception” on. While in case law some attorneys, scientists, and theologians prefer to change embryological nomenclature, i.e., “embryo” to “pre-embryo” or “pre-zygote,” the scientific and theological fact remains—the embryo is a human being. This establishes a foundation from which all decisions originate regarding the disposition of frozen embryonic human beings.

Embryo adoption is a viable alternative for addressing the issue of homeless and abandoned frozen embryos. However, caution must be addressed to those couples who are intent on becoming involved in this pro-

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<sup>171</sup> *Supra*, n. 1.

cess. They will have to deal with the emotional and guilt-ridden aftermath of the death and disposal of embryonic children. In addition, they should allow the biological parents to know what has occurred to their children. The adoptive parents must be honest with their adoptive children regarding the circumstances surrounding their embryo adoption. Lastly, the adoptive parent must be aware of the laws to which they may or may not be subject regarding the adoption contracts that are generated to protect all parties involved, including the frozen embryos.

While embryo adoption is a viable alternative to embryo destruction, I believe that this approach will continue to perpetuate the freezing of embryos made from assisted reproductive technologies. This, in turn, will allow the continual supply of embryos for embryonic stem cell research of those unused and unwanted frozen embryos, especially if couples are experiencing financial problems and see no way out except to donate them for destruction in experimental embryonic research.

The bottom line is to avoid the freezing of embryonic human beings. Of course, this places several restrictions on the “baby-making” industry that uses IVF as its primary method of producing these children. In fact, it negates the whole *extra corpore* reproductive industry that seeks to make a child outside the womb.

For those children who remain frozen, they should not be destroyed by removing their “life support,” i.e., liquid nitrogen. Since pro-life individuals value all human beings as creatures of God, to remove frozen embryos from their liquid nitrogen environment would cause their deaths. Is there a difference between this and removing the life support from a person who is permanently unconscious? The gift of human creation by the Creator God-Man, Jesus Christ, drives the intention always to care for and never to kill any human being, regardless of age or location. As God’s people, our responsibility resides in Christ. We are His Samaritans “that we may not hurt nor harm our neighbor in his body, but help and befriend him in every bodily need” (SC). In Christ, we are neighbor to the weakest amongst us—the embryonic human embryo.

When and if a frozen embryo dies in the liquid nitrogen, then we leave this child, as any child who dies prior to or following birth, in the grace of God. “Pulling the plug” is not the consistent Christian “thing to do” when we are called on to “bear one another’s burdens” (Gal. 6:2).

Parents, who place their child in this frozen environment, should take the responsibility and accountability in their care of this creature of God. However, before parents decide to make a baby outside of their body (one-flesh union), they should prayerfully consider their Christian witness to the Gospel of Jesus Christ and the fact that those parents are called by their vocation to raise their children in the instruction and discipline of the Lord.

# Upsetting the Status Quo: Preaching Like Amos

Reed Lessing<sup>1</sup>

## Introduction

Noted homiletician Eugene Lowry writes, “The first step in the presented sermon, then, is to upset the equilibrium of the listeners, and is analogous to the opening scene of a play or movie in which some kind of conflict or tension is introduced.”<sup>2</sup> Saying what is unexpected causes listeners to stop in their tracks. They might think, “What’s going on here? That’s not the way I’ve always heard it!” Once the equilibrium is upset the pastor has gained a hearing, and he may then proceed to the task of probing the problem and offering the solution in the Gospel of Jesus Christ.

One way to “upset the equilibrium of the listeners” is by employing the homiletical strategy of inversion.<sup>3</sup> By putting the cart before the horse, the pastor alters the normal and expected sequence and thereby elicits people’s attention. For example, a sermon on vocation might begin with the phrase, “Take this job and *love* it!” Preaching on the incarnation, a pastor may state, “This is a *riches to rags* story.” A homily on the church may announce, “Where two or three are gathered together, there is *Satan* in their midst.”<sup>4</sup> Literary critics call this use of language irony.<sup>5</sup> Irony involves the perception of a discrepancy or incongruity between words and their meaning or between appearance and reality.<sup>6</sup>

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<sup>1</sup> Excerpts in this article are from *Amos* by Reed Lessing, to be published in December of 2008 in the Concordia Commentary Series, order #15-6060 © Concordia Publishing House. Used with permission. All rights reserved.

<sup>2</sup> Eugene C. Lowry, *The Homiletical Plot: The Sermon as Narrative Art Form*, Expanded Edition (Louisville: Westminster John Knox, 2001), 31.

<sup>3</sup> Francis C. Rossow discusses this homiletical strategy in *Preaching the Creative Gospel Creatively* (St. Louis: Concordia, 1983), 137-140.

<sup>4</sup> For example, in the field of Old Testament studies Rossow, *Preaching the Creative Gospel Creatively*, 137.

<sup>5</sup> Alonso Schökel writes, “Classical irony is of two basic types: rhetorical irony, which consists in saying the opposite of what one intends, but allowing this to be understood; and dramatic irony which consists in making a character say something which he does not understand or the implications of which he has not grasped” (*A Manual of Hebrew Poetics* [Rome: Pontifical Biblical Institute, 1988], 157). The inversions in Amos come under Schökel’s category of rhetorical irony. The classic study on irony in the Old Testament is Edwin Good, *Irony in the Old Testament* (Philadelphia: Westminster, 1965).

<sup>6</sup> Cf. J. A. Cuddon, *A Dictionary of Literary Terms and Literary Theory*, 3rd ed. (Oxford: Blackwell Reference, 1991), 460.

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By the first half of the eighth century B.C. leaders in the Northern Kingdom of Israel had grown accustomed to the nation's theological language to the point that they no longer were able to hear its startling claims.<sup>7</sup> Faced with this situation, the prophet Amos employed homiletical inversions so as to "upset the equilibrium of his listeners" to move beyond the familiar, the expected, and what had become clichés for his audience.

Israel's leadership had become *deaf* to its theological language.<sup>8</sup> They allowed their texts to erode into old news, texts that had been at one point so surprising and remarkable and full of good news. Unbelief dulled Pentateuchal promises into slogans that no longer had the vitality to do the best things that Yahweh's words do: forgive and recreate lives, form and regulate human relationships, serve as the glue that holds people together in community, and provide the sanctions that limit people's abuse of each other. In this vacuum, individual autonomy and selfishness emerged unchallenged, and Israel began to disintegrate. Oblivious to how their language had dulled their spiritual vitality, Israel's elite became intoxicated with violence, bloodshed, and economic exploitation. As long as the nation was up and running, sick as it was, its flow of meaningless words kept it going.

In this situation Amos could not simply repeat words from the Pentateuch, but neither could he embark on a mission that completely jettisoned Israel's theological language. Andersen and Freedman describe the prophet's dilemma this way: "A judicious balance needs to be struck, one in which the prophet's role as conservator of ancient tradition is blended with that of radical critic of current behavior and intention."<sup>9</sup> Amos's challenge, therefore, was to use theological language itself to show the inadequacy of what the language had become, and to reconnect its parts in a

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<sup>7</sup> Broadly speaking there are two groups of people in the book of Amos: the "sinned against" and the "sinners"—the righteous and the unrighteous. The targets of Yahweh's destruction are "those who trample the poor" (2:7; 4:1; 8:4), "those who stifle prophecy" (2:12; cf. 7:10-17), "those who store up violence and destruction" (3:10), "those who long for the Day of Yahweh" (5:18), "those who are at ease" (6:1), "those who rejoice in Lo Debar" (6:13) and "those who are saying when will the Sabbath be over" (8:5) as well as those who say, "evil will not overtake us" (9:10). Francis Andersen and D. N. Freedman define this group as follows: "These are the people who are not sick over the crash of Joseph; who are callous, cold, self-indulgent, and avaricious; who oppress the needy; and who welcome the Day of Yahweh, convinced that for them it will be a day of light and not darkness (contrary to what the prophet has said) and in any case that finally no disaster will touch them at all" (*Amos* [New York: Doubleday, 1989], 872). The second group are the "small people" (7:2, 5) who also are called, (1) אביונים ("the needy") 2:6; 4:1; 5:12; 8:4, 6; (2) ("the poor") דלים 2:7; 4:1; 5:11; 8:6; (3) עניים ("the oppressed") 2:7; 8:4; and (4) צדיק ("the righteous") 2:6; 5:12. People in this group were being abused sexually (2:7b), fiscally (2:8; 5:11), judicially (5:10), spiritually (2:12), and vocationally (2:7; 4:1; 5:11).

<sup>8</sup> Isaiah indicates that in his day Israel also had ears but could not hear and eyes but they could not see (cf. Is. 6:9-10). In Isaiah 42:9 the prophet quotes Yahweh as saying, "Who is blind but my servant, and deaf like the messenger I send? Who is blind like the one committed to me, blind like the servant of Yahweh?" (cf. 43:8; e.g., Matt. 13:13; Mark 4:12). Yahweh describes the same problem in Ezekiel (e.g., Ezek. 3:4-7; 33:30-33).

<sup>9</sup> Andersen and Freedman, *Amos*, 539.

way that would make it fresh and real and alive. Amos's rhetorical task was to recreate the language's *surprise*. Needing to accomplish this using the resources of the language itself, he employed the rhetorical strategy of inversion.

Amos scholars often note the prophet's sophisticated appropriation of forms and traditions as well as his carefully crafted language.<sup>10</sup> For example, James Crenshaw argues that Amos uses liturgical texts and ideas throughout his book to make contact with his audience, only to turn the themes against it.<sup>11</sup> It is almost universally agreed that Amos is a master at inverting texts.<sup>12</sup>

Gerhard von Rad (1901–1971) brought to the forefront this concept of prophetic *Vergegenwärtigung*, translated as “a fresh presentation,” “updating,” or “reactualization.” He argued that prophets reactualized Pentateuchal traditions in light of their new contexts. The opening sentence in his second volume of *Old Testament Theology* is telling: “Remember not the former things nor consider the things of old. For behold, I purpose to do a new thing (Is. xliii.18f).”<sup>13</sup> For von Rad the “former things” refers to what is commonly called the Pentateuch. The “new things of old” refers to the prophetic recasting and reshaping of these earlier texts. Von Rad maintained that as creative communicators prophets *reshaped* older texts for new situations.

Standing in this tradition, Amos takes Israel's theological premises and reshapes them to awaken his listeners from their spiritual slumber. He employs Pentateuchal language and theology that simply cannot be contradicted *and contradicts it!* Amos peppers the nation's leaders with

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<sup>10</sup> Among Amos commentators there appears to be unanimous agreement on the prophet's literary skill. H. W. Wolff marvels that in the two dozen short oracles one finds such a “wealth of rhetorical forms” (*Joel and Amos* [Philadelphia: Fortress, 1977], 91). James L. Mays hails Amos as one who displays “remarkable skill at using all the devices of oral literature available in Israel's culture” (*Amos: A Commentary* [Philadelphia: Westminster, 1969], 6). Andersen and Freedman note that Amos is one of the most “versatile verbal craftsmen” among the prophets (*Amos*, 144). Shalom Paul speaks of Amos's “distinctive literary style” as well as the way he uses literary traditions and conventions with “creative sophistication” (*A Commentary on the Book of Amos* [Minneapolis: Fortress, 1991], 7, 4). The lone dissent seems to come from John Hayes who claims “there is nothing especially creative in Amos's preaching” (*Amos—The Eighth Century Prophet: His Times and His Preaching* [Nashville: Abingdon, 1988], 38).

<sup>11</sup> James Crenshaw, “Amos and the Theophanic Tradition,” *ZAW* 80 (1968): 203-215.

<sup>12</sup> For example, Mays says Amos consistently “take[s] up the themes of the theological tradition from his audience and use[s] them in a way that was completely ‘unorthodox’ and unexpected” (*Amos*, 57). Wolff notes the prophet's use of language that has “shocking surprises” (*Joel and Amos*, 211).

<sup>13</sup> Gerhard von Rad, *Old Testament Theology*, vol. II, *The Theology of Israel's Prophetic Traditions*, trans. by D. M. G. Stalker (London: Oliver and Boyd Ltd, 1965), 1. Walter Brueggemann writes, “If it turns out that von Rad's entire program is an exposition of Isaiah 43:18-19, as seems likely, then relinquishment of what is old and treasured and reception of what is new and unwelcome is the work at hand” (*The Book That Breathes New Life: Scriptural Authority and Biblical Theology* [Minneapolis: Fortress, 2005], 82).

challenging “in-your-face” questions. “What if Israel is *just like* the other nations?” (1:3-2:16). “What if election means *judgment*?” (3:2). “What if worship is a *crime*?” (4:4-5). “What if the nation is not alive at all, but *dead*?” (5:1-17). “What if Passover happened again, but this time *Israel* is the first-born of Egypt?” (5:17). “What if the Day of Yahweh turns out to be the *night* of Yahweh?” (5:18-20). “What if Yahweh’s presence in the temple brings not a blessing but a *curse*?” (9:1-4). “What if Yahweh had accomplished an exodus for *other nations*?” (9:7). By relentlessly posing these unsettling inversions, Amos takes the people’s language and turns it against them. Let us now consider these texts in greater detail.

### Amos 1:3-2:16

The first example of inversion is in Amos 1:3-2:16, which consists of the longest oracle against other nations in the Book of the Twelve.<sup>14</sup> Whether in a warfare, public lamentation, court, or worship setting,<sup>15</sup> Oracles Against the Nations (OAN) either explicitly or implicitly always boded well for Israel. For example, in 1 Samuel 15:2-3 and 1 Kings 20:26-30 the prophetic proclamation against the enemy is matched with a specific promise of victory for Israel. Amos inverts this genre and adapts it for his own purpose in order to make a stinging accusation against Israel’s elite.

From 1:3 through 2:5 Amos’s audience in all likelihood cheered and applauded after each neighboring nation was condemned. “Great preacher, this Amos!” was the mantra of the moment. The sermon builds to a climax as three, four, five nations are placed under divine fire. With the next judgment pointing to Judah (2:4-5), the number reaches seven. The people could then safely assume that the sermon had come to an end and go home saying, “All is well that ends well!” It was probably time for the Aaronic benediction (Num. 6:22-27), a general dismissal, and then the normal post-service discussion of the weather, the events of the week, a bit more chit-chat, and then it would be time to go home. But Amos was not done preaching. The Lion was still roaring (cf. Amos 1:2; 3:8). Yahweh’s wrath was about to fall upon *Israel*.

The oracle against Israel (2:6-16) came as a shocking surprise. There are seven oracles, beginning with Aram (1:3-5) and ending with Judah (2:4-5). Seven is a number commonly used in the Bible to denote complete-

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<sup>14</sup> Oracles Against the Nations (OAN) constitute almost one-fourth of the material in the latter prophets and are listed as follows: Isaiah 7:3-9, 10-16; 8:1-4; 10:5-35; 13-23; 34; 37:22-29; Jeremiah 25:15-38; 27:1-11; 46-51; Ezekiel 25-32; 35; 38-39; Joel 4:1-17; Amos 1:3-2:16; Obadiah; Micah 4:11-13; 5:5-6; 7:11-13; 14-17; Nahum; Habakkuk 2; Zephaniah 2:4-15; Haggai 2:21-22; Zechariah 9:1-8; and Malachi 1:2-5. The only prophetic book devoid of the OAN genre is Hosea.

<sup>15</sup> It is impossible as well as unnecessary to choose one particular social setting for the OAN; cf. John Hayes, “The Usage of Oracles Against Foreign Nations in Ancient Israel,” *JBL* 87 (1968), 81-92. Ronald Clements maintains that there was no exclusive setting for the OAN (*Prophecy and Tradition: Growing Points in Theology* [Atlanta: John Knox Press, 1975], 72).

ness,<sup>16</sup> making an eighth oracle unexpected. Little did the audience (presumably at Bethel) know that the prophet's analysis of the crimes of the nations was in reality a noose that was getting ready to tighten around its neck!

The Israel oracle, therefore, is the culmination of Amos's OAN and the rhetorical goal of 1:3-2:5. The first seven oracles were small sparks of fire when compared to the mighty blaze that fell upon the leadership of the Northern Kingdom.<sup>17</sup> Julius Wellhausen classically puts it this way: "das Gewitter schliesslich in Israel selbst einschlägt"<sup>18</sup>—"the thunderstorm finally smashed into Israel itself."

In the context of judgment against other nations, Amos's audience would not have expected a judgment oracle against them. But Amos intends to include the Northern Kingdom among Yahweh's enemies.<sup>19</sup> He inverts the genre of OAN to announce Law to people expecting Gospel.<sup>20</sup> Amos upsets the equilibrium of those in his audience who were embracing the belief, "Come weal, come woe; our status is quo." But the inversions are just getting started!

### Amos 3:1-2

Amos begins this section with the words, "Hear this word that Yahweh has spoken concerning you, O children of Israel, concerning the entire clan which I brought up from Egypt, saying..." (3:1). His audience might have concluded at the end of this verse that the exodus was a sign of Yahweh's ongoing and eternal favor (e.g., Num. 24:8; Judg. 6:13; 1 Kings 8:51-51); it forever guaranteed Israel's "favored nation status" before Yahweh.

In the next verse, however, Amos flatly contradicts these expectations. He quotes Yahweh as saying, "You alone have I known (יָדַעְתִּי) from all the families of the earth; therefore I will visit upon you the fruit of all your iniquities" (3:2). Amos inverts the election verb יָדַע.<sup>21</sup> Just as he shocked

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<sup>16</sup> E.g., Genesis 1:1-2:3; 4:15, 24; Leviticus 26:18, 21, 24; Daniel 9:24-27; Matthew 18:21-22; Luke 17:4; and much of the book of Revelation.

<sup>17</sup> Although judgment by fire—cited in the previous seven oracles—is not invoked in the oracle against Israel, in 5:6 and 7:4 fire is Yahweh's means to judge the Northern Kingdom.

<sup>18</sup> Julius Wellhausen, *Die Kleinen Propheten übersetzt und erklärt* (Berlin: Reiner, 1898), 71.

<sup>19</sup> Isaiah employs the same rhetorical strategy when he includes Jerusalem (22:1-14) in his OAN in chapters. 13-23.

<sup>20</sup> Horace Hummel writes, "Most commentators also agree that Amos here artfully uses the rhetorical device known as *captatio benevolentiae*. That is, first he gains his audience's attention and goodwill by condemning other people, saving his 'knockout blow' until he has them 'eating out of his hand'" (*The Word Becoming Flesh* [St. Louis: Concordia, 1979], 312).

<sup>21</sup> Mays believes this use of the tradition is "radical, breathtaking" (*Amos*, 57); Andersen and Freedman claim the pericope is evidence of Amos's "characteristic vigor and irony" (*Amos*, 381).

his unwary audience with the Israel oracle (2:6-16), so again he overturns expectations by using Yahweh's Gospel events to speak judgment and Law.

The problem was that the nation's elite boasted that because of election they were "the first among the nations" (6:1b). The leadership believed that "evil will not even come close, much less confront us" (9:10).<sup>22</sup> They "knew that they knew" that Yahweh was with them (5:14). Enjoying their economic success (4:1; 6:4-5; 8:5-6), and celebrating their victories on the battlefield (6:13), Israel's *crème de la crème* was sure that the "day of Yahweh" (cf. 5:18) would be for them a day of light and gladness. "In other words, God was unconditionally on their side."<sup>23</sup> The shocking surprise in Amos 3:2 is this. *Because* of their closeness to Yahweh, Israel's elite will *all the more* be punished. Hans W. Wolff summarizes it well: "...he first calls to account those whom he has first called as his own."<sup>24</sup>

What is striking in 3:2 is that Amos does not state that it is because of Israel's sins that the nation is judged; it is rather because of Israel's covenant status. The inversion consists of making election the basis for judgment.<sup>25</sup> Just as he does in 1:3-2:16, the prophet takes a Gospel tradition and places it within the context of a judgment oracle. Amos employs earlier texts in totally new ways to reverse the expected conclusions of his audience to the end that they will awaken from their spiritual slumber (cf. Eph. 5:14).

