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The Problem of Colored People: Connecting Civil War History and the Future of Religious Education in the United States

Scott Hancock

I begin by framing this paper with two well-known quotes by two individuals born four hundred years and an ocean apart: "The problem of the twentieth century is the problem of the color-line" and "Truth is mightier than eloquence."[1] I hope to connect the two.

> THE PROBLEM of the twentieth century is the problem of the color-line – the relation of the darker to the lighter races of men in Asia and Africa, in America and the islands of the sea. It was a phase of this problem that caused the Civil War; and however much they who marched South and North in 1861 may have fixed on the technical points of union and local autonomy as a shibboleth, all nevertheless knew, as we know, that the question of Negro slavery was the real cause of the conflict. Curious it was, too, how this deeper question ever forced itself to the surface despite effort and disclaimer. No sooner had Northern armies touched Southern soil than this old question, newly guised, sprang from the earth, – What shall be done with Negroes?

Thus, in 1903, W. E. B. Du Bois succinctly and accurately identified the cause of the American Civil War. He also had already seen the ways in which that cause – slavery and the "relation of the darker to the lighter" – would be reinterpreted after the war by northern and southern historians

to such an extent that by the early twentieth century, in the popular mind, the role of slavery would be little more than nostalgia in the South and irrelevant in the North. Today, at least among academics, thinking has changed. Over the last few decades most historians have reached a consensus that the civil war was indeed about slavery. However, the battle in the *popular* mind continues. I felt this myself six or seven years ago when my youngest son and I went up to the top of the observation tower on West Confederate Avenue that overlooks the fields upon which thousands of men died during Pickett's Charge. My son had been homeschooled through the 8th grade but had started that year as a freshman at Gettysburg High School. As we stood up there on an achingly beautiful sunny day, I commented to him that all of this – the battlefields, the monuments, the death, everything we saw stretched out before us – was because one day, 250 years previous to the war, Africans had come to the shores of North America. All of this was because of black people. He replied that that was not actually quite true – that the war was about state's rights and so forth, and that slavery was only one issue among many. After I set him straight … , I thought about how little time it had taken him to imbibe the popular line despite growing up in my house. The battle for the mind rages on.

The battle may well intensify in the years ahead. Du Bois rightly understood that the problem of the color line would continue to define much of American and global struggles for political and economic power. The "problem" will continue in the twenty-first century. In the United States, the Census Bureau projects that non-Hispanic white people living in America will peak in sheer numbers about ten years from now, at just under 200 million. By 2060, they will decline to about 180 million. Hispanic people will number almost 130 million and compose about one-third of the total population. Asian people will more than double to over 34 million. Indigenous people – American Indians, Alaska, Pacific Island native – will increase to about 8 million. African Americans will number about 61 million. And the largest proportional increase will be people who identify as multi-racial, who will more than triple from 7.5 million to over 26 million. In sum: by 2060, if not sooner, black, brown, and "non-white" white-looking people will outnumber white Americans by 80 million people. What problem will that pose?

The problem of the twenty-first century will be the Problem of Colored People. With caveats to the limitations posed by thinking of people of color as non-white (since white is a "color," too), the problem facing the United States will be how institutions that have operated within a particular set of norms and ideologies historically "colored" by whiteness will or will not adjust to new norms and ideologies. For example, the manner in which

certain types of behaviors have been criminalized has a long racial history. Michelle Alexander and other scholars have unpacked this history during the war on drugs over the last 40 years, which Alexander astutely labeled the New Jim Crow. However, US society and legal institutions began incorporating racial ideologies into the process of criminalizing drugs at least as early as the 1920's, and other forms of behavior have been criminalized according to race at least as early as the seventeenth century.