### Amos 4:4-5

Amos has inverted Israel's OAN genre (1:3-2:16) and her doctrine of election (3:1-2). Now in 4:4-5 he takes the genre of priestly Torah and turns it upside down. The prophet imitates the priestly call to worship, not because Israel's worship violated Levitical standards, but because justice and righteousness had been thrown down and poisoned (cf. 5:7, 24; 6:12).

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<sup>22</sup> J. A. Motyer writes, "The people to whom Amos spoke had devalued the doctrine of election into a non-moral doctrine of divine favouritism; Israel was God's 'pet,' surrounded by a divine imperial preference, protected, subsidized, the recipient of many unique allowances and special pleadings" (*The Day of the Lion: The Message of Amos* [Downers Grove: InterVarsity Press, 1974], 50). He goes on to write, "Special privileges, special obligations; special grace, special holiness; special revelation, special scrutiny; special love, special responsiveness...the church of God cannot ever escape the perils of its uniqueness" (68).

<sup>23</sup> Motyer, *The Day of the Lion*, 68. Andersen and Freedman state, "...people would naturally react by saying that the idea was unthinkable and impossible because they were Yahweh's people and he was their God—while they were bound to him, he was also bound to them.... They were tied together indissolubly in a mutual assistance pact. In drawing his conclusion Amos could not be more wrong; hence he could not be a prophet at all, and certainly not a true one" (*Amos*, 30).

<sup>24</sup> Wolff, *Joel and Amos*, 172.

<sup>25</sup> Wolff writes, "Contrary to the normal procedure, therefore, it is not an infraction of the law which is the reason for punishment, but rather it is Yahweh's own saving act which establishes the ground for punishment" (*Joel and Amos*, 175).

Psalm 95:6-7 is a familiar liturgical piece in the Office of Matins: “O come (בָּא), let us worship and bow down, let us kneel before Yahweh our Maker. For (כִּי) He is our God, and we are the people of His pasture, and the sheep of His hand.” These verses display a two-part structure: (1) the invitation, using an imperative verb (in this case the *qal*, second person imperative of הלך), and (2) the reason expressed in the sentence with the word כִּי (“for,” “because”). Psalm 81:1-5 functions in a similar manner. It begins with multiple commands to praise Yahweh, “Sing aloud...shout for joy...blow the trumpet....” These imperatives are followed with “for (כִּי) it is a statute for Israel, an ordinance of the God of Jacob.” A pilgrim coming to the sanctuary at Bethel in all likelihood would anticipate these kinds of invitations in Psalms 81 and 95. Amos offers a similar invitation, but turns the established pattern on its head.

Imitating the call to worship, Amos 4:4 begins with an imperative of בָּא.<sup>26</sup> “Come (בָּא) to Bethel,” Amos cries out. Then the other shoe drops. Instead of continuing with the theme of worship, kneeling or bowing down, he says, “and commit a crime” (וַתַּעֲשֶׂה). Amos employs the verb פָּשַׁע throughout 1:3-2:3 to denote “crimes against humanity.” These crimes are as follows:

1. The Arameans used animals to drag flint-studded, weighted pieces of wood back and forth across the prostrate bodies of the Gileadites; this is comparable to impaling and skinning people alive (1:3-5).<sup>27</sup>
2. The textual movement from Damascus/Aram (1:3-5) to Gaza/Philistia (1:6-8) is a move “from the battle-field to the board-room, from the camp to the counter.”<sup>28</sup> The city/state of Gaza is ushered before Yahweh’s judgment seat because of its practice of selling off conquered peoples as slaves.
3. The charge against Tyre (1:9-10) echoes the previous oracle against Gaza/Philistia, which is similarly accused of handing over an entire community to Edom (1:6). These two nations located on the Mediterranean coast are guilty of complicity in the same crime—slave trade.
4. Edom is accused of pursuing his brother with a sword and ripping open pregnant women (1:11-12).<sup>29</sup> The use of אָחִיו (“his brother”)

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<sup>26</sup> The imperative verb בָּא functions as a call for pilgrims to worship in e.g., Hosea 4:15; Isaiah 1:12; Joel 1:13; Psalm 100:4.

<sup>27</sup> The vassal treaties of Esarhaddon include the following consequence of covenant disloyalty: “Just as honeycomb is pierced through and through with holes, so may holes be pierced through and through in your flesh, the flesh of your women, your brothers, your sons and daughters while you are alive” (James B. Prichard, ed., *Ancient Near Eastern Texts Relating to the Old Testament* [Princeton; Princeton University Press, 1969], 539-540). The same idea is expressed in Micah 4:13.

<sup>28</sup> Motyer, *The Day of the Lion*, 40.

<sup>29</sup> The problem with the appearance of רָחֵם in 1:11 is that a concrete noun is expected to be parallel with אָחִיו (“his brother”), rather than this abstract one, “his affections”

may refer to the kinship between Edom and Israel, as Esau and Jacob are often referred to as “brothers” (cf. Gen. 25:19; 27:40-41; Num. 20:14; Obad. 10, 12).<sup>30</sup> The crime is then understood as a “violation of the customary ethos of kinship obligations.”<sup>31</sup>

5. Ammon also ripped open the stomachs of pregnant women (1:13-15). Daniel Simundson writes, “One shudders to think of the viciousness of killing two lives with one slash for the sake of national expansion;”<sup>32</sup>
6. While Edomites and Ammonites are judged because they destroyed the future, i.e., children in their mother’s wombs (1:11, 13), Moabites fall under Yahweh’s judgment because they destroyed the past, burned a dead king’s bones (2:1-3). These three oracles are therefore woven together by means of a common theme—taking diabolical advantage of helpless people, the fetus *in utero* and the corpse in the grave.

The shock in Amos 4:4, therefore, is that Israel’s worship life is placed on the same moral level as these crimes of the nations! *Worship* is a crime against the Divine *Suzerain*. Imagine this sign on a marquee outside of a Christian sanctuary: “Come to this Church and Commit a Crime!”

Amos 4:4-5 goes on to list the normally pious actions of offering sacrifices, bringing tithes, and presenting thank and freewill offerings. These sound more like a list that a church would draw up to describe her “member of the year” rather than an indictment for excommunication. But Israel’s elite had the form of godliness while denying its power (cf. 2 Tim. 3:5). Mays writes, “Amos usurps the role of the priests and exhorts the congregation in a shocking parody of ecclesiastical language that must have sounded like irreverent blasphemy.”<sup>33</sup>

### Amos 5:1-17

The funerary lament in Amos 5:1-17 is similar to David’s lament over the deaths of Saul and Jonathan (2 Sam. 1:19-27). Amos 5:1-17 shares the

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(רִחְמֵי). Because of this, both the LXX (μήτραν) and Jerome (*vulvam eius*) interpret the word concretely as “womb.” Understood in this way, רחם adds a link to the mutual crimes of Edom and Ammon (cf. 1:13): both wielded the sword in order to kill females and their babies.

<sup>30</sup> Amos 1:11 includes two allusions to the Jacob-Esau narrative. First, Esau is promised in his blessing that he will live by the sword (ויעל-חרבך תהיה; Gen. 27:40). Second, Rebekah thinks that Esau’s wrath will only be temporary (Gen. 27:44-45); however, Amos says that it will endure for all time (אפו ועברתו שקרה נצח).

<sup>31</sup> Mays, *Amos*, 35.

<sup>32</sup> Daniel Simundson, *Hosea, Joel, Amos, Obadiah, Jonah, Micah* (Nashville: Abingdon, 2005), 170.

<sup>33</sup> Mayes, *Amos*, 74 (n. 15).

following elements with David's funerary dirge:<sup>34</sup> (1) a description of the death (Amos 5:2-3; 2 Sam. 1:19, 23, 25, 27); (2) the call for the survivors to respond (Amos 5:4-6, 14-15; 2 Sam. 1:20); (3) a direct address to the deceased (Amos 5:7-13; 2 Sam. 1:26); and (4) a call to lament (Amos 5:1, 16-17; 2 Sam. 1:21). These similarities indicate that Amos is inverting still another genre to suit his rhetorical purposes. In this case he is lamenting the death of a nation that is still very much physically alive!

Amos begins in verse 1 with the noun קִינָה, which denotes a mourning song for dead people. Those who heard verse 1 would naturally ask, "Who died?" The answer in verse 2 is, "You, but you aren't aware of it yet!" In the hands of Amos, the dirge communicates the leadership's folly; death negates all of its claims of invincibility (e.g., 6:13; 9:10). The inversion is that, physically, the prophet's audience is very much alive, but spiritually they are dead (cf. Rev. 3:1). People are being addressed as though they are unburied corpses.

Amos continues his strategy of inversion in 5:17. Yahweh's promise קִי־אָעֵבֶר בִּקְרִבְךָ ("I will pass through your midst") in this verse is very similar to Exodus 12:12, "And I will pass through (וְעָבַרְתִּי) the land of Egypt" as well as Exodus 12:23, "And Yahweh will pass through (וְעָבַר) to strike Egypt." Just as Yahweh passed through Egypt and killed the firstborn of every human and animal, so He will again launch an attack. When Yahweh passes through, it will not be to destroy Israel's enemies, but rather to destroy His new enemy—*Israel!*

### Amos 5:18-20

In 5:18-20 Amos employs a woe-oracle, a rhetorical question, and a gripping simile to shock his audience out of their lukewarm state (cf. Rev. 3:16). Who was the prophet's audience? They were the government officials making a killing—literally—by storing up ill-gotten gain (3:11). They were legal "experts" turning justice into wormwood (5:7). They were the tradesmen trampling the poor and needy (2:7; 8:4). They were the priestly class silencing the prophetic voice (7:10-17). In short, they were the "movers and shakers" who ignored "small Jacob" (7:2, 5), even while they said, "Evil will not come upon us" (9:10b).

Amos begins this unit with the cry הוי which is often translated as "woe," "הֵא" "alas," or something along these lines.<sup>35</sup> Much like church bells in a small town tolling to announce a funeral, when a person cried out "הוי"

<sup>34</sup> What follows is from Douglas Stuart, *Hosea—Jonah* (Waco: Word Books, 1987), 344.

<sup>35</sup> James Williams believes that Amos was "more than likely the first figure in the history of Israelite propheticism to appropriate the הוי lament and employ it in prophetic oracles" ("The Alas Oracles of the Eighth Century Prophets," *HUCA* [1967], 75-91, 88; cf. also Waldemar Janzen, *Mourning Cry and Woe Oracle*, *BZAW* 125 [Berlin: de Gruyter, 1972], 84).

one would immediately ask, “Who died?” In Amos’s case the answer would be, “You!”

In his next inversion Amos announces that the Day of the Lord will actually be the *Night* of the Lord. The phrase יום יהוה (“the Day of Yahweh”) makes its first appearance in the Old Testament in Amos 5:18-20.<sup>36</sup> This oracle assumes that there were those listening to Amos who could identify with the phrase. Both the rhetorical questions and the repetition of the contrast between “darkness and not light” suggest that the prophet was trying to refute a widely held view that “the Day of Yahweh” would usher in more of Yahweh’s blessings.<sup>37</sup>

The prophetic discourse, once again, takes a popular tradition that was positively understood and turns it upside-down. Contrary to popular opinion, when Yahweh appears it will not be a day of national victory and celebration but a night of horrific disaster and defeat. A person will keep experiencing miraculous escapes until “peace at last” turns out to be a biting serpent (5:19).

### Amos 9:1-4

In the grand finale of his series of five visions,<sup>38</sup> Amos again takes several time-honored ideas and inverts them. His first move is to employ a cosmological merism in verses 2-3 by means of “Sheol” and “heaven” (v. 2) and “Mt. Carmel” and “the ocean floor” (v. 3).<sup>39</sup> Some psalms employ merism in order to extol Yahweh for His universal power and protecting presence. For example, Psalm 95:3-5 praises Yahweh “in [whose] hands are the depths of the earth; the heights of the mountains are His also” (cf. Pss. 103:11-12; 139:7 [MT 8]; 148:1, 7). However, Amos uses the motif as a guarantee of Yahweh’s *destructive* dominion.<sup>40</sup> What was normally affirmed as hopeful—Yahweh’s dominion over the universe—is Israel’s reason to be utterly hopeless.

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<sup>36</sup> The term יום יהוה appears twenty-nine times in the Old Testament, always in prophetic texts, e.g., Isaiah 13:6, 9; Jeremiah 46:1; Ezekiel 13:5; Joel 1:15; 2:1, 11; Obadiah 15; Zechariah 1:7; 14; Malachi 3:23.

<sup>37</sup> Stuart writes, “Like the student who receives an ‘F’ for a paper he thought was brilliant, or the employee fired after doing what he thought was excellent work, or the person whose spouse suddenly announces that he or she wants a divorce when the marriage seemed to be going so well, the Israelites were undoubtedly stunned by such a reversal of their expectations” (Stuart, *Hosea—Jonah*, 354).

<sup>38</sup> In the first vision Amos sees a locust plague (7:1-3); parallel to it is the second vision in 7:4-6, where Amos sees divine fire. In his third vision the prophet sees plaster (7:7-9), while parallel with it is the fourth vision, where Amos is shown a basket of summer fruit (8:1-3).

<sup>39</sup> A merism is a synecdoche in which a totality is expressed by contrasting parts; e.g., “heavens and the earth” (Gen 1:1) denotes everything; “from the least of them to the greatest of them” (Jonah 3:5) denotes everybody.

<sup>40</sup> Mays observes, “The hymnic theme is reversed” (*Amos*, 154). J. A. Soggin calls it “a negative parallel to Psalm 139” (*The Prophet Amos: A Translation and Commentary* [London: SCM, 1987], 123).

The second inversion is in verse 4, **שׁים עֵינֶי עָלַי** (“to set an eye upon”). These words are employed in the Old Testament in a positive sense (e.g., Gen. 44:21; Jer. 24:6; 39:12), yet Amos indicates that Yahweh will “set His eye upon them for *evil* (רעה) and not for good.”

### Amos 9:7

Israel’s leaders believed they were eternally in a position of grace and goodness because of Yahweh’s rescue of the nation from Egyptian bondage. It was as though they embraced a “once saved, always saved” theology. But the exodus did not automatically imply Yahweh’s divine protection for Israel. In 9:7 Amos records Yahweh as asking, “Are not you like the sons of the Cushites to me? O sons of Israel?” Oracle of Yahweh. ‘Did not I bring Israel up from the land of Egypt and the Philistines from Capthor and the Arameans from Qir?’”

The first people Amos compares Israel with are the Cushites.<sup>41</sup> This reference to Cush in Amos, as well as in Isaiah 18, is less about Cush specifically and more about the concept of the farthest reaches of the known lands. That is to say, the people described as “tall and smooth” (Is. 18:2, 7) are not a specific people, nor is a specific destination stated, only both “near and far” (Is. 18:7). Instead of concerning a specific nation, Isaiah is addressing the nations in general.<sup>42</sup> In like manner, Amos employs Cush not because of the color of their skin (cf. Jer. 13:23) or their status as slaves (2 Sam. 18:21; Jer. 38:7), but rather because they represent a distant land (Esther 1:1; 8:9) and, as such, indicate that “even the most inaccessible nation is still under God’s surveillance and sovereignty.”<sup>43</sup> Yahweh has no “favorites” ethnically, geographically, politically, or historically (cf. Acts 10:34; Rom. 2:11; Eph. 6:9).

Yahweh is Lord over the Cushites—indeed over the entire world—but also over those who live within a closer proximity to Israel, in this case also the Arameans and the Philistines, some of the nation’s fiercest adversaries.<sup>44</sup> Amos employs a salvific verb (עלה in the *hiphil* stem) with Yahweh

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<sup>41</sup> Cf. Numbers 12:1 where Aaron and Miriam oppose Moses because of his Cushite wife. If the attitude of Moses’ siblings reflects Israel’s attitude about Cush in general, then to equate Israel with such a people would be particularly humiliating and an affront to their election as Yahweh’s people.

<sup>42</sup> In like manner, in Isaiah 34 Edom is a cipher for all of the enemies of Israel. Likewise Ezekiel 38 and 39 are universal oracles, couched in the title “Gog of Magog.”

<sup>43</sup> Paul, *Amos*, 282.

<sup>44</sup> The theme of Yahweh’s protection and care for “outsiders” is demonstrated, for example, throughout the book of Genesis. He delivers Hagar and Ishmael (16:7-14; 21:15-21), for He is “with the boy” (21:20) even after he leaves the home of the chosen. Yahweh also delivers Abimelech and his family (20:17-18), and the Egyptians together with Joseph witness Yahweh’s preservation of life (41:38; 45:4-9; 50:20). Yahweh’s grace bestowed upon Egypt includes “the entire world” (41:57). Foundational to all of Yahweh’s care and deliverance of “outsiders” is His covenant made with Noah and all flesh (9:9-17).

as the subject in relation to Israel's *enemies*.<sup>45</sup>

These comparisons indicate that in Yahweh's eyes Israel is *just like* Cush, Philistia, and Aram. One can almost hear the audience's reaction: "You have made them equal to us" (Matt. 20:12). Once again, "salvation history is proclaimed as judgment history."<sup>46</sup>

## Conclusions

Amos lived among people who did not seem to notice, did not seem to care, and were unable to act. Their leader—Jeroboam ben Joash, ca. 793/2-753/2 B.C. had closed his eyes to human needs, economic inequities, and broken social systems. There remained only "horses and chariots" (Ps. 20:7), unbridled greed, brutality, technology, and stinginess (cf. Deut. 17:14-20). Leadership in the Northern Kingdom was undisturbed and insensitive to these maladies. In this context Amos could not have been effective if he had employed stereotypical language because stereotypical language is a language of cliché. The immediate danger of cliché is the audience's passive response. This is what Homer meant when he spoke about the poet's creativity: "For men praise that song the most which comes the newest to their ears."<sup>47</sup> Amos had to invert language and genres in order to gain a hearing from people.

Jesus went even further than Amos. He not only uttered subversive words, He is *the* subversive Word. Jesus employed inversions in His antagonistic context (e.g., Matt. 23:25-26; Mark 3:6; Luke 4:28-29; John 8:59). Of course, His most well-known are in the Beatitudes (Matt. 5:1-12; Luke 6:20-23). But He also says, "For whoever wants to *save* his life will *lose* it" (Matt. 16:25), "The *last* will be *first* and the *first* will be *last*" (Matt. 19:30; 20:8) and "Let the *greatest* among you become as the youngest and the one who *rules* like the one who *serves*" (Luke 22:26). The most joyful Pauline inversion is the promise, "He who had no sin became sin for us so that in Him we might become the righteousness of God" (2 Cor. 5:21). Indeed, inversion is more than an effective homiletical technique. Inversion is the very heart of the Gospel itself.

We can learn from Amos's rhetorical strategies because far too often our sermons are full of dull, conventional, and routinized speech. People slumber spiritually because they become used to theological jargon. One alternative is to employ adrenalin-laden inversions that push beyond the status quo. To be sure, the preaching of Law and Gospel requires language that is faithful to the text and in accord with sound doctrine. But at the

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<sup>45</sup> Abraham Heschel writes, "The nations chosen for this comparison were not distinguished for might and prestige—countries such as Egypt or Assyria—but rather, nations which were despised and disliked" (*The Prophets*, vol. 1 [Peabody, MA: Prince Press, 2004], 33).

<sup>46</sup> Wolff, *Joel and Amos*, 170.

<sup>47</sup> As noted by Yehoshua Gitay, "Reflections on the Study of Prophetic Discourse: The Question of Isaiah 2-12," *Prooftexts* 3 (1983): 213, 223-230.

same time it must shock sensitivity, call attention to what is not noticed, break the routine, and cause people to redescribe things that have long since seemed settled.

But Amos offers more than just a *rhetoric* of preaching; he also teaches a *theology* of preaching.<sup>48</sup> The prophet's audience readily accepted Yahweh's past action of the exodus and conquest (e.g., 2:9-11), even as they longed for Yahweh's future action (e.g., 5:18). But Israel's elite had no room for a *present* word from Yahweh. They did everything they could to squelch the *viva vox Dei* (2:12; 7:10-17). Their reasoning went something like this: "If we can successfully deny that Yahweh has any word for us in the present moment, then we can remain 'religious' and even 'orthodox' and still be free to do anything we want!" Amos's theological task, then, was to strip away the past and the future and confront Israel's leadership with Yahweh's Word for the present moment.

Luther stated this theology of preaching in the well-known phrase, *viva vox evangelii*—"the living voice of the Gospel." The reformer stated that when a pastor steps down from the pulpit, he may say "with St. Paul and all the apostles and prophets... 'Here God speaks.' God himself has said it. And I repeat it... [W]hoever cannot boast like that about his sermon should leave preaching alone."<sup>49</sup> Much is made of the doctrine of the Real Presence in Luther's sacramental theology, yet he also had another "Real Presence"—the Real Presence of Jesus Christ in proclamation. In this way Luther followed in the footsteps of Paul, who "placards" Christ before the eyes of his hearers (Gal. 3:1) and brings people into the present moment: "Behold, *now* is the acceptable time; behold *now* is the day of salvation" (2 Cor. 6:2; cf. Rom. 8:1). Although the history of Israel and Jesus are once-for-all, finished, and by-gone events, they still have contemporary relevance for people. The Word of God "is living and active" (Heb. 4:12); it still confronts and courts and claims. Preaching is to take past history and future events to confront people in the present moment.

If the past and future are the only focal points in our preaching, then our error is not only rhetorical; it is theological. A sermon that focuses solely upon what God has done in the past or will do in the future neglects that preaching is the proclamation of the *viva vox Dei*. God always has a present Word for His people. Christ is not preached if He is not preached as condemning and absolving *now*.

Gerhard Forde maintains that all too often the proclamation of the Gospel gets displaced by explanation, teaching, lecturing, and the like.<sup>50</sup> But Lutheran preaching—indeed prophetic and apostolic preaching—is to be "the direct declaration of the Word of God, that is, the Word *from* God";<sup>51</sup>

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<sup>48</sup> I am indebted to Dr. David Schmitt, Associate Professor of Practical Theology at Concordia Seminary, for many of the insights in this section.

<sup>49</sup> WA 51, 517. Cf. Fred W. Meuser, *Luther the Preacher* (Minneapolis: Augsburg, 1983).

<sup>50</sup> Gerhard Forde, *Theology Is for Proclamation* (Minneapolis: Augsburg, 1990), 1.

<sup>51</sup> Forde, *Theology Is for Proclamation*, 2 (emphasis in the original).

this, as opposed to preaching *about* God. Preaching like Amos means that we include present-tense verbs and first and second person nouns. Just as the pastor absolves, baptizes, and distributes the Eucharist in the present tense, so the sermon is to be God's present action, His current mighty act.

Moral chaos and unbridled exploitation will not change through more advanced church programs or better parish strategies, but rather by the bold and rhetorically charged proclamation of Yahweh's Word for the present moment. This Word brings holiness back into history, lets justice sound in the presence of oppression, embraces suffering in a climate of complacency, voices hope in the midst of despair, and refuses brutality in the name of the coming kingdom of Christ.

Instructed by Amos and fired by the Holy Spirit, the employment of the homiletical strategy of inversion uses Law for the sake of the Gospel in order to awaken the church from what has grown ordinary, stale, and routine. Following the lead of Amos, pastors will be better equipped to proclaim Yahweh's Word of Law that finally yields to the Gospel's greatest inversion of all "Why do you look for the living among the *dead*? He is not here; He has *risen*!" (Luke 24:5b-6a).

# Grammarian's Corner

## Participles, Part V

After two Grammarian's Corner installments dealing with participles in the attributive position in 2006, the January 2007 issue focused upon **participles in predicate position**. In that GC, we said that predicate position participles display clearly both the adjectival and verbal components of this part of speech, and we analyzed both "supplementary" instances, where the verbal activity is part of the object of the main verb (e.g., Mark 1:16: ...εἶδεν Σίμωνα καὶ Ἀνδρέαν τὸν ἀδελφὸν Σίμωνος **ἀμφιβάλλοντας** ἐν τῇ θαλάσῃ. ["...he saw Simon and Andrew the brother of Simon **throwing a two-man net** in the lake."]), and "attendant circumstance" instances, which are similar but which modify the subject of the main verb (e.g., John 20:11: Μαρία δὲ εἰστήκει πρὸς τῷ μνημείῳ ἔξω **κλαίουσα**. ["Mary was standing facing the tomb outside **weeping**."]).

While in many ways these two types of predicate position participles are the simplest to understand, they are by not means the most common. Much more common is a sentence such as the following:

1. διώκουσι τὸν ἄνδρα **κηρύσσοντα**.

In this example, it is theoretically possible to translate the words as follows:

- 1a. "They are persecuting the man **preaching**."

But that would be a deceiving translation, implying, assuming normal English parlance, that preaching is an attribute that identifies which man one is talking about, i.e., the equivalent of an adjectival relative clause in a sentence such as "They are persecuting the man **who is preaching**" (cf. the GC in the July 2006 issue of the *CJ*). In fact, the thought is quite different. It is something rather like this: "They are persecuting the man, and **preaching by the man is (also) happening but is less important in this sentence than the main verb's action.**" In other words, the participle gives information on what is happening **in addition to** the action of the main verb. Or, put another way, the participle is expressing **the circumstances of action under which** the main verb takes place. Thus, our sentence can well be understood as saying one of the following things:

- 1b. They are persecuting the man, **while** he is preaching.
- 1c. They are persecuting the man, **because** he is preaching.
- 1d. They are persecuting the man, **even though** he is preaching.

Here is another way to look at the matter—my preferred way, actually—and a way congruent with what was presented in the GC of July 2006, mentioned above. If the predicate position participle tells the circumstances of action under which the main verb takes place, then **it is the equivalent of a subordinate clause that is adverbial, but in a “shorthand” form.** That is to say, considering the examples in sentences 1b, 1c, and 1d, above, and comparing them to the Greek sentence in 1, the circumstantial participle is basically the equivalent of a subordinate clause headed by an adverbial subordinating conjunction, but **without the subordinating conjunction actually being present or expressed.** The participle conveys the verbal idea contained in an equivalent subordinate clause, but, as shorthand, it does not reveal the subordinating conjunction that introduces such a clause (and which, indeed, subordinates that clause to the thought of the main verb). Thus, when a predicate position participle is translated, one must “determine,” as it were, the subordinating conjunction assumed by the subordinate clause for which the participle is the “shorthand,” or, one might say, must determine the “longhand” of the equivalent subordinate clause. More traditionally expressed, one must **determine the “force”** of the participle that one is seeking to translate.

Here following are several predicate position participles from New Testament books. In each case a “force,” i.e., an assumed subordinating conjunction, must be determined. When one determines the participle’s force, one is essentially determining the longhand of the equivalent subordinate clause.<sup>1</sup>

2. Mark 1:16a: καὶ **παράγων** παρὰ τὴν θάλασσαν τῆς Γαλιλαίας εἶδεν Σίμωνα καὶ Ἀνδρέαν.... (“**While he was going along** beside the Sea of Galilee, he saw Simon and Andrew....”)
3. 1 Thessalonians 3:1: Διὸ **μηκέτι στέροντες** εὐδοκῆσαμεν καταλειφθῆναι ἐν Ἀθήναις μόνοι. (“Wherefore, **because we were no longer able to hold out/up**, we were pleased to be left behind in Athens alone.)
4. Matthew 6:17: σὺ δὲ **νηστεύων** ἄλειψαί σου τὴν κεφαλὴν καὶ τὸ πρόσωπόν σου νίψαι. (“But you, **even though you are fasting**, anoint your head and wash your face”).<sup>2</sup>

Note that there may be no clear-cut force apparent in any given instance. In Matthew 6:17 (#4), above, e.g., a temporal force (= “while”) is certainly a possibility, as is conditional (= “if”). A critical example of this is 1 Corinthians

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<sup>1</sup> Note that the time frame of the participle is not absolute but is relative to that of the main verb. This is a traditional but overly simplified way of understanding participle “tense” and will be the subject of a future Grammarian’s Corner.

<sup>2</sup> As a side note, observe that in this verse two aorist middle imperative forms occur, ἄλειψαι and νίψαι. Oddly, they look like aorist active infinitives. Some do accent differently, however. Note that the accent of ἄλειψαι is fully recessive (see also ἄσπασαι [from ἀσπάζομαι] in 2 Timothy 4:19). The aorist active infinitive would be accented avlei/yai. Fortunately (!), imperatives of this type are not frequent.

8:10, concerning conscience and stumbling: ἐὰν γὰρ τις ἴδῃ σὲ τὸν ἔχοντα γνῶσιν ἐν εἰδωλείῳ κατακείμενόν οὐχὶ ἢ συνείδησις αὐτοῦ ἀσθενοῦς **δυντός** οἰκοδομηθήσεται εἰς τὸ τὰ εἰδωλόθυτα ἐσθίειν;... (“If someone sees you who has knowledge sitting in an idol’s temple, will not his conscience, **even though he is weak**, be built up so as to engage in eating the meat sacrificed to idols?”) In my view, the context of the argument strongly suggests a concessive force to the participle (= “even though”), but most translations understand it as either causal or conditional.<sup>3</sup>

How many different “forces” of predicate position participles are liable to be detected? Textbooks and grammars tend to list a certain number, and students often feel they must commit a certain list to memory. But in truth, there are as many forces as there are subordinating conjunctions to introduce adverbial subordinate clauses, and only context can determine which one is appropriate in any given case.

James W. Voelz

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<sup>3</sup> Note that the participle is masculine, not feminine, and so does not modify συνείδησις (“conscience”) but αὐτοῦ (“his”/“of him” = the man).

# Homiletical Helps on LW Series C —Old Testament

## Tenth Sunday after Pentecost (Proper 13) Ecclesiastes 1: 2, 12-13; 2: 18-26 August 5, 2007

Our United States is filled with many “motivational speakers”—people who are successful and dynamic, who can hold an audience’s rapt attention with their stories. On the other hand, it is easy to think of the book of Ecclesiastes as only a pessimistically written document, perhaps a diary of a proto-post-modern, depressed existentialist. While we admittedly do not know the occasion for the writing, perhaps Ecclesiastes was a forty-minute Solomonic speech. We know he was a teacher of Israel, the wisest and most successful king of his day. He had literally “written the book” on wisdom and had built up Jerusalem and the Temple into a “wonder of the world.” Perhaps toward the end of his life some of his nobles requested a “motivational speech” from him, something that would give them energy and direction in the coming years. Instead they got Ecclesiastes.

“Vanity of vanities,” says the Preacher, “Vanity of vanities! All is vanity.” The first task for the exegete/homiletician is to determine how they will handle the key word “הֶבֶל.” Most literally “vapor” or “breath,” it is translated “vanity” in the ESV, KJV, RSV, NASB, and others. The NIV translates it as “meaningless.” Longman (in his NICOT commentary) prefers “meaningless” because vanity has developed a connotation of self-centeredness and pride that the original Hebrew does not imply. The pastor may consider substituting the NIV for the reading this day: “Meaningless! Meaningless!” says the Teacher. “Utterly meaningless! Everything is meaningless.”

Luther teaches us to pray that “God would guard and keep us so that the devil, the world, and our sinful nature may not deceive us or mislead us into false belief, *despair*, and other great shame and vice” (Sixth Petition). The malady of this text is obviously despair (v. 20). The Qohelet has determined that nothing in this life, in this world “under the sun” is worth striving for. Pleasure, riches, success, buildings, hard work, sex, even wisdom are all meaningless in the end because generations come and go. Death comes, and you leave behind whatever you have accomplished, and the next generation probably will not value it anyway. Besides, that next generation will pass away also, so it’s all meaningless! The effects of Genesis 3 are alluded to throughout this text. Qohelet is struggling with what psychologist Erik Erikson called “Integrity vs. Despair,” and it is obvious which side is winning.

For six chapters (twenty minutes?) Solomon goes on with example after example of the meaninglessness of life “under the sun.” He even alludes to how his writings in Proverbs about the importance of wisdom are meaningless. The modern preacher will hopefully know his flock well enough to identify for them some of their pursuits that are ultimately meaningless: business success leading to overwork or covetousness, too much (or the wrong kind of) television or computer games, excessive use of alcohol, etc. He will want to take care not to overplay his hand, because each of these may be faithfully pursued or honestly recreative with the right motivation. Many people in our American culture will readily admit they are struggling with meaninglessness, where they might not admit they are struggling

with “sinfulness.” Perhaps we should cite Qohelet’s malady more often in sermons and evangelism attempts.

In 2:24-26 Solomon begins to allude to what is meaningful, to acknowledge that what he has is from the hand of God. He expands on this theme in chapter 12, especially the last verses. Ecclesiastes is never cited in the New Testament. However, some commentators think that Paul may be alluding to it in Romans 8:17ff., especially because of his choice of “ματαιότητης” (frustration, futility) in verse 20, the same word the LXX uses to translate “בְּהִלָּה” Other explicit Christ-centered responses to meaninglessness could come from the Epistle (Colossians 3: “Seek the things that are above, where Christ is...”) or the Gospel reading of the day (Luke 12: “So is the one who lays up treasure for himself and is not rich toward God”). Another fruitful option might be to focus on Easter in August with 1 Corinthians 15, which ends with verse 58, “Always give yourselves fully to the work of the LORD, because you know that your labor in the LORD is not in vain.” Christ’s resurrection and our promised resurrections take all the meaninglessness of this world “under the sun” and turn it on its head. Our Christian vocations are God-pleasing and never in vain. In fact, they are the good works He has prepared in advance for us to do (Eph. 2:10). Living “under the Son” gives our lives and our work in Him the only true meaning!

Rick Marrs

**Eleventh Sunday after Pentecost (Proper 14)**  
**Genesis 15:1-6**  
**August 12, 2007**

The Collect for the Day: Almighty and merciful God, it is by your grace that we live as Your people who offer acceptable service. Grant that we may walk by faith, and not by sight, in the way that leads to eternal life; through Jesus Christ, Your Son, our Lord, who lives and reigns with You and the Holy Spirit, one God, now and forever. Amen.

“I am your shield; your reward shall be very great” (Gen. 15:1).

With the advent of *Lutheran Service Book*, LSB more has changed than simply the orders of service, pagination, and so forth. The Propers that are appointed for each Sunday of the church year really have become Propers for *that* Sunday. Just look at today. The Old Testament lesson, which is our text, reminds us of the renewal of God’s covenant with Abram and reports, “And he [Abram] believed the LORD, and he [the LORD] counted it to him as righteousness.” The Epistle lesson is a portion of Hebrews, chapter 11, the “faith chapter” of the Scriptures. And the Gospel reaches its culmination when Jesus says, “Fear not, little flock, for it is your Father’s good pleasure to give you the kingdom” (Luke 12:32). And so we pray as the Collect focuses our thoughts, “Grant that we may walk by faith, and not by sight, in the way that leads to eternal life.”

And then there are the Graduals! In the past the Gradual remained the same throughout the majority of the season of Pentecost, until we approached the end of the church year. In the LSB way of doing things, at least in this cycle, there are at least three separate Graduals signaling the changing emphasis of the Pentecost season—the church’s “half-year.”

The Gradual for Propers 1-13 emphasizes the preaching of the Word of the Gospel as we bask in the Easter glow:

How beautiful are the feet of those who preach the good news!  
Their voice has gone out to all the earth,  
and their words to the ends of the world.  
They publish salvation, and say, "Your God reigns."

The Gradual for Propers 13-20, point us to the LORD's salvation, as with the Psalmist in Psalm 34 we say:

Fear the LORD, you his saints,  
For those who fear him lack nothing!  
Many are the afflictions of the righteous,  
But the LORD delivers him out of them all.

And then at the end of the season, we are reminded of God's care for His people in this world:

He will command his angels concerning you  
to guard you in all your ways.  
Bless the Lord, O my soul, all that is within me,  
bless his holy name!

Notice that the focus of each Sunday is on the LORD! It is *His* news that is published; *He* is the one who delivers His people; and *the LORD* is the one who guards us in all our ways so that we might "bless His holy name!"

That is the kind of emphasis we find also in our text for today: "Fear not, Abram, I am your shield," says the LORD in a vision (v. 1). An alternative translation says, "Fear not, Abram, I am your *sovereign*." Either way, the emphasis is made that the LORD reigns and rules over Abram, his life, his fortunes, and his future.

Although God had previously promised, "Go from your country and your kindred and your father's house to the land that I will show you. And I will make of you a great nation, and I will bless you and make your name great, so that you will be a blessing...in you all the families of the earth shall be blessed" (Gen. 12:1-3), Abram and his wife Sarai remain childless. In fact, Abram has gone so far as to "adopt" one of his servants, Eliezer of Damascus, so that he might become Abram's heir. (It seems that Abram/Abraham is always working to take care of himself and insure his future in spite of God's promises that He will take care of him. Does this sound familiar?).

But to those doubts the LORD says,—as a way of building faith in Abram's heart— "This man shall not be your heir; your very own son shall be your heir," and then He points Abram to the stars in the night sky and says, "So shall your offspring be."

Our God, through Jesus Christ, also makes *us* a part of that lineage of promise. Through the apostle Paul He says it this way: "You are all one in Christ Jesus. And if you are Christ's, then you are Abraham's offspring, heirs according to promise."

It is all to this end, that "in you all the families of the earth shall be blessed,"

as we “seek His kingdom” (Luke 12:31) and as we share the Good News of our salvation on “beautiful feet.”

“Fear not, little flock, for it is your Father’s good pleasure to give you the kingdom” (Luke 12:32). He gave it to Abram. Abram received it in faith, “and it was counted to him as righteousness.” May we in faith, like Abram, also be counted righteous.

David W. Wollenburg

**Twelfth Sunday after Pentecost (Proper 15)**  
**Jeremiah 23:16-29**  
**August 19, 2007**

The Introit for this Sunday, Psalm 55:22a, says, “Cast your burden on the Lord, and he will sustain you.” In the Collect we are invited to pray, “Merciful Lord, cleanse and defend your Church by the sacrifice of Christ. United with Him in Holy Baptism, give us grace to receive with thanksgiving the fruits of His redeeming work and daily follow in His way; through Jesus Christ, your Son, our Lord, who lives and reigns with you and the Holy Spirit, one God, now and forever. Amen.”

**Speak My Word Faithfully**

Thus, in our text, the Pentecost emphasis on a faith that is planted and preserved by our triune God so that it might be shared continues as we are called by our God to “speak my word faithfully” (Jer. 23:28). The Epistle lesson, continuing the emphasis begun last week on the “great cloud of witnesses” to the faith, calls us to an endurance that emulates that of Christ Jesus, “who endured from sinners such hostility against himself, so that you may not grow weary or fainthearted” (Heb. 12:1-3). And Jesus Himself, in today’s Gospel lesson, says, “Do you think that I have come to give peace on earth? No, I tell you, but rather division” (Luke 12:51).