In the first decades of colonization in British North America, racial boundaries were not yet hardened, and the connections between race and slavery were still forming. The legal differences between white indentured servants and African slaves were not always clear, and their living conditions and treatment were virtually the same. But when white indentured servants ran away from their masters in the mid-seventeenth-century Chesapeake, their terms of labor were lengthened, often doubled. When Africans ran away, they were formally sentenced to servitude for life. These early signals of racialized thinking gradually evolved into systemic racialized process and perspectives. Racial ideologies became a part of business as usual in most American institutions.

Christian churches and denominations were often no exception. They, too, fit within the pattern of institutions seamlessly weaving together racial ideologies into their purpose and practice. This was perhaps most clearly demonstrated in antebellum debates about slavery. Much of that story has been well documented. But *how* the story has been told, I would argue, is a reflection of the continuing influence of how our perceptions are shaped by racial thinking.

Human beings, across societies, cultures, and periods of time, share a proclivity for storytelling. We arrange facts into narratives. This is why in the US legal system, during a jury trial, good attorneys essentially tell a story. And they know that if they fail to do so, or if they leave holes in their story, the jury will create their own narrative and fill in the holes themselves. Neurological and other scientific research over the last few years has validated how critical storytelling is to the human mind, and this helps explain why it is a universal across time and space.

How we tell the story of the problem of the color-line and of colored people, therefore, shapes our perspectives. The frontlines of the battle for the mind are stories. Which stories are told and, just as vital, how stories are told either reflect and reify racial ideologies as part of business as usual, or challenge us to think and act differently.

The story of African Americans' place in American history generally is told within a Du Boisan formulation: the problem of a color line. Race is the problem. Slavery is the problem. Black people are the problem. The

story is not told from the perspective of how what black people *did* prompts a response – in other words, the decisions and actions of black people are at best a backdrop; a sidelight, a moral lesson, an example of inspiration. Apart, perhaps, from Martin Luther King, Jr., and black activists from the mid-to-late 1950's up to King's famous speech in 1963, what black people did is rarely told as a story to be analyzed for the extent to which their actions were or were not a fundamental initiating factor, a catalyst, a driver of change for the entire nation.

In my research examining the significance of the underground railroad, I suggest how retelling the story of escaping slaves differently can shape broader perspectives. Starting in the late nineteenth century, southern heritage groups and historians began to narrow and revise US history to exclude or at least minimize the centrality of African Americans, slavery, and race as parts of the national story. Black people disappeared from what the Civil War was about. In 2010, Virginia's governor provided fresh evidence of the power of those revisionist histories. He left out any mention of slavery or African Americans in his initial proclamation to reinvigorate Virginia's celebration of Confederate History Month (after receiving much criticism, he quickly revised his proclamation). Today some people outside of southern heritage groups, along with most historians, recognize slavery as the primary cause of the American Civil War. But usually the story is still about an institution – a thing – that caused the war. We might say, for instance, "Slavery caused the Civil War." We do not say, "Slaves – black people – caused the Civil War." I argue that a disproportionately small number of black men, women, and children, by deciding to escape slavery, played a central role in pushing the nation to a war that resulted in emancipation.

The Civil War has also come to be understood, both academically and popularly, as the war that freed African Americans. African Americans did not free themselves; the Union Army, Lincoln, the North – anybody but black people – freed African Americans. Once again, black people are the object, not the cause, of action.

As objects, they are also recipients. They are recipients of the good deeds, the hard work, and the incredible sacrifice of white Americans. The recipients should therefore be grateful. And not expect more. Thus "entitlement" programs are perceived negatively and "haven't we done enough for them" becomes a mantra. Reparations – which really should be called unpaid bills or overdue compensation – is not permitted to become a topic for serious public discussion.

If, however, we tell a story of the problem Colored People caused – not simply by being present, but by the decisions they made – and understand "problem" not necessarily as a negative, but as potentially an initiating

force leading to workable solutions – then we begin to win the battle for the mind. Perhaps the result would be a gradually shifting view of the past relationships between African Americans and the government, African Americans and white Americans, and African Americans and the nation as a whole. A new story might see black freedom as earned resulting from the actions of black Americans as well as the actions of white Americans.