The fact is that we live in a world of sin where many false prophets “are prophesying...the delusions of their own mind” (Jer. 14:14). They preach “a gospel contrary to the one received” from the holy apostles (Gal. 1:9). It is a world so much like the world in which Jeremiah and his readers lived that we need to pay attention to the warnings of our text.

This is a call to be discerning about the Word of the Lord. It is a reminder that God’s Word of condemnation of sin is just as real as His Word of the Gospel that announces the salvation of people won by Christ on the cross. We ignore both the Word of the Law and the Word of the Gospel to our own peril and the peril of our hearers.

To those who “despise the word of the LORD” (v. 17), the LORD Himself says, “Who has stood in the council of the LORD to see and to hear his word, or who has paid attention to his word and listened” (v. 18). The Hebrew word used in this verse and in verse 22 is translated as “council”; in Amos 3:7, it is translated as “plan” or “secret”—“The Lord God does nothing without revealing his secret [his plan] to his servants the prophets.” And so the point is made that as we preach and teach, and as we witness our faith to others (as all are called to do), we need to listen to our God rather than to preach and teach our own thoughts.

We need to hear His words of condemnation of sin so that our pronouncement

of His full forgiveness of all sins for Jesus' sake might be all the more powerful and sweet. Our God is a "God at hand...and not a God far away." He is both transcendent and immanent—He lives in a high and holy place but also with those who are lowly in Spirit (See Is. 57:15). And so with the Psalmist we pray, "My soul longs for your salvation; I hope in your word" (Ps. 119:81-88 is the Psalm of the Day, v. 81).

Our text summarizes its message in verse 28, when the LORD says, "Let him who has my word speak my word faithfully," and so *that* becomes our theme. The true Word of God is then symbolized in three figures of speech: (1) "What has straw in common with wheat?" is a reminder that only the wheat can feed and nourish. (2) "Is not my word like fire?" shows us the Word at work purifying faith, as St. Paul tells us, "The fire will test what sort of work each one has done" (1 Cor. 3:13). (3) "Is not my word...like a hammer that breaks the rock in pieces," points us to what the author of the book of Hebrews says, "The word of God is living and active, sharper than any two-edged sword, piercing to the division of soul and of spirit, of joints and of marrow, and discerning the thoughts and intentions of the heart" (Heb. 4:12).

Jeremiah was a priest. The Lord commanded him not to marry and raise children because the impending judgment on Judah would sweep away the next generation (16:1-4). Primarily a prophet of doom, he had few friends. Nevertheless, God's grace is seen in Jeremiah as his words show us a patient God who delays judgment and appeals to His people to repent before it is too late. Judah (the church of Jeremiah's time) has broken God's covenants, but God in His grace will make a new covenant: "I will put my law in their mind and write it on their hearts. I will be their God and they will be my people," He says (31:33). This new covenant, with which the church in our day lives, was instituted with the death and resurrection of Jesus, and it fulfills the covenants He had made with Abraham, Moses, and David. Jeremiah proclaims hope and restoration through the grace of God.

Luther, in his *Preface to the Prophet Jeremiah*, writes: "Jeremiah foretold the punishment that was at hand.... Yet, along with this, he gives comfort and promises that...after the punishment is over, they shall be released and restored. And this is the most important thing in Jeremiah. It was for this very reason that he was raised up (see 1:11, 13)" (LW 35:279).

"Jeremiah also prophesies of Christ and his kingdom, especially in the twenty-third and thirty-first chapters where he clearly prophesies of the person of Christ (and) of his kingdom" (LW 35:280). And so we today are encouraged and enabled to "speak [ his] word faithfully."

David W. Wollenburg

### **Thirteenth Sunday after Pentecost (Proper 16)**

**Isaiah 66: 18-23**

**August 26, 2007**

God intends to rule over the whole earth, and foreigners are invited to accept that rule.... And, although Jews do not lose their place of pre-eminence, the worship of foreigners will be equally acceptable.... Not only will God receive the oblations of foreigners and their prayers, some of them will even be taken to serve as priests and Levites (66:18-21). Here is indeed, a wide hearted theology. Nothing like it will be heard until Another will declare (Matt. 8:11) "I tell you, many will come from east and west and sit at table with Abraham, Isaac, and Jacob in the kingdom of

heaven.” The true Israel of God is not racially determined, but includes those of any race who obey him. The prophet has stated what the New Testament will affirm (John Bright, *The Kingdom of God* [Nashville: Abingdon, 1963], 145-146).

Here is the reality of monotheism in the midst of religious diversity, of the supremacy of Yahweh over all the pretend-gods of human imagination, of the ultimate triumph of truth as nations come to worship Yahweh. Seeing this passage through the lens of the death and resurrection of Christ and through the reality of the Baptism of those who are made followers of Christ, can there be a more vital message in the culture of twenty-first century-America and, indeed, the planet?

At the same time, there is a possible tendency in our congregations to value those who are like us and are not the “foreigners” who are brought to faith by the action of the Holy Spirit. Like the Jews of Isaiah’s time, we may find it hard to accept the reality that the Gospel is for all, and the “all” for whom it is should be in our midst.

The preacher has an opportunity to explore the truths of Isaiah, and The Truth to whom Isaiah points, in a number of different ways. Here is one option. It focuses on the resistances to the notion of a “foreigner” who praises Christ. The malady is that while we might support and embrace the vision of everyone of every culture and race coming to worship the one true God, Father, Son, and Holy Spirit, when that diversity is at our doorstep it is more difficult to support and embrace. Generally, most of us are more comfortable among those who are like us culturally and racially. As we name and identify the sources of our discomfort, we bring them to Christ for healing and to our sisters and brothers for mutual conversation. The goal is that we are led to be more responsive in body, mind, and spirit to the vision of diverse persons worshipping with us the true God.

*Suggested outline:*

- I. The Gospel speaks to (and is intended for) everyone, including everyone in our community.
- II. Having the equivalent of a “foreigner” in our midst is at times not valued as highly as it should be. What are the impediments to our enacting “all human-kind shall come to worship before me, says the Lord”?
  - A. Cultural differences.
  - B. Personal comfort and preferences.
  - C. Anxiety born of not-knowing.
  - D. Being in a personal spiritual growth area.
  - E. Specific culture and experience of the congregation and its members.
- III. God in Christ, through the action of the Holy Spirit in our lives, helps us overcome the differences, discomfort, and anxiety.
  - A. We were once the foreigners, but Isaiah’s hope was accomplished in us. We were embraced by God in Christ even though we were not the “chosen” of the Old Testament.
  - B. Christ’s promise is to be at our side as we speak of our differences, comfort, anxiety, and growth. Encourage congregational members to speak to each other of their concerns and thoughts about this in prayerful reflection.
  - C. God’s love and forgiveness in Christ are present as we “foreigners” come to the cross and receive both Christ’s absolution and the power of the Holy

**Fourteenth Sunday after Pentecost (Proper 17)**  
**Proverbs 25: 2-10**  
**September 2, 2007**

**How to Preach from Proverbs?**

Whatever the faults or gains of prudential wisdom, scholars today are fond of pointing out that the wisdom writers never laid claim to a direct appeal to God's authority, or to any theory of inspiration for the wisdom they inferred and recorded. It is, as if, in this portion of the Bible, humankind uncovers a universal wisdom that God allows all humans to know—even if it errs toward pride or suppression, assertiveness or loss of self-identity—that, in the Thomistic sense, humans might at least have as “happy” a life on earth as possible, shy of direct divine revelation. As such, in their prudential wisdom, the wisdom writers encapsulate something of the universal ethic, as envisioned by humankind, that ennobles life and helps fulfill human existence here and now (Benjamin Farley, *In Praise of Virtue: An Exploration of the Biblical Virtues in a Christian Context* [Grand Rapids: Eerdmans, 1995], 89).

Proverbs give the preacher an opportunity to discuss specific kinds of behavior in a moral or ethical context. Ultimately, though, such a conversation leads to despair without Christ's atoning work. This is the great joy of this preaching, however. It allows the preacher to focus on specific behavior, to explore the ethics involved in the behavior, to acknowledge that everyone falls short even in trying to do that which is ethical, and to point the hearer to the Christ who takes all failed attempts and sweeps them up with his forgiving and atoning arms.

What your eyes have seen do not hastily bring into court, for what will you do in the end, when your neighbor puts you to shame? Argue your case with your neighbor himself, and do not reveal another's secret, lest he who hears you bring shame upon you, and your ill repute have no end (Prov. 25: 8-10).

Here is Solomon's argument for direct conversation and for personal boundaries in that conversation. It is an early echo of Christ's teaching in Matthew 18, “If your brother sins against you, go and tell him his fault between you and him alone” (Matt. 18:15a).

It is an argument for personal boundaries in its assertion not to reveal another's secret. Things said in confidence need to remain there unless there is harm intended to oneself or another. (This also may be an opportunity for the preacher to teach about pastoral confidentiality in confession/absolution.) It is also an argument for direct conversation in its assertion that conflict needs to be dealt with by dealing with the person, not indirectly by talking about it with someone else. There are natural consequences of not heeding Solomon's arguments: a person will gain a negative reputation. Thus, if one wants a positive reputation one deals respect-

fully, honestly, and directly with others, especially when there is conflict.

However, a Christian cannot read ethics, nor can she or he read Solomon, without Christ. If even a Christian reads Proverbs without Christ, if they are honest with themselves they will sink into despair because all of the righteousness of the Law will not have been fulfilled. Everyone, after examining themselves, will discover times that they have not kept confidences nor dealt directly with others. Therefore, we stand condemned. But reading with the lens of Christ's suffering, death, and resurrection, we stand forgiven, redeemed, and with new life.

Here is a brief outline congruent with the above discussion, to be filled in with examples and stories to put into flesh the meaning of the outline:

- I. This proverb exhorts us to ethical living in our conflicts and discussions with others.
  - A. In the need for face-to-face conversation, even when there is conflict.
  - B. In our respect of confidences and boundaries.
  - C. In the work of the pastor as he hears confession and pronounces Christ's absolution.
- II. As we work at living out this proverb in our lives, we can see failures, even sin.
  - A. Without Christ we can see how we do not live up to what is demanded of us.
  - B. With Christ we are forgiven, redeemed, and reconciled.

Bruce M. Hartung

**Fifteenth Sunday after Pentecost (Proper 18)**  
**Deuteronomy 30:15-20**  
**September 9, 2007**

**The Two Ways**

*Exegetical issues:* This text is the culmination of a long speech laying out blessings and curses before the people (Deut. 27-30). It is the point where Moses urges the people to choose life so that they may live in the land the LORD swore to give to Abraham, Isaac, and Jacob. The "two ways" of life and death are reflected throughout the Scriptures (cf. Jer. 21:8; Ps. 1; Prov. 1:1-7; Matt. 7:13-14).<sup>1</sup> They are also echoed in the early church as well. For example, the *Didache*, which is the earliest church order text that we have, dating from probably the first or second century, begins with the statement, "There are two Ways, one of Life and one of Death, and there is a great difference between the two Ways."<sup>2</sup>

The text itself raises a number of questions. First, the particular blessing God is promising is that they will live long in the Promised Land. How does this apply to us? It would not be responsible to apply these promises to America directly because God has no special covenant with America. Nor would it be responsible merely to spiritualize the Promised Land and assume that God is really promising the blessing of heaven. It would probably be better to see the particular earthly

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<sup>1</sup> The Scripture references are from Peter Craige, *The Book of Deuteronomy*, in series *The New International Critical Commentary on the Old Testament* (Grand Rapids: Eerdmans, 1976), 366.

<sup>2</sup> *Didache* 1.1, translated Kirsopp Lake, in *The Apostolic Fathers*, vol. 1, Loeb Classical Library (Cambridge, MA: Harvard, 1985), 309.

promises as just one instance of God's larger division of the way of life versus the way of death, as reflected in the passages cited above. In other words, the promise of long life in the land provides a glimpse of the ultimate promise of resurrected eternal life.

Second, does this text promote legalism? The implication seems to be "Obey God and you will be blessed." However, such an interpretation too narrowly conceives the "way of life." The way to "obey God" is first of all to love Him and walk in His ways (v. 16). This "walking in his ways" is a matter first and foremost of the heart, as is clear by the description of its opposite: "if your heart turns away" (v. 17). At the end of the passage, the way of life is described as "loving the LORD your God, heeding his voice, and holding fast to him" (v. 20). To be sure, this disposition of the heart leads to obeying His commandments as well (v. 16), but it is worth noting that the primary issue here is whether one clings to God or to other gods.

In Lutheran terminology, then, the call to follow the way of life is a call to faith. Luther describes faith in his explanation to the First Commandment in the Large Catechism in terms reminiscent of Deuteronomy 30:20. After making the point that whatever you have faith in is your God, he states, "Anything on which your heart relies and depends, I say, that is really your God."<sup>3</sup> To hold fast to God, then, is precisely what Luther understands faith to mean.

Further support that Moses is calling for faith may be found in St. Paul's interpretation of the verses preceding our text. In Deuteronomy 30:11-14, Moses makes the point that the commandment of God is not far away, but "the word is very near to you; it is in your mouth and in your heart for you to observe." Paul understands the commandment or the word that Moses is talking about to be "the word of faith that we proclaim" (Rom. 10:8).

The point that Moses is calling for faith does not exclude the fact that he is calling for obedience to God's commands as well. The text assumes quite naturally that faith produces such obedience, as do many other passages throughout the Scriptures (Matt. 6:17; Gal. 5:6; James 2:22). Faith, however, or as Moses puts it, loving Yahweh and holding fast to Him, comes first.

Third, does the call to "choose" (v. 19) contradict the Lutheran conviction that "I cannot by my own reason or strength believe in my LORD Jesus Christ or come to him, but the Holy Spirit has called me by the Gospel...?" The verb in verse 19 translated by the imperative "choose" in most English translations is actually a Qal perfect indicative, *בָּחַרְתָּ*. The fact this verb is waw-consecutive makes it future, and this easily shades into an imperative sense. Therefore, the imperative is a legitimate translation. The grammar does not get us off the hook.

However, two observations need to be made. First, Moses clearly is not calling for a "moment" of decision. Rather he is calling for a life-time of walking in the way of life. This is made clear by the Hebrew infinitives introduced by *ו* in verse 20 that explicate what it means to choose life: "love the LORD your God, heed his voice, and hold fast to him." Moses is not asking for, nor does he receive, an immediate response. He wants a life-long response.

Second, although the exhortation to "choose" implies human responsibility, it is set in a context that makes it clear that God Himself brings about the choice. Moses promises just prior to our text, "The LORD your God will circumcise your heart and the heart of your descendants, so that you will love the LORD your God with all your heart and with all your soul, in order that you may live" (Deut. 30:6).

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<sup>3</sup> LC 1.3.

In other words, the Scriptures affirm *both* human responsibility (Deut. 30:19) *and* divine monergism (Deut. 30:6). One finds these twin affirmations elsewhere in the Scriptures as well, especially in Philippians 2:12-13, “Work out your own salvation with fear and trembling; for it is God who is at work in you, enabling you both to will and to work for his good pleasure.” From a human perspective, the Christian life certainly does entail choices. But from God’s perspective, He is the one who creates the faith (and the choices) in His people.

*Homiletical application:* The goal of the sermon, then, is to describe the way of life and the way of death in such a way as to elicit adherence to the way of life. The goal is not to create an artificial “moment of decision” in which the hearers commit themselves by an act of will, but to embed the divine threats and promises so deeply in the hearers that they live out their lives in the way of life and faith. The preacher should be careful to describe the way of death so that the hearers find that way repulsive, and the way of life so that the hearers find that way attractive. This is a challenge because the devil, the world, and our flesh conspire to convince us of the opposite.

The most natural structure for such sermon, following the outline of the text, is to describe the way of life, the way of death, and the choice between the two.

- I. The way of life. In this part of the sermon, the preacher describes what life looks like when one loves God and walks in His ways. We trust Him for life, for example, and He comes through with the resurrection on the Last Day. We trust Him for our identity because He has made us unconditionally a member of His family in Baptism. Our highest concern is to keep His commands, so we will not be swayed by the commands and expectations of others. This means we can be authentic in all our relationships.
- II. The way of death. In the second part of the sermon, the preacher describes what life looks like when one does not love God above all else. We look to medical science for life and health, but it can only keep us alive for so long. We look, perhaps, to our careers for identities, but when we are laid off, we have truly lost everything. The demands and expectations of others are more likely to control us because we have no anchor to hold us firm against them. And this does not even begin to address the divine threat of curse and hell attached to such a life!
- III. The choice between the two. For anyone who cares about life, the way of death really is not an option. The most important choice is that God chose us to be His own in Baptism. His own Son, who is the Way and the Life, walked the road of death to bring about our adoption. We can indeed hold fast to God because He has given us everything.

David R. Maxwell

## **Sixteenth Sunday after Pentecost (Proper 19)**

**Ezekiel 34: 11-24**

**September 16, 2007**

I grew up on a large sheep farm in southern Kansas. During my formative years my father was the president of the state sheep association. I know sheep—and they are as helpless and stupid as people say they are. Sheep are a good reason not to believe in evolution (although the Darwinist would likely claim that humans bred characteristics like speed out of them). Our sheep rarely wandered away, but

that was because we had woven wire fences to keep them in, something foreign to shepherds in Ezekiel's day. However, sheep are so stupid that they will stick their heads through a woven wire fence to get at the grass on the other side, but then not have the intelligence to simply turn their heads sideways to escape. When I got big enough, one of my chores was to go pull the sheep out of the fences so that they did not starve or thirst to death. Sometimes I literally had to pick them up and knock them off their feet in order to get their heads sideways enough to come out (They would fight their own rescue!). My father used to have our sheep sheared, not in the spring, but in the autumn. He found that ewes, while caring mothers, were oftentimes so stupid they would give birth to their lambs outside in the dead of winter, leading them to freeze to death before morning. Ewes that were sheared in the autumn had enough wool to thrive through the winter but were much more likely to come into the barn to give birth.

Having grown up on a sheep farm, it has always amazed me that our LORD uses the sheep/shepherd imagery to describe His relationship with us. Even after we are His baptized children, are we really that helpless? Are we really that unable to rescue ourselves from our dilemmas? Are we so prone to wandering away or sticking our heads in places we cannot get out of? In our American culture we especially want to view ourselves as empowered and self-sufficient, not helpless, lost, and stupid.

In the verses preceding the assigned text, the prophet Ezekiel is to proclaim "Woe" to the earthly shepherds of Israel (kings, priests, prophets, etc.) who have cared only for themselves and not the flock. They have allowed the sheep to be attacked and to wander to every high hill (where the pagan worship occurred). Those shepherds would be held accountable and removed. The pastor may wish to consider those verses first for himself before proceeding to the text.

The assigned text has a Gospel—Law—Gospel outline. Adonai Yahweh says "Behold, I, I myself will search for my sheep and will seek them out" (v. 11, ESV). He will care for His sheep and rescue them when they are scattered. He will feed His sheep and lead them to rest. He will bind up the broken and strengthen the sick. Notice how verse 16 is a reversal of verse 4. My father was constantly looking for sick and injured sheep, and he was skilled at binding up their wounds (I'll spare you some of those details—they would be too graphic to preach about anyway).

While sheep are helpless and stupid, they are still self-centered and hierarchical. Stronger sheep will knock weaker sheep away from the food. We always had to make sure that there was more than enough trough space for all the sheep or else the smaller sheep would starve. We had to put bars on the tops of the troughs to keep the more nimble sheep from jumping into the feeders and tromping on and soiling the food for others. I can remember occasionally pulling a larger, stronger sheep away from the spot that more food had fallen so that a weaker sheep could get access. Adonai Yahweh warns that He will not only judge the official leaders of the flock (vv. 2-10) but will even protect the weak sheep from the strong. The Gospel lesson's (Luke 15) call for repentance, for finding lost and helpless sheep, could also be used to impress upon lay leaders the importance of caring ministries for the weak and infirmed.

This text obviously climaxes in verses 23-24. Ultimately one shepherd from the line of David will feed them Himself. He will be their (Good) Shepherd. Yahweh their God came as the fulfillment of the Davidic line and became the Shepherd/Prince among His sheep. Lost and helpless sheep who consistently realize their need for rescue will rejoice that this Messiah-Shepherd, Jesus, has come to search

for His sheep, to find them, to bind up their wounds, to protect them from false shepherds and bullying sheep. This Shepherd, who became the weakest of sheep Himself, has conquered even our greatest enemies through His cross and resurrection.

Rick Marrs

## Seventeenth Sunday after Pentecost (Proper 20)

**Amos 8:4-7**

**September 23, 2007**

*The context of the world:* We live in a world that is concerned with the “bottom line.” In business, in our personal lives, in our dealings with others, it is easy to be concerned more for things than for people. Because of greed and the pursuit of the “almighty dollar” people are often used as mere objects, and integrity and honesty are often set aside in exchange for financial gain and profit. Christians are reminded not to let the world squeeze them into its mold (Rom. 12:1-2).

*The context of the liturgy:* The Introit from Psalm 54 (LW: Eighteenth Sunday after Pentecost) expresses the exact opposite of what the readers (and hearers) of Amos’s message were confessing by their actions and attitudes. Instead of saying, “When will the Sabbath be over so we can continue cheating people for our own personal gain?” they should have been confessing, “Surely God is my help, the LORD is the one who sustains me” (v. 4).

The Psalm (119:33-40), in similar fashion, is a prayer of faith and trust in God, in His Word and ways. “Turn my heart toward your statutes and not toward selfish gain” (v. 36).

The Old Testament reading, Amos 8:4-7, speaks God’s judgment on the Northern Kingdom of Israel because they had forsaken God and His covenant. Here especially, those who are getting wealthy at the expense of the poor are called to task.

In the Epistle reading (1 Tim. 2:1-8) Paul encourages prayer, especially for those in authority, “that we may live peaceful and quiet lives in all godliness and holiness” (v. 2).

The Gospel reading (Luke 16:1-13) is the Parable of the Shrewd Manager. The dishonest manager is commended for his shrewdness in dealing with his master’s money. But Jesus’ disciples are encouraged to use this world’s wealth “to gain friends for yourselves” and be welcomed into eternal dwellings. Those who are not trustworthy in handling worldly wealth will not be trusted with true riches. You cannot serve two masters. You cannot serve both God and money.

*The context of Amos and his ministry:* Amos is the third of the “Minor Prophets,” following Hosea and Joel. “Minor Prophets” refers to the relative length of these books and not to their significance or importance. They were also known as “The Book of the Twelve” and were collected together on one scroll. Arranged somewhat in chronological order, the first six prophets speak to the time of Assyrian power.

Amos was a shepherd and a dresser of sycamore-fig trees from Tekoa in the Southern Kingdom of Judah, but God called him to proclaim judgment primarily to the Northern Kingdom of Israel. Amos 1:1 says that this took place during the reign of Uzziah in Judah, and Jeroboam, son of Jehoash, in Israel (the early to middle eighth century B.C.).

This was a time of prosperity for Israel. Assyria had defeated Syria, Israel's enemy to the north, but was not advancing further because of an alliance with Israel at this time and remained focused on things happening closer to home. With prosperity and political security came a smugness and self-confidence that also led to idolatry, immorality, and self-indulgence—the rich getting richer at the expense of the poor.

*The text:* Amos 8:4-7 is God's Word of judgment following Amos's vision of the ripe fruit (vv. 1-3). In the vision, Amos sees a basket of ripe fruit. God says that "the end" (a play on words in the Hebrew) has come for His people Israel. They are "ripe" for the picking. God will not spare them any longer.

Verses 4 to 7 list the transgressions of God's people, especially the leaders, the wealthy and influential. In their greed, they abuse their positions and take advantage of the poor and the needy.

Instead of longing to draw closer to their God, who provides them with all things good, and spending time in His Word, they long for the end of the Sabbath and New Moon celebrations so that they can go back to business as usual, cheating and stealing with dishonest prices and measurements. They enslave their fellow Israelites through indebtedness, buying the needy for the price of a pair of sandals.

God will not forget what they have done. Their judgment is sealed.

*The application:* The Law is very evident in this text. Dishonesty and cheating, using our positions to take advantage of others, are easily identifiable sins.

It is also easy to compartmentalize our lives, thinking that if we put in our time on Sunday in church, we can live as we please the rest of the week and God does not care or have anything to say about that. We fail to see that God wants to be involved in every part of our lives. Our time with God on Sunday, worshiping Him and receiving from His grace and goodness, should permeate every part of the rest of the week.

The passage also applies to our relationships with others. It is easy to love things and use people, but God desires the opposite.

*The Gospel:* The Gospel is hard to find in these few verses and may have to be imported from the other readings or propers for the day. Certainly there is Gospel in the understanding that Amos calls for repentance, and with repentance and trust in the LORD, God gives forgiveness (1 John 1:9).

One "Gospel Handle" might be found in verse 3, immediately preceding the text. "In that day" refers to the Day of Judgment that God will bring upon the evildoers, those who have broken God's covenant and refuse to live as God's people. "That day" or "the Day of the LORD" is a theme that runs through the prophets, especially in the message of Amos. It is a day that brings judgment on those who oppose God, but also a day of vindication for God's faithful people.

That day finds its fulfillment in the person and ministry of Jesus and in His crucifixion. "On that day," all of God's wrath and judgment for sin and rebellion were directed at Jesus on the cross. On that day, Jesus took the punishment so that those who believe in Him are forgiven and set free. Whereas in verse 7 the LORD promises to never forget their wrongdoings, in Jesus, He forgives us and remembers our sins no more.

Wallace M. Becker

## **Eighteenth Sunday after Pentecost (Proper 21)**

**Amos 6:1-7**

**September 30, 2007**

Because the Old Testament Lesson for the previous Sunday was also from Amos (8:4-7), the reader may wish to refer to the previous study for some helpful contextual information.

*The context of the world:* The attitudes of people today are not that much different from those of the people to whom God sent the prophet Amos. We live in a nation that is very affluent. Most people have a lot of money at their disposal. As a nation, we live lives of luxury. We eat too much of the wrong kinds of food. We have music and sports and all sorts of other media to entertain us and occupy our time. We drink wine by the bowlful and beer by the keg, but we do not care about people. Oh, sure, we contribute to the United Way or the Salvation Army's red kettle. We might offer help to hurricane victims or the family down the street that lost its home in a fire. And then we pat ourselves on the back and say how humanitarian we are as a people, as a nation, when most of the world lives in poverty and we live in luxury. Like Israel, we are complacent, and, worst of all, we do not care enough that people are dying without Jesus.

*The context of the liturgy:* The Introit, selected verses from Psalm 135 (LW: Nineteenth Sunday after Pentecost) has as its antiphon verse 13: "Your name, O LORD, endures forever, your renown, O LORD, through all generations." This is the opposite of what Israel was saying as they trusted in their nation's strength and their own wealth.

The Psalm (146) also encourages God's people to put their trust in God instead of in princes, "mortal men who cannot save." God upholds the cause of the oppressed, gives food to the hungry, sets prisoners free, gives sight to the blind, lifts up those bowed down, loves the righteous, watches over the alien, and sustains the fatherless and the widow. Those who claim to be His children will do the same.

The Old Testament reading, Amos 6:1-7, is an indictment against both Israel and Judah for complacency in taking care of the needs of the poor and oppressed, and for their false security in their own strength and power. Those first in wealth and power would be first into exile when the partying was over.

In the Epistle reading (1 Tim. 3:1-13) Paul gives qualifications for those who would be leaders in the church—for overseers (pastors) and deacons. Included in the list for overseer is "not given to drunkenness" and "not a lover of money." Similarly, in the list for deacon we see "not indulging in much wine, and not pursuing dishonest gain."

The alternate Epistle reading is from 1 Timothy 6:6-19. Paul warns that "the love of money is a root of all kinds of evil." He encourages Timothy to "fight the good fight of faith." In verses 17-19, he gives instruction to the rich not to be arrogant or put their hope in wealth, but rather to put their hope in God, to be rich in good deeds, generous, and to be willing to share.

The Gospel reading (Luke 16:19-31) is the story about the rich man and Lazarus. The rich man, who had everything in this life but did not listen to Moses and the Prophets, cared nothing for the beggar at his gate. He died and went to hell. The man who dies with the most toys does not win; he dies. Listen to Moses and the prophets; they point to Jesus.

*The context of Amos and his ministry:* See the historical context for Amos in the

previous sermon study on Amos 8:4-7.

*The text:* Amos 6:1-7 is God's Word of judgment on those who are complacent and feel secure in themselves. The judgment is spoken against the leaders of both kingdoms, the North and the South. In their pride and arrogance, they saw themselves as the "first of the foremost nation," but they would be the first to go into exile (see v. 7).

The cities and their territories mentioned in verse 2 are no better or stronger than Israel. In a military advancement from the north, they will fall as they had in the past. Israel will be no different. Why trust in horses and armies that will not save you? Put your trust in the LORD.

Amos has been warning them about the Day of the LORD (5:19-20), but the leaders refuse to think about the "evil day" of the LORD's judgment. Instead they would rather indulge in their luxuries, enjoying their feasting with the most expensive furnishings and food. They pride themselves to be like David in their songs and improvisations, but David wrote and sang his songs in praise to God, expressing confidence in Him, while their confidence was in themselves and their wealth. Cups are not big enough to hold the wine that they consume. They drink it by the bowlful.

Amos describes their actions. They lie, they lounge, they dine, they strum, they improvise, they drink, and they anoint. Then he hits them with the problem. They do not grieve; they are not sick about the ruin of Joseph. They are destroying the nation, leading it away from God, hurting all the people, but especially the poor and weak, and they refuse to see it or to care about it. They are not unlike the rich man in Luke 16.

Woe to you who are complacent and self secure! You may be first in the things of this life, but you will be first in judgment also. It was the leaders and elite of the Northern Kingdom that were first to be carried off into exile by the Assyrians when Samaria fell in 721 B.C.

*The application:* It is easy to find the Law in this passage. And the application to our society and to our own lives should not be that difficult. We see complacency and apathy even in our congregations. Do we really care about the lost? What about those in our own families, at work, in our schools, or in our neighborhoods? Do we grieve for those who are dying without Jesus? Are we sick to our stomachs for those whose lives are being snuffed out even before they are born? Do we really care? Do we grieve? Are we sick for the ruin of Joseph? Then what are we doing about it? Or are we too busy running after our own pleasures and the life style to which we are accustomed?

*The Gospel:* The Gospel is hard to find in these few verses and may have to be imported from the other readings or propers for the day. Certainly there is Gospel in the understanding that Amos calls for repentance, and with repentance and trust in the LORD, God gives forgiveness (1 John 1:9).

As with the previous text, a "Gospel Handle" might be found in verse 3. Although the reference is to the "evil day" of God's judgment, this reference to "the Day of the LORD" has broader significance (see the notes for Amos 8:4-7).

Another "Gospel Handle" might be in the condemnation of the leaders for not grieving over the ruin of Joseph. Jesus does grieve over the ruin of His people. He weeps for Jerusalem (Luke 13:34). He cares about those who are lost. He cares so much that He gives His life in exchange for ours. He is sick to death over our lost condition. And through His death we have forgiveness and life.

Wallace M. Becker

## Nineteenth Sunday after Pentecost (Proper 22)

Habakkuk 1:1-4, 2:1-4

October 7, 2007

*Context:* 1. *In Habakkuk's time:* Scholars generally date the book of Habakkuk to the time of King Jehoiakim, who “did what was evil in the sight of the LORD” (2 Kings 23:34-24:7). The prophet, about whom we know nothing from reliable sources, was a contemporary of Jeremiah. Oppressive taxes fell upon the people. God was calling them to repentance through attacks from the Chaldeans (1:6). That God asserts His lordship over evil by using it to visit His wrath upon His people reflects the Biblical presentation of God's ongoing concern for His errant people.

2. *In our world:* Christians encounter the seeming absence or hostility of God, as did the faithful of Habakkuk's time, in various ways, both in the decline of public morality and in the crises of our personal lives.

*Textual notes:* 1. Habakkuk feels the absence of God in encountering the violence of this earth. Justice, if present at all, is perverted. Worst yet, when the prophet calls God's attention to the violence (1:2), nothing happens. The law becomes slack; justice is trampled underfoot (1:4); God does not intervene. Habakkuk is facing the question of explaining or proclaiming the God who is both almighty and good in the face of the existence and frequent triumph of evil.

2. God calls Habakkuk to deliver a faithful or trustworthy revelation. His vision is detailed in the following verses, to which he adds a prayer in chapter three. He proclaims God's judgment in a call for repentance. In the end he tries to wait for the fulfillment of the LORD's promises (2:2-3) with patience, difficult as it may be. He experiences, in the words of contemporary singers Robin and Linda Williams, that God is always late (from our perspective), but God is always on time (He indeed demonstrates that He is faithful even when we cannot see this). The book concludes with the prophet's focus on the person of God rather than on the disasters of this earth. Even if the fig tree fails to blossom and vines and olive trees do not produce, Habakkuk will rejoice in the LORD and cling to Him as his strength (3:17-19).

3. The prophet contrasts the pride of the self-reliant with the trust of those who rely on God. Their faithfulness to God lets Him be God as they remain human. Righteousness, as in Eden, was not aspiring to be like God but to be the human beings God created us to be. The word **אמונה** is interpreted both as “trust” and as “faithfulness.” The difference is insignificant, for the actions of being faithful that flow from the attitude of trust are simply those of the child of God who in the midst of evil clings to God for dear life. For with order and integrity disappearing in society and all that belongs to the peace of the city up for grabs, those who trust in God and are faithful to Him can only join Habakkuk in focusing alone on the LORD, conducting life with confidence in God despite the fact that the world seems to be collapsing upon them. Paul's repetition of 2:4 (Rom. 1:17) conveys precisely this understanding of humanity: on good days and bad days, to be human means to live in trust and faithfulness toward God, clinging to Him against the allurements of prosperity as well as the assaults of adversity.

*Outline:*

The introduction should refer to some examples of the seeming absence or hostility of God in the lives of the people of the congregation.

- I. Believers who know that God is almighty and good often stumble and doubt when adversities of the sort we experience in daily life fall upon us. Believers naturally wonder where God is when His control and His will seem doubtful.
- II. Habakkuk experienced that His message of judgment, a realistic appraisal of an unjust and rebellious society, in and of itself did not solve his problem. His confidence that God would eventually restore and execute justice in the land had to be sustained by faith alone.
- III. Living by faith alone becomes concrete as we focus our lives on the person of our God, as He has come near to us in the midst of adversity in Jesus Christ. He has died for the sins of the world and also those which we suffer under the injustice of the world around us, and He has risen that we might be righteous, that is, restored to our true humanity, which is centered in faith in the triune God. As those whom Christ has redeemed, we join the prophet in waiting patiently for the fulfillment of his promises by faithfully trusting in Him and carrying out His will by battling against injustice and disorder in the world around us.

Robert Kolb

**Twentieth Sunday after Pentecost (Proper 23)**  
**Ruth 1:1-19a**  
**October 14, 2007**

*Textual comments:* In some ways, the book of Ruth is about Naomi. The opening and closing frames of the narrative focus attention upon Naomi. In the opening she is revealed as one who goes out full and yet, because of the death of her husband and sons, comes back empty (1:21). In the closing those who know Naomi's story are able to proclaim that God has made her life full again, not only with food but with a kinsman redeemer, a life renewed, a daughter-in-law's love, and now with a son (4:14-17). At the end, Naomi, who spoke of her womb as empty (1:11), is pictured with a son in her lap (4:16), and this marvelous reversal occurs through God's work in the lives of Naomi, Boaz, and Ruth.

The reading for this Sunday, however, is only a small portion of this amazing story and focuses our attention upon the devotion of Ruth, famously captured in her profession of faithfulness (1:16-17). One way of preaching from this text is to focus attention upon the relationship between Ruth and Naomi, highlighting the oddness of Ruth's profession of faithfulness to Naomi at this point in the story. Through such a focus one can invite the hearers to contemplate their own professions of faithfulness not to Naomi but to the crucified Christ.

Consider the oddness of Ruth's profession of faithfulness to Naomi at this point in the story. In the face of the tragedy of death, Naomi gives a vision of a hopeful future for Ruth, but this future occurs apart from Naomi. Naomi encourages her daughters-in-law to return home to the fields of Moab and calls forth God's blessing upon them in that place. In Naomi's faithful vision, the God of Israel can bless these Moabite women in their own land, returning to them the kindness they have shown to their husbands and to her, and blessing them with future husbands and homes (1:8-9). When they refuse to leave, Naomi offers both of them a contrasting vision of a much starker future arising from continued attachment to her. She foresees no more children and no more husbands if they remain with her. More importantly, she describes herself as one for whom it is bitter because the

LORD's hand has gone forth against her (1:11-13).

While Naomi can see God's blessing upon His people in Israel (1:6) and can foresee God's blessing upon these women in Moab (1:8-9), she sees God's hand turned against her as an individual, setting her apart from her people and from their people and making her life empty and bitter (1:13, 20-21). Ruth, thus, has a choice. She can either follow Naomi's encouragement and return to her home with the blessing of Yahweh or she can follow Naomi and bind herself to this one against whom the LORD has turned His hand.

It is this contrast pictured by Naomi that makes Ruth's confession of faithfulness so startling. Rather than claim the blessing of Yahweh in her own land, with a husband and a home, Ruth risks the curse of Yahweh by holding on to the one against whom the LORD has turned His hand. She identifies herself with Naomi, regardless of what that identification may bring. Ruth does not dare to foresee any blessing in this journey: Naomi has given her no hope of that. But she does see a life of faithfulness, faithfulness unto death with the one against whom Yahweh has turned His hand, and she even dares to call the curse of Yahweh upon herself should anything but death separate her from Naomi (1:17b).

Homiletically, this small picture of two women at a crossroads offers preachers an opportunity to speak about a strange kind of faithfulness enacted by Christians everyday. Holding onto the crucified Christ, the one against whom God the Father turned His hand, Christians live in a radical relationship of identification, trusting that the blessing of God lies in this one who was cursed.

*Suggested outline:*

### **A Strange Kind of Faithfulness**

- I. Introduction: In the text Naomi sets out a choice for Ruth: a contrast between (a) having the LORD's blessing in her own land with a husband and home or (b) being without husband and home because she has followed the one against whom the LORD has turned His hand.

To our world, this is an easy decision. Imagine how easy it would be to invite people into the church if being a Christian meant having prosperity and riches—your “best life now” in this world! Unfortunately, it is not so. Christians cannot always point to success stories of deliverance from illness or protection from earthly harm when inviting others to consider the faith. In fact, being a Christian often means bearing the scorn of society, carrying the cross as one follows the one who died upon the cross. Christianity would be a lot more appealing to others if we could point to earthly security and the blessing of a prosperous life as certitudes of faith. So, when we hear the choice Naomi sets before Ruth, we might think of this as an easy decision.

In the face of what looks like an easy decision, however, Ruth makes a strange choice. She shows us a strange kind of faithfulness that arises from the mystery of God's love and lives by following Him.

- II. Faithfulness arises from the mystery of God's love: Ruth's answer comes from a perspective different than that of our world. She clings to Naomi, a woman against whom the LORD had turned His hand, rather than cling to the blessings of this world. Ruth's strange kind of faithfulness arises from the mystery of God's love.

The God of Israel is not limited in His blessing by the situations of this world. The life of Naomi may be filled with bitterness and death, but Yahweh

has the power to bring life from death and to work victory from defeat. In the larger story of this book, one sees how God works in the midst of death to bring about new life: a son for Naomi.

As the book closes, we are pointed to the larger story of Scripture (4:17). There, we see how God works through this child and his descendents to bring about salvation for all. Here is the mystery of God's love. Jesus Christ is that one who suffered the fullness of God's wrath, for on the cross, God the Father's hand was turned against Him. Yet in this one is the fullness of our salvation. From His cross and empty tomb He brings forgiveness and new life to all. This new life involves a strange kind of faithfulness: a faithfulness that not only arises from the mystery of God's love but also lives by following Him.

- III. Faithfulness lives by following Him: In the text Ruth professes her faithfulness to Naomi, and in the rest of the book we see her live this out. Ruth's love does not create a life that holds on to temporal matters of prosperity but instead creates a life that holds onto a person—identifies with Naomi—that one against whom the LORD has turned His hand, and follows her into a strange land with a strange God. Yet in that land and in that God is her blessing.

In a much greater way, we enact a similar profession of faith in our lives everyday. We find ourselves turning away from promises of worldly wealth and security and clinging to the one against whom the LORD turned His hand, finding in Him our true security and life everlasting. In a strange kind of faithfulness, we hold onto Jesus, the one rejected by His Father, because we know the mystery of God's love. In faith we identify with Him, and in faith we trust that wherever we go, whatever the circumstances this world offers us, in Him we live in Yahweh's love.

David R. Schmitt

## **Twenty-first Sunday after Pentecost (Proper 24)**

**Genesis 32:22-30**

**October 21, 2007**

*Context:* 1. In Genesis: The story follows Rebecca's betrayal of Esau and Isaac with her deception that deprived the former of his birthright (Gen. 27) and Jacob's turbulent time of service to Laban and his troubled departure from that service (Gen. 28-31). Jacob had fled from Esau's vengeful wrath; in this pericope he was returning to face Esau and found himself alone, having gotten his family out of harm's way.

2. In our world: We confront situations in which it seems that God is wrestling with us, or we with God. Guilt and fear mix in our lives after we have wronged someone. We occasionally experience loneliness and insecurity about our future. We sometimes long for a new identity and a fresh start. We want to grab hold of God and wrestle Him into submission to our wills and our needs.

*Textual notes:* 1. There is a good deal strange about this story. God seems to be identified as the human being with whom Jacob wrestled since after their encounter Jacob could say, "I have seen God face to face and yet my life is preserved" (32:30). It is the only time in Scripture when God took human form to wrestle physically with a human being. The significance of this for Jacob is not clear apart from its result in his new name, new identity, "Israel." He now bears the identity of one who has striven with God. He had come face to face with God and had refused

to let go of Him until he received a blessing.

2. Luther was unusually honest about God often not identifying Himself in our lives. He seems to play with us, Luther commented in his lectures on Genesis (*Luther's Works* 2:373; 4:115, 131, 326; 7:225, 319). We struggle with the seeming absence of God and what seems to be His outright opposition to our plans and aspirations, or with His seeming to fool us and fool with us. We want clarity from God about His intentions and plans for us. Instead of that kind of clarity and insight, He often simply gives us Himself and calls upon us to trust Him. Especially when our minds cannot master all that is going on in life, and when our bodies cannot assert their strength the way we would like, we have only our God to whom we can cling.

3. The key to this story is that Jacob received a new identity. He was clinging to God until he got some kind of blessing. In the midst of all kinds of threats to his existence and sense of integrity—his brother's desire for revenge, his own betrayal of his brother, his failure to overcome Laban's envy and exploitation, his loneliness in the wilderness—the patriarch wrestled with God and won from Him a new identity as a special person in His plans for the entire world. Jacob refused to let go of God, even when He appeared to be His adversary.

4. After wrestling with God, Jacob limped. Our encounters with God sometimes leave permanent marks, and they are not always pleasant. But we still limp away from our encounters with God having His blessing. For we have seen the face of God in Jesus Christ and received new identity as God's child through Him. As Jacob went on under his new name to live a life of service to God, in the midst of and in spite of many troubles, so we know that God is with us even when He seems to be absent or hostile because He has come near to us in the incarnation, in His assuming our death, in His gift of resurrection to new life.

*Outline:*

*Introduction:* Jacob wrestled with this stranger, who turned out to be God. How often do we think God has deserted us, or that He is wrestling against us? There is no logical answer to this. There is only our "Immanuel," who has promised to be with us to the end of the age.

- I. Sometimes we know that we have abandoned God in our sinfulness, but at other times God seems to be refusing to make His presence known in our lives or is declining to grant us wishes that we are convinced are beneficial for ourselves and others.
- II. God engages us in the midst of an evil world, and He gives us a new identity as His children, those whom He has claimed for Himself through the death and resurrection of Jesus Christ. He daily renews our identities as His people, members of His family, in the face of every kind of discouragement with ourselves or our situation, in the face of opposition, hostility, and failure.
- III. Even when we move on from such encounters with a limp, God goes with us, calling us by name, and using us to accomplish his purposes, just as He used Jacob.

Robert Kolb

**Reformation Day**  
**Revelation 14:6-7**  
**October 28, 2007**

**The Eternal Gospels**

This text is assigned for Reformation because of the traditional association of Luther with the angel who has the “eternal gospel” (Rev. 14:6). This was an association made already in 1522 by the Augustinian monk Michael Stiefel, who wrote a song about Luther’s significance entitled “On the Christ-Formed, Properly Grounded” teaching of Doctor Martin Luther.<sup>1</sup>

Since the text is assigned for Reformation, the preacher must grapple with whether the angel’s “eternal gospel” corresponds to the Gospel that Luther preached. The content of the “eternal gospel” is spelled out in verse 7: “Fear God and give him glory, for the hour of his judgment has arrived. Worship the one who created heaven, earth, the sea, and the springs of water.” At first glance, this statement may not seem to correspond very well with Luther’s emphasis on the forgiveness of sins. The theme is judgment, with all its apocalyptic catastrophes.

Bugenhagen, however, speaking at Luther’s funeral, understood the text of Revelation 14:7, “Fear God and give him glory,” to correspond to Luther’s message of Law and Gospel.<sup>2</sup> This observation leads us into further reflection on the meaning of the angel’s message. There is no doubt that “fear God” corresponds well with Luther’s understanding of the Law. In Revelation, one might say, we see the Law pushed to its ultimate end. Later in chapter 14, those who worship the beast are “tormented with fire and sulphur in the presence of the holy angels and in the presence of the Lamb. And the smoke of their torment goes up forever and ever” (Rev. 14:10-11).

But how can the fact that the “hour of his judgment has come” lead us to “give him glory” as one might give Him glory for the Gospel? Can this judgment be Gospel? For the believers in Revelation it definitely is. In chapter 5, John actually *weeps* because no one is found to open the scroll with the seven seals that initiates the terrible judgment on the earth (Rev. 5:4). That is because the end-time judgment is actually a vindication of those who worshiped the Lamb over against those who worshiped the beast. Furthermore, the victory of the Lamb, which brings about this vindication, always has the cross at its center. This is made clear in Revelation by repeated references to the Lamb who was slain (Rev. 5:6, 9, 12; 13:8).

Homiletically, then, it is possible to present the Reformation message of Law and Gospel under the headings “Fear God” and “Give him glory,” which is itself reminiscent of the refrain in the Small Catechism, “We should fear and love God....”

*Suggested outline:*

*Introduction:* The preacher could discuss why Luther was identified with the angel who has the eternal gospel. The emphasis here should be on Luther’s message, not his person.

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<sup>1</sup> Robert Kolb, *Martin Luther as Prophet, Teacher, and Hero* (Grand Rapids: Baker, 1999), 29.

<sup>2</sup> Kolb, 35.

- I. Fear God. In this section, a forceful presentation of the Law is given. The preacher could relate the Law to the context of the Reformation by pointing out ways in which the church of Luther's day failed to take God's wrath seriously, such as the sale of indulgences or the conviction that if you do your best, God will accept you. Such a watering down of the Law could then be contrasted with any of the apocalyptic catastrophes described in Revelation which illustrate how utterly and completely God hates sin.
- II. Give Him glory. God is glorified first and foremost by Jesus being lifted up on the cross (John 3:14; 8:28; 12:23). His later exaltation in heaven does not leave the cross behind, because even in the court of heaven, the Lamb looks slain (Rev. 5:6, 9, 12; 13:8). Because of His victory, we escape the wrath of the final judgment, and it is instead Death and Hades that get thrown into the lake of fire (Rev. 10:14).

David R. Maxwell

## “On the reading of many books...”

THE NEW FACES OF CHRISTIANITY: *Believing the Bible in the Global South*. By Philip Jenkins. New York: Oxford University Press, 2006. 252 pages. Cloth. \$26.00.

A renowned expert on contemporary religious phenomena, Professor Philip Jenkins, published another book with extensive and thorough research on persons, facts, and events in the Two-Thirds World in order to demonstrate the new ways of believing and living with the Bible in the “The Global South.” The ultimate aim seems to be somehow transforming the Christian faith and practice in the world. The “South” in the monograph refers to Africa, some parts of Latin America, and Asia; the “North” means greater Europe and North America.

The general claim in the book is the center and gravity of Christianity. Its teaching, impact, and influence are gradually moving to the global South. Already today, the author observes, Africa and Asia represent some thirty percent of all Christians, and the proportion will rise steadily (8-10). Many Christians there try to identify themselves with the world portrayed in the early New Testament, showing affection for the Old Testament with its cultural affinities (43, 45f.). This means a startling new interpretation of the Bible, consequently searching for the truths which might be forgotten in history. Thus it forces us to rethink the future course of global Christianity in the North and elsewhere, which is somehow stagnating with a sense of crisis for its identity and distinct role today.

Especially in the African context, one inevitably faces the real issues of life, *viz.*, the omnipresent poverty, famine, debt problem, urban crisis, racial and gender oppressions, frequent state brutality and persecution, rejection of the secular/spiritual dichotomy, and more stress on the community than the individual. These are the distinct backdrop of the African independent or their own initiated indigenous churches, somewhat similar with the charismatic Pentecostal churches in the North.

These newly rising churches and their understanding of the Bible often appear to be fundamentalist. At the same time, their claims are radical and revolutionary, resembling the views of the liberation theologians in the Two-Thirds World. In Biblical studies, the prophetic writings and wisdom literatures play important roles. The Book of James functions in a very meaningful role in both fundamentalist and radical sides (60f., 133f., 174-176). There is a paradox. The new indigenous African churches are both fundamentalist and liberational, conservative and revolutionary, literalistic, and supernatural. Their way of interpreting the Bible is more like grammatical-historical exegesis than critical method. There is even a contrasting affinity.

Some African leaders identify modern liberal Westerners with “the pagan Greeks of old.” Bishop Walter Obare Ombabza of Kenya even denounced the Swedish ordination of women as “a Gnostic novelty.” Others observe that the “liberation theology” in particular has been colonized by the Northerners. Then we could likewise notice the strong voices from the global South against the gender discrimination and the liberation of the poor and the oppressed, which may please the feminists and socio-political theologians and activists in the North.

Christianity has always been a complex phenomenon. Prof. Jenkins quotes

C.S. Lewis's semi-serious remark that religion like soups must be either thick or clear: "thick" meaning "those which have orgies and ecstasies and mysteries and local attachments like in Africa"; "clear" meaning "those which are philosophical, ethical and universalizing" in the North (191).

This volume may stir up some self-complacent Christians in the North, likewise disturbing them in their Christian life and practice. At any rate, it may be an alarm and a wake-up call. The global South reveals different kinds of Biblical Christianity with new faces. Their views and practices are complex. They look with "new eyes" when reading and interpreting the Word of God, frequently arriving at a different meaning. Where the Southerners compromise the Christian belief with primal religious views like animism, one may argue, did not the Northerners sell out Christianity to scientism, materialism, secular humanism, and relativism. Jenkins makes a helpful statement:

We can reasonably ask whether the emerging Christian traditions of the Two-Thirds World have recaptured themes and trends in Christianity that the older churches have forgotten, and if so, what can we learn from their insights. Let us assume that this contrast is accurate, that the Bible speaks to many global South churches in ways it cannot communicate with modern Europeans or North Americans. What can, or should, be done about that cultural gap. For anyone accustomed to living in the environment of "Western Christianity," the critical question must be to determine what is the authentic religious content, and what is cultural baggage. What, in short, is Christianity, and what is merely Western (178)?

The prevailing phenomena hint at a prediction of an astonishing future for Christianity. Furthermore, they say that some serious developments in the South should tell us to re-learn some of the hidden aspects of the teachings of the Bible. After all, learning is frequently more difficult than teaching, which the West has been so long used to. It is a new call to look deeply into the Gospel to find out something intensely *personal* for us, i.e., what we are truly looking for in Christianity.

The extensive reference "Notes" (201-238), Scripture Index (239-242), and many names in the Index (243-252) from whom the author is quoting and referring, show the very nature of the book and what it tries to reveal. The book is certainly challenging, stimulating, and thought-provoking. It can be additionally beneficial if one reads the present volume in the light of Jenkins's highly successful previous work, *The Next Christendom: The Coming of Global Christianity* (2002).

Won Yong Ji

GOD AND WORLD IN THE OLD TESTAMENT: *A Relational Theology of Creation*. By Terence E. Fretheim. Nashville: Abingdon, 2005. 398 pages. Paper. \$29.00.

"That the Bible begins with Genesis, not Exodus, with creation, not redemption, is of immeasurable importance in understanding all that follows" (xiv). These words set the tone for this magnificent study of creation in the Old Testament by Terence Fretheim, who is the Elva B. Lovell Professor of Old Testament at Luther Seminary in St. Paul, Minnesota. In a world where contemporary interest in cre-

ation is not emanating from the church but rather from an ecological consciousness, Fretheim's book eminently enables Christians to embrace environmental concerns from a Biblical perspective.

Fretheim contends that the importance of creation has been overlooked and underestimated by both the church and the theological academy. Creation's importance has been diminished by (1) a focus that sees salvation history as more important than creation; (2) a tendency to see all reality from the perspective of human existence; (3) a theology centered on the liberation of the human that overlooks the nonhuman; (4) a view that God will destroy everything, so one need not bother; and (5) a patriarchal view of God that emphasizes His mighty acts and neglects His so-called more feminine themes of blessing and creation. The book's topics include Creation at Risk; Creation and the Foundation Narratives of Israel; Creation and Law; Creation, Judgment, and Salvation in the Prophets; Wisdom and Creation; and Nature's Praise of God. Endnotes constitute the concluding eighty-one pages.

Key to Fretheim's view of creation is that Yahweh is a relational Creator who has made a relational world. He puts it this way: "The world could be imaged as a giant spider-web. Every creature is in relationship with every other, such that any act reverberates out and affects the whole, shaking the entire web in varying degrees of intensity" (173). The human and nonhuman are so deeply interconnected that human sin has a devastating effect upon the rest of the world. Some examples of this interconnectedness include the ground bringing forth thorns and thistles after the Fall (Gen. 3:17); the world being inundated by a flood as a result of rampant sin (Gen. 6-8); Sodom and Gomorrah becoming an ecological disaster because of human wickedness (Gen. 13:10-13; 19:24-28); the Egyptian plagues being brought about by Pharaoh's genocidal policies (Ex. 7-11); and the prophetic linking of human sin with cosmic deterioration (e.g., Jer. 4:22-26; Hos. 4:1-3). Additionally, Fretheim notes that the most common agent of divine judgment is the created order (e.g., the wind and water at Yam Suph). Yet the most common means of divine destruction in the Old Testament is Yahweh's use of foreign empires. For example, in Jeremiah 50:25 Yahweh calls the nations "vessels of his wrath" (cf. Is. 10:5; 13:5). He also raises up Nebuchadnezzar and calls him "my servant" (Jer. 25:9; 27:6; 43:10). This implies that Yahweh has a relationship—in the order of creation—with Nebuchadnezzar as well as with Cyrus (cf. Is. 44:28; 45:1, 13). Put another way, the common Hebrew noun *sedeqah* ("righteousness") refers to a harmonious world order built by Yahweh into the infrastructure of creation. This means that wherever righteousness is practiced by human beings in the sociopolitical sphere, that act is in tune with creation and therefore fosters the proper integration of social and cosmic orders. But when righteousness is not practiced, creation is impacted in negative ways (cf. e.g., Amos 4:6-11). Justice, righteousness, politics, and creation are therefore interrelated as aspects of one comprehensive order of creation.

On another note, the numerous Pentateuchal laws that have their predecessors and parallels in ancient Near Eastern law codes (e.g., the Code of Hammurabi) demonstrate that these laws have their roots in creation rather than redemption. Israel recognized this in such texts as Deuteronomy 4:6-8; 29:24-28; and Jeremiah 22:8-9 where the nations are asked to judge if Israel's laws were good or not. Fretheim writes, "That those who are not people of God can make such a determination successfully means that the laws are understood to conform to a standard other than 'God said so'" (137). This means that to a large extent Israel's laws

conformed to Yahweh's existing creational order (cf., e.g., Rom. 2:14-15), which could be discerned by the nations.

Fretheim ends his study with a discussion on the importance of praise, especially in the psalms. For example, Psalm 148 is not simply poetic license (e.g., "Praise him, sun and moon, praise him, all you shining stars"—v. 3). Rather this kind of rhetoric indicates that the vocation of creation is to live in harmony with its created purposes. The connection, then, is this: "Just as the various other creatures show forth the praise of God by being what they are as God's creatures, so Israel, having been made what it now is by God, shows forth God's praise by being what they are: the redeemed people of God" (266).

*God and World in the Old Testament* will be helpful to those teaching Old Testament introduction courses and will assist pastors who seek to enrich their knowledge of creation themes in the Bible. Fretheim has literally "written the book" on creation. I'm confident that it will be a reference point for years to come. This book is so rich that those delighting in Job, Jeremiah, Exodus, Proverbs, and prophecy will feast sumptuously.

Reed Lessing

HOSEA: Series FOTL 21A/1. By Ehud Ben Zvi. Grand Rapids/Cambridge: Eerdmans, 2005, xiv + 321 pages. Paper. \$55.00.

Ehud Ben Zvi's first sentence in this commentary sets the tone for everything that follows: "The book of Hosea is a written text that shows a great deal of literary sophistication" (4). This review will organize itself around Zvi's definitions of "the book of Hosea" and its "literary sophistication."

Zvi understands the book of Hosea to be a literary and theological text built upon the social memories agreed upon by the literati in exilic Persian Yehud, who created a literary piece whose events are not set in any particular time except for the monarchic period (cf. Hos. 1:1). As such, Zvi often interacts with others who attempt to nail down specific historical referents in Hosea. Representative are his comments on Hosea 8:1-14, "There is no point in trying to narrow down that which the book refuses to narrow down.... The text is not interested in communicating precise political history" (177). Again, "It is not by chance that the scholarly debate about the precise 'historical referent' of Hosea 7:3-7 has reached no conclusion" (158). Zvi interprets the lack of specific historical details throughout the book of Hosea as a demonstration that the original social setting is "completely erased in the world of the book" (79). For example, in Hosea 2:2 YHWH promises to bring Judahites and Israelites up from "the land." Zvi interprets the lack of specificity (is it the "land of Egypt"? "Babylon"? ) as indicative of the book's exilic, non-historical qualities.

Throughout this commentary Hosea himself is interpreted to be a literary character, not an historical person. "The Hosea of the book is a literary and ideological character that lives within the world of the book" (6). Put another way, by reading Hosea, one learns nothing about the life and times of the prophet; the book rather portrays the worldview of exilic Yehud male literati who live in a patriarchal society. These literati's ideological constructions are woven throughout the book. This means, for example, that the metaphor of husband and wife in Hosea 1-3 is not a reflection of the circumstances governing marriage at any time in Israel due, in large part, to the fact that "Israel" in the book of Hosea is a "trans-temporal"

Israel (90), that is, an ideological construction of the nation's past, as well as its future. It follows, then, that the Baalism portrayed in Hosea also does not correspond to any historical situation. It is rather an ideological construal that served theological purposes. The intention of these idealizations is to socialize Persian Yehud around the themes of the Jerusalem cult and the Davidic monarchy.

Equally innovative are Zvi's comments on the book of Hosea's literary sophistication. He writes: "The continuous reading, rereading, and study of the book bring to the forefront these interconnections and the tapestry of meanings they convey" (68). Zvi often points out that words in Hosea do not stand alone, separate from the other units in the book, nor do they exist outside the book. This means, in part, that textually inscribed markers lead readers to approach the book in a specific manner. For example, the words in Hosea 11:1-3 are linked as follows: 11:2b to 2:15; 11:3b to 5:13; 6:1; 7:1; and 14:5. Again, Hosea 8:7 and 10:12-13 are related readings that inform one another.

Driving much of Zvi's interpretation is his belief that form critical and redactional methodologies ignore Hosea 14:10, which states that the book was written to be read and reread *as a whole*. Zvi debates with those who employ reading strategies that are so concerned with the prophet's *ipsissima verba* that they lose sight of the book's unity. In this move beyond historical questions, Zvi posits an interpretation of Hosea that is only concerned with the book's composers and receptor community. Numerous times he dismantles historical pursuits that attempt to get behind the text.

If Hosea is only a book that presents a prophetic character—as Zvi contends—then we have no way of knowing how, what, and when the prophet spoke. But is this *Sitz im Buch* methodology the best or only way to approach a prophetic text? Is there absolutely no access to the prophet and the events which he describes? The fact is that several sections of the Old Testament indicate prophetic texts were written *first*, and then presented orally. These texts were written on scrolls on the assumption that they would be orally communicated (i.e., they were for the *ears*, not for the silent perusal of the *eyes*). The classic example is Jeremiah 36:2 where Jeremiah tells Baruch to "Take a scroll and write on it all the words I have spoken to you concerning Israel, Judah, and all the other nations." If these texts were read aloud or recited from memory before an audience, then the retention of oral and historical features is a practical necessity. The problem is that Zvi's analysis of Hosea denies these fundamental aspects of prophetic texts. It follows that readers of this journal will be better served by any number of other commentaries on Hosea.

Reed Lessing

FORTRESS INTRODUCTION TO THE PROPHETS. By Rodney R. Hutton. Minneapolis: Fortress, 2004. 115 pages. Paper. \$16.00.

The purpose of this short book by Hutton, Professor of Old Testament at Trinity Lutheran Seminary in Columbus, Ohio, is threefold: to introduce the reader to basic characteristics of Old Testament (OT) prophecy, briefly examine Israel's pre-exilic prophets, and provide a foundation for studying the exilic and post-exilic prophets (viii). To accomplish this, Hutton employs a methodology that "seeks above all else to understand the message of the prophets within the context of their own past and present situations, understanding their message to be directed to

the immediacy of conflicted and critical events contemporary with the prophets themselves" (viii).

Hutton explains the rationale for his method in chapter one, which introduces OT prophecy. Here he outlines three different approaches to the prophets. Judaism regards "the prophets as traditionalists...who have kept the tradition of the Mosaic Torah and have passed it down through the generations" (5). Christianity tends "to understand the prophets as foretellers of Christ" (5). Liberal Protestantism sees the prophets coming prior to the Law, standing against the Law, and being the "real geniuses in creating a new theological expression, labeled...ethical monotheism" (8). Hutton, in response to these approaches, accepts some of Liberal Protestantism's higher-critical views, but critiques its separation of the prophets from Israel's basic faith expressed in the Torah. He also agrees with the Christian view that the prophets point to the future Christ, although he primarily sees them speaking to their own historical context.

The rest of chapter one lays out five basic issues to consider when studying the prophets: (1) the difference between the literary presentation of the prophets' messages and their original oracles; (2) the relationship between the classical and pre-classical prophets; (3) the origins of OT prophecy; (4) the prophets' relationship to the religious and political structures of their time; and (5) the relationship of the prophetic section of the OT with the rest of Scripture.

In chapter two, Hutton briefly discusses the origins of OT prophecy. He sees the OT and ancient Near East as sharing "two forms of intermediation—the intuitive and divinatory" (12). The former receives divine information by visions or dreams; the latter by analyzing or manipulating physical materials, e.g., animal livers or the Urim and Thummim. For Hutton, the origins of OT prophecy seem to rest with war prophecy, e.g., Balaam in Numbers 22-24, and the "clairvoyance of Samuel and the court advising of Nathan, Gad, and Ahijah" (14).

The rest of chapter two and the other ten chapters examine the pre-exilic prophets (Amos, Hosea, First Isaiah, Micah, Zephaniah, Nahum, Habakkuk, and Jeremiah) and their messages. For each prophet, Hutton paints the historical landscape before discussing the prophet's message in order to contextualize the prophet and clarify his message for the audience at that time.

Overall, Hutton's book has a number of strengths. First, the book is largely devoid of (unexplained) scholarly jargon, making it easy to read and comprehend. Second, it provides informative summaries of the historical context of each prophet. Third, it highlights the prophets' repeated messages of God's judgment on Israel's sins of idolatry and injustice and God's salvation by grace. For instance, Hutton divides his discussion of Jeremiah's message into two chapters based on his two-fold call to tear down and build up (Jer. 1:10). Fourth, the book drives home the prophetic message that "worshiping the right God" includes "worshiping God rightly," i.e., living lives of justice and mercy (16, 25, 50). Finally, upholding the view that "the finite is capable of bearing the infinite," Hutton seeks to base Biblical theology on the historical lives of the prophets and not just their literary texts (82).

But Hutton's book also has some weaknesses. Most obvious is his admittedly incomplete introduction to *all* the prophets. Even given its pre-exilic focus, though, the book is silent about Jonah, an eighth-century B.C. prophet, and Joel and Obadiah, prophets whom some scholars date to the pre-exilic period. Another weakness is the book's unbalanced content: almost half of it is devoted to Jeremiah. Other problems arise in the areas of language, history, and religion. For instance, in discussing Isaiah 7:14 Hutton fails to mention how the Septuagint contributes to

the debate over the meaning of the Hebrew word *‘almah*. In addition, he incorrectly identifies and translates the Hebrew word *harah* as “a verb in the past tense” meaning “she *has become* pregnant” when it is a predicative adjective meaning “is pregnant” (34, author’s emphasis). Also, Hutton erroneously explains Manasseh’s idolatry on the notion that “he had no choice but to...restitute the cultic and social policies incumbent upon vassals of the great [Assyrian] King Esarhaddon” (55). There are two problems with this: (1) the gods whom Manasseh reinstated were Canaanite and (2) Assyria did not force vassal states to adopt their religion. Finally, the book could have devoted some time to examining how OT prophecy may be connected to Moses, how human intuition may differ from divine revelation, and the basic forms of prophetic speech.

In conclusion, while the book has many admirable qualities, its usefulness to scholars, students, pastors, or laity is limited by its incomplete scope. As Hutton himself says, “one can hope that the gap in attention to exilic and postexilic texts might soon be remedied” (viii).

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A LOVE SUPREME: *A History of the Johannine Tradition*. By Allen Dwight Callahan. Minneapolis: Fortress, 2005. 128 pages. Paper. \$20.00.

Seldom have I begun reading a book with such eager expectation and ended with such deep disappointment. With other scholars, I think that it is time for a critical evaluation, review, affirmation and/or revision of evidence and theories about the Johannine tradition as developed and expounded by the late great scholar, Raymond E. Brown. Unfortunately, despite some tantalizing ideas, the slight monograph of Dr. Callahan, Professor of New Testament at the Seminario Teologico Batista do Nordeste (Brazil), adds little to the historical or theological understanding of the Johannine tradition. Sometimes the tantalizing ideas are absurd. For example, Callahan notes that the Papyrus 66 and 75 reading of “something like a whip” [John 2:15] “emended” the Johannine report as “early spin control on a story in which Jesus is armed and dangerous and physically assaults worshippers and livestock alike” (66). Granting that P 66 and 75 “soften the statement” (Metzger, *Textual Commentary*, 203), a reasonable question is “Why might the later scribes [if aware of the traditions behind the papyri] ‘undo’ the ‘early spin control’ and ‘portray Jesus as armed and dangerous?’” As another example, how seriously should one evaluate Callahan’s suggestion that the “neglect of the sanctified carnality that the Elder advocates need be due neither to a Platonic abhorrence of the body nor to a Gnostic revulsion at material existence.... Those being censured need not be Gnostics; perhaps there are merely fiscal conservatives” (13)? Possibly but historically unlikely. As another example, with surprisingly tenuous historical evidence he concludes that “the elect lady” of 2 John 1 is literally a Christian woman leader. How much validity does the Byzantine writer Oecumenius carry in the debate? Even more questionable is reference to the Order of Eastern Star, which honors “Electa” of 2 John as a martyr (11). On the other hand, also without persuasive reasons, Dr. Callahan posits that the Elect Lady’s “children” are a metaphor for the members of her congregation. It is not clear what logic or historical principle he uses to claim one term literal and the other metaphorical.

Sometimes I experienced frustration over comments made but not pursued.

Having read insights from African scholars and remembering conversations with Christians in Venezuela about how contemporary abandonment and abuse of women suggested that the Samaritan woman at the well was a victim, I was eager to be told the “much” that Professor Callahan had learned “from Suzet Lima’s monograph on the story of the Samaritan Woman as read in the context of Afro-Brazilian women’s lives.” Regrettably, not only does he make no further reference of Lima’s insights, but also, with no logical explanation, he supports the questionable interpretation that the woman’s five husbands refer to the five nations that ruled Samaria as reported by 2 Kings 17:24 and Josephus (65). At this point and at others the editors also fail to do their duty. Lima’s monograph is not listed in the “Bibliography.” The indices are flawed. For example, in the indices, references to Clement of Alexandria are completely lacking, and the citations of Augustine are incomplete. The “Bibliography” is eclectic and suggests research with limited resources or questionable scholarly lacunae. Although at times witty and suggestive, this book adds nothing significant to the important study of the history of the Johannine tradition.

Robert Holst  
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EVIDENCE AND TRUTH: *Foundations for Christian Truth*. By Robert J. Morgan. Wheaton: Crossway Books, 2003. 126 pages. Paper. \$11.99.

*Evidence and Truth* is a compact yet comprehensive presentation of the historical and physical evidence supporting the claims of Christianity. The book deals with this evidence in six basic areas: Christ’s resurrection, God’s creation of the universe, Biblical prophecy and fulfillment, the reliability of the Scriptures, supportive discoveries from archaeology, and the witness of changed lives. I am glad the author began his apologetic with the subject of Christ’s resurrection, because if that event did not occur, the importance of the remaining areas is considerably diminished. As Paul himself reminds us, “If Christ has not been raised, then our preaching is in vain and your faith is in vain” (1 Cor. 15:14).

The thesis of *Evidence and Truth* is best stated on the opening page: “[A]pologetics—the defense of the truth of Christianity—demonstrates that our faith is not a blind leap into the dark but a sensible step into the light.” Included with the major evidence Pastor Morgan presents to support his thesis (much of it familiar to Christian readers, such as the empty tomb and the early historical references to Christ) are some lesser known but uniquely helpful arguments. For example, after noting that the Sabbath had been observed for 1,500 years, the author continues: “Yet during one week, in one day, on Resurrection morning itself, all of that changed for...Jewish believers...suddenly, naturally, and permanently. What could have produced such a change? Nothing but the Resurrection” (22). In a similar vein the author later notes that only one person, Christ, “has impacted the world to such an extent that we recognize His centrality in history every time we date a letter or mark a calendar” (63). Another example is Pastor Morgan’s contention that “differences are not necessarily contradictions” (12). Applying this principle to the number of women visiting Christ’s tomb (two according to Matthew, three according to Mark), the author argues, “[S]uppose you arrived at church one Sunday to find a visiting minister filling the pulpit. You asked the person on your left, ‘Where’s Pastor Jones?’ She replied, ‘He’s on vacation.’ Then you asked the

person on your right, 'Where's Pastor Jones?' He said, 'He and his wife are on vacation.' Would you exclaim, 'There's a contradiction here!'.... Of course not.... They were just relating the same fact from two different but noncontradictory perspectives" (12). A final example. After describing Christ as the thread that ties together all of Scripture (a truth not only familiar to Lutheran readers but also deeply cherished by them), the author introduces a lesser known feature of the Bible, the circle component. When you compare the first three chapters of the Bible (in Genesis) with its last three chapters (in Revelation), you find the Biblical story coming full circle—a facet Pastor Morgan "illustrates in considerable detail" (72, 74).

There are times I wished the author's treatment of evidence had reflected a more Christocentric and monergistic understanding of the Scriptures. When Pastor Morgan claims, for instance, that "prophecy in the Bible is given to confirm the truth of Christianity" (44), I don't disagree with his claim but with his emphasis. Isn't such prophecy *primarily* given to announce the advent of our Savior, Jesus? "[W]hy not follow the evidence where it leads—to the foot of Calvary's cross?" the author asks (113). But it is not quite that simple. Faith is not merely a response to evidence. The good news of salvation through Christ wielded by the Holy Spirit needs to enter—and fill—the equation if faith is to occur. And in one instance the apologist's word order needs repair. In a concluding chapter, "The Step of Faith," Pastor Morgan says, "[W]hen a person takes such a step of faith, treating Christ as Savior, the Holy Spirit comes into his *or* her heart" (115). I would suggest that the Holy Spirit's entrance through the Gospel must precede—not follow—the step of faith described.

The publication of Morgan's splendid book has revived in me consideration of a perennial mystery: the changing attitudes toward systems of Christian evidence in Lutheran circles. From my perspective of eighty-plus years, we have gone from one extreme to the other. In my youth (yes, there was such a time) I was exposed to frequent argumentation in support of the truth claims of Christianity—possibly too much so. There may have been occasions when we flirted with the danger of treating faith as if it were little more than intellectual assent, a reasoned response to reasonable evidence. Beginning in my seminary days—and snowballing during the 1960s and subsequent decades—I heard other voices: "It's all a matter of faith," "You can't prove that Christ rose from the dead," "You can't prove the existence of God," "Faith is a leap in the dark," "All depends on your presuppositions," etc.

Is it that hopeless? Of course, arguments flow from presuppositions. But there are right presuppositions—and there are wrong presuppositions. To duck the question of the provability of ultimate truth in the name of presuppositions is to be guilty of the same relativism that characterizes our culture today, in which one belief (or non-belief) is considered as valid as another, in which truth is defined as "what's true for me," and in which we are urged to respect each other's unprovable points of view in the name of political correctness. As for proofs, much depends on what is meant by "proof." The question of God's existence is beyond the reach of scientific method (a truth, incidentally, betraying the limitations of the latter, not the former). Neither you nor I have literally seen the risen Christ, and were we privileged to make such a claim, other eyewitnesses would be required, eyewitnesses subject to the same mental and emotional evaluation as we would be accorded. But if by "proof" is meant a body of historical, physical, philosophical, and psychological evidence, the truth claims of Christianity fare remarkably well. A

unique feature of the Christian religion is that it is historical. It is not just a set of teachings—it is a series of events. It consists not merely of precepts—but mostly of happenings. It is rooted in history from start to finish. It consists of occurrences as capable of verification as the Battle of Hastings or the defeat of the Spanish Armada. I recall *Time* magazine a few years back conceding that there was more evidence for Christ's bodily resurrection than there was for Hannibal's defeat of the Roman army. (That was *Time*, mind you, a publication not always sympathetic to the truth claims of Christianity.) A major voice bringing the pendulum back to a more central position has been that of C. S. Lewis, not merely his numerous apologetic writings but also the account of his own conversion from atheism to Christianity as told in his semi-autobiography, *Surprised by Joy*. It is there that he claimed to have become a Christian largely because he could no longer escape the facts, that to his shock there was an amazing amount of evidence for this "rum thing" (as he described it) called Christianity. In our own circles, Dr. Paul Maier of Western Michigan University has presented us with a wealth of historical evidence supporting especially Christ's birth, death, and resurrection. And recently I was pleased to run across a quotation from Dr. Alvin Schmidt in a Concordia Publishing House publication, *The Anonymous God*: "Christianity is the only religion whose faith is linked to historical facts.... It is not the faith of Christians that makes Christ's resurrection true and valid, but rather it is His physical resurrection that makes their faith true and valid.... Believing in something for which there is no evidence is not faith."

What light does the Bible shed on this issue? (After all, God's Word should have the last word on this matter.) For starters there are Christ's warnings: "An evil and adulterous generation seeks for a sign" (Matt. 16:4); "If they do not hear Moses and the Prophets, neither will they be convinced if someone should rise from the dead," (Luke 16:31). Come to think of it, Jesus declined the request of those who volunteered to believe in Him if he stepped down from the cross (Mark 15:30). St. Paul joins in: "For Jews demand signs and Greeks seek wisdom, but we preach Christ crucified.... For the foolishness of God is wiser than men" (1 Cor. 1:22, 23, 25). The author of Hebrews says, "Now faith is the assurance of things hoped for, the conviction of things not seen" (Heb. 11:1). Yet in the Old Testament God readily accedes to the requests of Moses and Gideon for signs and faults Ahaz for failing to request a sign when God urged him to do so. In his dramatic encounter with the priests of Baal, Elijah cries to God, "Answer me, O Lord...that this people may know that you, O Lord, are God" (1 Kings 18:37). Luke prefaces his version of Jesus' life with his intent "to write an orderly account...that you may have certainty concerning the things you have been taught" (Luke 1:3). Again it is Luke who tells us that Christ "presented himself alive after his suffering by many proofs, appearing to [the disciples] during forty days" (Acts 1:3). St. Paul reminds Festus and King Agrippa, in reference to the major events of Christ's saving ministry, that "none of these things has escaped [the king's] notice, for this has not been done in a corner" (Acts 26:26). And although Peter had more in mind than argumentation based on logic and evidence, I am sure such was included when he urged us always to be "prepared to make a defense to anyone who asks you for a reason for the hope that is in you" (1 Pet. 3:15).

What are we to make of these seemingly ambivalent Scripture passages? Perhaps it is good to recall Pastor Morgan's principle that Biblical differences are not necessarily contradictions. These differences may simply constitute varying, but noncontradictory, perspectives on the same phenomenon. At the very least, the

passages cited compose a paradox, a characteristic so typical of Biblical revelation. In attempting any resolution to this paradox, I recognize the possibility of being one of those fools who rush in where angels fear to tread. But often I find help in a familiar philosophical distinction between necessary and sufficient causes. The facticity/historicity of the Christian religion, especially as it concerns the birth, life, death, and resurrection of the God-man, Jesus, is a necessary cause for faith but not a sufficient cause for faith. If I wish for daylight in my room, there must be a sun in the sky to provide that light; you might say that the sun is a necessary cause for daylight. But it is not a sufficient cause; without a window I won't have daylight in my room, no matter how brightly the sun is shining. So it is with the salvation events summarized in our creeds. The facticity/historicity of those events is a necessary cause for our salvation. Those events dare not be reduced to mere assumption, presupposition, or premise. There must be an objective reality for faith to cling to. But the facticity/historicity of the Christian religion is not a sufficient cause for our salvation. Mere facts do not always convince, especially our sinned-darkened minds. Only the Holy Spirit through the Gospel can manufacture saving faith in the objective reality of the historical events of Christianity and their significance for us. The Gospel needs to provide a window into our mind and hearts. The Gospel alone is God's power unto salvation.

Even more helpful, I believe, is the Biblical perspective I find in John 20:19-31. In this account of one of Jesus' post-resurrection appearances, our Lord accommodates Thomas's request for evidence. He shows him the scars in His hands and side (v. 27). In His earlier appearance in this pericope (v. 20), Jesus had voluntarily provided evidence to the other disciples. Although, as we have seen, Jesus clearly assailed people with a "show me" attitude, requests for evidence were not always frowned upon. What Thomas did was not evil; it was rather the lesser of two virtues. Thomas was indeed blessed, but more "blessed are those who have not seen and yet have believed" (v. 29). The paradox of the Christian religion is that it is both fact and foolishness, simultaneously scandalous and intellectually defensible. Like St. Paul we need to proclaim the foolishness of the cross and at the same time demonstrate that "this thing was not done in a corner." Christianity is a reasonable religion, a religion of historical facts as capable of verification as any other historical facts of similar antiquity. At the same time "we cannot by our own reason or strength believe in Jesus Christ, our Lord, or come to Him, but the Holy Ghost must call us by the Gospel." Both aspects of this paradox must be maintained.

Is it possible that while our unenlightened reason is incapable on its own power to believe in Jesus as Savior, God still uses our reason (as well as our emotion and will) in bestowing upon us His gift of faith through the agency of His Holy Spirit and the instrumentality of His Gospel message? Although the manufacture of faith is entirely His doing, not ours, yet God does not zap us with magic or treat us as rocks or robots. Although it is true that our human reason cannot initiate saving faith, we must be careful not to entertain a variation of the Majoristic heresy, in which we would conclude that, therefore, reason is harmful to faith. There is more to Christian faith than the acceptance of evidence, but without that evidence there is no basis for Christian faith. So long as Christian apologetics, argumentation, and systems of evidence do not preempt the role of the Holy Spirit and His Word, they have a legitimate role in our Christian profession.

That, I see, is the principal value of Pastor Morgan's *Evidence and Truth*: to make us think about the role of systems of evidence in our Christian walk.

Apologetics need not be a Reformed monopoly. Nor need we be apologetic about Christian apologetics.

Francis C. Rossow

*Ezekiel*, Smyth and Helwys Bible Commentary. By Margaret Odell. Macon: Smyth and Helwys, 2005. x-xxii + 566 pages. Cloth. \$59.95.

In the book of Ezekiel we meet a priest, Ezekiel ben Buzi, one of the Judean exiles deported along with King Jehoiachin to Babylon in 597 B.C. Five years into this exile, visions of God compelled him to relinquish his way of life as a priest and become a prophet to the exiles. As the book unfolds, the prophet sees visions, the people see the prophet, and both see Yahweh, the God of the universe. Through it all, Ezekiel not only struggles with the end of Judah (586 B.C.) but also the collapse of the larger ancient Near Eastern world made possible by Assyrian hegemony. Margaret Odell takes all of this and successfully weaves literary, historical, and theological reflections together in clear and insightful ways. Throughout her commentary Odell builds upon that past commentary work of Moshe Greenberg (*Anchor Bible*, 1983, 1997), Walther Zimmerli (*Hermeneia*, 1979, 1983), and Daniel Block (*NICOT*, 1997, 1998). Following the work of Thomas Renz (*The Rhetorical Function of the Book of Ezekiel*, Brill, 1999), Odell believes the book of Ezekiel was produced for the second generation of exiles. And following the work of Ellen Davis (*Swallowing the Scroll: Textuality and the Dynamics of Discourse in Ezekiel's Prophecy*, The Almond Press, 1989), she argues that the coherence of the book was made possible only through the processes of writing.

Fundamental to Odell's reading of Ezekiel is this statement: "It is no exaggeration to say that Ezekiel was schooled for empire: he was immersed in two worlds, the larger cosmopolitan world of the now defunct Assyrian empire, and the more locally defined world of the house of Israel" (395). Because of this, Odell believes "one likely source for the design of the book of Ezekiel may be found in the ancient Near Eastern literary tradition, primarily the building inscriptions" (4). Accordingly, she believes that the book bears a striking similarity to Esarhaddon's Babylonian inscriptions (c. 680 B.C.). "Whereas Mesopotamian building inscriptions are primarily intended as political propaganda in praise of a human king, Ezekiel has appropriated the genre for theological purposes" (15). This claim is most clear in chapters 40-48, yet Odell argues that the entire book is structured around this genre of building inscriptions. Ezekiel's adaptation of this neo-Assyrian genre means the prophet embraced Assyria's pervasive cultural and political influence as is evident when one compares Isaiah's scathing rebuke of Assyria in Isaiah 10:5-15, 36-37 with Ezekiel's favorable evaluation in Ezekiel 31.

Odell breaks new ground in several interpretations. First, Ezekiel's "visions of God" in chapter 1 only begin his initiation process. That is to say, Ezekiel is identified as a priest in 1:2, does not receive instructions to prophesy until chapter 6, and does not have an audience until 8:1. In the intervening chapters Ezekiel goes through a series of experiences that prepare him for his new calling. This means that the symbolic acts in chapters 4-7, according to Odell, should be interpreted as Ezekiel's preparation to be a prophet and not as a record of his public ministry. "Only after Ezekiel has suffered the decreed judgment will he be able to proclaim it" (53).

A second new interpretation put forth by Odell is her argument that "the

image of jealousy” (e.g., Ezek. 8:3) is not a representation of Asherah or, for that matter, any other god, but rather the sacrifice of a child. She notes that Exodus 22:29-30 decrees every firstborn males, both animal and human, should be “given” to Yahweh in sacrifice. “Acting in the spirit but not the letter of the law, the Judean cult erected effigies of its offerings but held back from making the offerings themselves” (112). This means that here, as well as throughout chapters 8-11 Ezekiel describes unfaithful Yahwistic practices rather than the worship of alien gods. Those involved in the Jerusalem cult were making use of intermediaries (e.g., the *gillûlîm* [meaning, bluntly, “shitgods”]), and Ezekiel construes this as idolatry. So it is not that the people were turning away from Yahweh to other deities; rather they were failing to come directly into Yahweh’s presence. This is one reason why Yahweh rejects the intercession of even righteous people (cf. Ezek. 14:14). There is no room in the relationship for anyone other than Israel and her God. Two’s company, three’s a crowd. Odell explains, “It is not that we intend to create rivals to God’s affections; rather, as our means of seeking God become familiar to us, we end up holding on to them rather than venturing out into mystery” (170).

Also new is Odell’s interpretation of Ezekiel 24:15-27. Typically this text is understood that just as Yahweh commands Ezekiel not to mourn his wife’s death, the people are not to lament the death of their holy city. Yet Odell points out that Yahweh’s instructions to the prophet to put on sandals and a turban (Ezek. 24:17) come from rituals marking status transformation, not from acts of mourning. Priests and kings don turbans when they are installed in office, and marriage rituals may involve both sandals and turbans. This means that even in the midst of death (Ezek. 24:2), there is new life. The destruction of the old (chaps. 1-24), makes way for the building of the new (chaps. 33-48).

Odell offers an attractive explanation of Gog, the “mystery man” in chapters 38-39. It is, in all likelihood, a cryptic allusion to Babylon. A comparable cryptogram appears in Jeremiah 25:26; 51:41, where Babylon is called Sheshack. The cryptogram employed in Jeremiah is an *athbash*, in which the first letter in the Hebrew alphabet is replaced by the last, the second by the next to the last, etc. (i.e., *B-B-L = s-s-k*). The code used in Ezekiel 38 involves a different system of substituting letters (i.e., *B-B-L = G-G-M*), which are then reversed (i.e., *G-G-M = M-G-G*, or Magog). Literarily and historically this makes sense when one understands that Ezekiel 39:21-29 applies the Gog/Magog oracles to the exiles’ *present* situation.

This commentary employs a wide array of art, photographs, maps and drawings. An accompanying CD-ROM reproduces the commentary text, the *Sidebars* (more involved discussions) and the visuals. This strength of Odell’s work is her emphasis on the influence Mesopotamian royal inscriptions had on the literary presentation of Ezekiel. This commentary also provides a vantage point from which to engage the problems of evil, imperial power, religious identity, and divine holiness in both the ancient and modern worlds. Yet missing from Odell’s commentary are Christological and New Testament connections in any sustained manner. For example, in Odell’s interpretation of “ship Tyre” in Ezekiel 27 she does not mention—even once—the numerous ways Revelation 18 draws from Ezekiel’s vision. Here I refer readers to Horace Hummel’s *Concordia Commentary Series* work on Ezekiel 1-20, even as we anticipate the publication of his commentary on Ezekiel 21-48. Odell’s commentary will function nicely alongside Hummel’s more Christ-centered approach.

Reed Lessing

BODIES AND SOULS, OR SPIRITED BODIES? By Nancey Murphy. Cambridge: Cambridge University Press, 2006. 154 pages. Paper. \$22.99.

At one point in her discussion, author Nancey Murphy asks how God relates to human beings. She quotes philosopher Daniel Dennett's description of a traditional view of human souls as "immaterial and immortal clumps of Godstuff that inhabit and control our material bodies rather like spectral puppeteers" (124). It is not a definition designed to satisfy Christian theologians, Murphy admits, but it suits those who think that God can only communicate with something "metaphysical" like Himself. Far from sharing that opinion, the author states her belief that God definitely deals with physical things. Addressing the basic nature of human beings, Murphy asks if humans are immortal souls housed in physical bodies, or if they are their bodies. Examining the issue from the perspectives of theology, neuroscience, and philosophy, she refers to herself as a "nonreductive physicalist," stating her thesis that we *are* our bodies, with no added metaphysical elements of mind, soul, or spirit.

In teachings on life after death, Murphy notes two trends in Christian thought: dualism, in which the body dies and the soul goes to be with God, and, in contrast, the hope of bodily resurrection. These contradictory ideas have been combined in Christian teaching, with one or the other gaining ascendancy during different periods of history. In an admittedly fast-forwarded narrative, the author traces the influence of Plato and Aristotle on Christian thought, examines the views of Tertullian, Origen, and Augustine, and then moves quickly from the opinions of Thomas Aquinas to the teachings of Martin Luther and John Calvin. Briefly examining Old and New Testament accounts, Murphy discusses the use of the terms body, soul, and spirit as views of human nature from different perspectives. She concludes that New Testament authors attest in the first place that "humans are psychophysical unities; second, that Christian hope for eternal life is staked on bodily resurrection rather than an immortal soul; and, third, that humans are to be understood in terms of their relationships—relationships to the community of believers and especially to God" (22).

It is this emphasis on relationships that defines the author as a nonreductive physicalist. For the reductionist, abilities usually attributed to the soul are assigned solely (1) to brain function. Studies in neuroscience indicate that neural connections are developed and enhanced by language and social interaction, and the nonreductionist believes that the capacities of mind or soul should not be reduced only to functions of the brain and nervous system. These abilities must also be explained with reference to language use, culture, and relationships to other people and to God.

Her physicalist view of the nature of human beings leads Murphy to suggest the rethinking of important Christian teachings. Neurological explanations of the soul can lead one to question "the meaningfulness of putting the experience of those who are with God on an earthly timeline" (23) and to understand the resurrection not as re-clothing a soul with a new body "but rather restoring the whole person to life—a new transformed kind of life" (23). The author's physicalist anthropology leads her down a more disturbing path when she suggests that a physical understanding leads to an emphasis on Jesus' life and teachings as a blueprint for society, stressing the reign of God in outward, public life, as opposed to a dualist focus on inward, spiritual life. She asks, "What *would* Christians have been doing these past 2000 years if there were no such things as souls to save?" (27). With her

emphasis on relationships, Murphy briefly strays into Trinitarian thought, suggesting that the Trinity might be better considered in terms of events—Jesus and the Spirit as God-at-work in the world and in the Christian community—than as “persons.” Believing that dualist views of body and soul are due more to cultural than scriptural influences, Murphy wants Christians to be free to develop understandings of human nature (and of God?) that are more in line with current cultural developments.

Still, when this book turns from dealing with our inward, metaphysical relationship to God and addresses instead God’s dealings with us, Murphy offers some useful reminders. She suggests that physicalist anthropology “requires Christians to pay adequate attention to incarnation—if humans are purely physical, then there is no getting around the scandal of *enfleshment*” (25). In response to those who understand that “clump of Godstuff,” the soul, as the only seat of divine action in human life, Murphy writes that God certainly relates to us through our physical capacities. We should not be afraid, she says, “that the God we know will have nothing to do with *bodies*” (125). These statements ring true for believers who understand the importance of our Lord’s incarnation, our own resurrection to life on the Last Day, and the very tangible means of grace that sustain us between those two great physical events.

Carol Geisler

PREACHING: *An Essential Guide*. By Ronald J. Allen. Nashville: Abingdon, 2002. 135 pages. Paper. \$16.00.

As the subtitle seems to suggest, the scope of this book is limited. It deals only with the basics, the essentials. It is a guide rather than a manual of instruction. It provides a lot of general, common sense tips for the task of preaching, but it is not a textbook on the specifics of sermon construction and sermon delivery. It deals even less with the theology of preaching. It is a sort of preacher’s almanac. At best, it can serve as a supplementary text for the teacher or student of homiletics, but not as the basic tool for that requirement.

In that limited capacity the book is helpful. I found its presentations on sermon illustrations, pericopal vs. topical preaching, deductive vs. inductive approaches, preaching with or without notes, and the dynamics of audience participation to be not only useful but also comprehensive and fair in their discussions of the pros and cons of these often controversial areas. The author has no axe to grind. Rather, he lays out the options, with all their advantages and disadvantages, and leaves the choice to the reader.

The approach of the book is unique. It begins with a sample sermon and then, in subsequent chapters, reflects on the various ingredients that went into the preparation and delivery of that sermon. In brief, it moves from sermon to theory (a reverse of the standard procedure), from practice to the steps and reasons behind that practice. The structure of the book is superbly coherent. The chapters, all titled in parallel question form, are arranged logically and sequentially. The style of the book is equally clear—but disappointingly dull. It has all the blandness of a committee report. Like so many textbooks, it insists on sounding like a textbook.

Although *Preaching: An Essential Guide* does not purport to be a book on the theology of preaching, I found some of its theology inadequate. For all its commendable emphasis on the presence of the Gospel in a sermon, it never adequately defines that Gospel in its formal definitions (e.g., 21, 51). Repeatedly, the book

speaks of “God’s unconditional love” but does not relate that love to the person and work of Christ. Since there are references elsewhere in the book to Jesus’ redemptive work, I do not think the omission from the formal definition was intentional. Certainly, the proclamation of “God’s unconditional love” is Gospel in contexts where the person and work of Christ are understood to be implied, but at best it is implied Gospel, not explicit. In our increasingly pluralistic society that implication can all too easily fail to be recognized. The same weakness surfaced in the otherwise textual and well-written sample sermon at the start of the book.

A second inadequacy was the book’s restriction of God’s plan for our everyday sanctification to the area of social justice (indeed, an important and essential part of everyday Christian behavior, but not the whole of it). “This aspect of the passage (Mark 9:49-50) affirms God’s unconditional love for members of the community and God’s desire for the congregation and the larger world to live together in justice” (53). A similar statement appears in the sample sermon. “I [God] am with you always. I love you with unconditional love. I desire justice for you and for all, and I will continue to work in the world until it comes” (15). Personal morality and individual integrity—also ingredients in God’s plan for our everyday sanctification—are absent from Prof. Allen’s formula. Perhaps, the omission was unintended. More likely, the omission reflects our current culture, which often—and correctly, as far as it goes—equates goodness with justice toward minorities and tolerance of diverse points of view, but—incorrectly—fails to include personal morality in its equation. (Conversely, I, as a Lutheran, must be careful not to omit social justice from my understanding of God’s sanctification goals for my life!)

The book’s most demonstrable theological inadequacy was its implied stance toward Biblical authority in the formation of Christian beliefs and practices. “When dealing with negative portrayals of the Jewish people *in a biblical text*, I recommend that the preacher explain this presentation and critique it as bad history and *bad theology*” (66; my emphasis). While every preacher must certainly guard against anti-Semitism in his Gospel proclamation, the Biblical descriptions of specific evil Jewish religious leaders and their followers are no more anti-Semitic than my condemnations of Hitler or Stalin prove me to be anti-Caucasian. In reference to Paul’s turning over Hymenaeus and Alexander to Satan so that they might learn not to blaspheme (1 Tim. 1:19-20), Prof. Allen comments, “It is simply inappropriate for a Christian to place other Christians in the hands of Satan, even if the purpose is to help the delinquent Christians become more faithful” (52). Of God’s being responsible for “directing or allowing intensified suffering,” the author says, “This belief is inconsistent with the notion that God loves the world unconditionally and seeks for its many inhabitants to live in justice” (53). More than once the author has trouble with the Biblical portrait of the imminence of Christ’s return in judgment, failing to take into consideration the Bible’s own qualifications of that imminence in Matthew 24:6, 8; Mark 13:32; and 2 Peter 3:8. Although he concedes that many Christians believe that we are living in the end times. “This difference,” he concludes, “illustrates the fact of theological pluralism in the Christian house. Christians must decide which interpretations of God and the world make the most sense” (54). What source(s) for “deciding” and “making sense” is Dr. Allen alluding to? What source(s) for Christian beliefs and practices is the author implying when he urges us to evaluate, qualify, or even reject specific Biblical statements? What is the authority for calling a specific Biblical portrait “bad theology?”

“Lord, to whom shall we go? Thou hast the words of eternal life” (John 6:68).

Francis C. Rossow

## Books Received

- Alvyn, Austin. CHINA'S MILLIONS: *The China Inland Mission and Late Qing Society 1832-1905*. Grand Rapids: Eerdmans, 2007. 537 pages. Paper. \$45.00.
- Arthurs, Jeffrey D. PREACHING WITH VARIETY: *How to Re-create the Dynamics of Biblical Genres*. Grand Rapids: Kregel, 2007. 239 pages. Paper. \$15.99.
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- Howe, Bonnie. BECAUSE YOU BEAR THIS NAME: *Conceptual Metaphor and the Moral Meaning of 1 Peter*. Boston: Brill, 2006. xxii+402 pages. Cloth. \$181.00.
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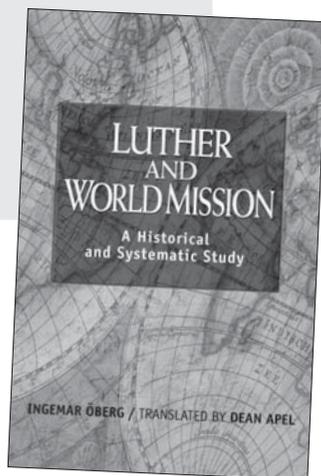
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*Ingemar Öberg<sup>†</sup> was a member of the theological faculty at Åbo Academy in Finland.*



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