For the church in America, this means telling the story of faith, religion, Christianity, and the Civil War from a similar perspective. I am not certain that the church in America – and for the most part, I mean white Protestant churches in America, though much of what I will argue may be applicable to black and Catholic churches as well – has been effective in this particular battle for the mind. I am not even certain if, on an institutional basis, the church in America has ever actually geared up to march into this battle. I have no doubt there are writers, pastors, teachers, scholars, and laypeople engaged on an individual basis. Hopefully this talk contributes somehow to their efforts.

I am intentionally focusing on a battle for the mind – not heart and mind. There is of course a necessary and important need to deal with the heart, or emotions. But my limited impression is that often we give up too easily to a general spirit that is at worst anti-intellectual and at best is indifferent to intellectualism. And the reality is that appealing to the heart can more often generate responses – at least short term ones – so that we feel our work makes a difference. For instance, I would place diversity efforts that focus on "multiculturalism" into this category of appealing to primarily to the heart (this will be addressed further below).

Appealing to the mind is often a slow process. Prompting people to see through the eyes of others via an intellectual process is difficult, sometimes impossible. And some scholars, for instance some in Critical Race Theory, would label this the "empathetic fallacy". They argue that "the belief that one can change a narrative by merely offering another, better one – that the reader's or listener's empathy will quickly and reliably take over" is an idealistic belief that does not play out in the real world. I agree in some respects with the CRT perspective – as one scholar says, "the idea that a better, fairer script can readily substitute for the older, prejudiced one is attractive, but falsified by history. Change comes slowly."[2]

But change does come. I would amend the CRT statement like this: "one can change a narrative by engaging people with a more grounded, more accurate, more interesting one." With such a narrative, the new script will not *readily* replace the older one, but it can gradually shove the older one out of the public mind. In turn, it may gradually prompt thinking about issues of race and faith in new ways. And this can contribute to ongo-

ing efforts for the church in America to be a leader in how we as a nation think about race and faith.

We will, of course, have to think outside of our social and cultural milieu. This in itself is a significant challenge. How can we do so if our predecessors so often failed to do so? Our post-modern age has taught us that we are heavily conditioned by the milieu in which we live, almost to the point where it seems impossible to break out of it. Sophisticated scholarship has spun out insightful analysis deconstructing structures of epistemology in nearly every field. Can we, in our age of post-modern, deconstructionist, contingent, relativistic, post-structural, multi-this, multi-that, we-love-Foucault-even-though-we're-post-Foucault thinking, still believe Luther? When human wisdom teaches that truth and reality is constructed, is Luther still right – is truth mightier than eloquence?

I say yes. It begins with recognizing the source of authority, the God of the Bible. It continues with recognizing that the Bible is what the ELCA's Confession of Faith describes as:

- the written Word of God. Inspired by God's Spirit speaking through their authors, they record and announce God's revelation centering in Jesus Christ. Through them God's Spirit speaks to us to create and sustain Christian faith and fellowship for service in the world.
- The Bible is the inspired Word of God and the authoritative source and norm of its proclamation, faith, and life.

The recognition of a foundation enables us to assert that there is an absolute, autonomous truth *and* still engage in critical, analytical thinking that also enables us to deconstruct power, challenge orthodoxy, and dismantle ideologies. As David Yeago has said, "the combination of belief in the creator and assurance that his purpose had been definitively revealed and accomplished in Christ gave to classical theology a certain optimistic boldness as it faced the diverse cultures and changing circumstances of the world in which the church lives."[3] The truth can indeed set us free.

Understanding that there is a final truth, and that there is a historical reality that is true, means that we can attempt to get at what the "real story" was. And we can best do that by understanding how societies have constructed ideologies that often distort stories to serve particular interests, usually for the purposes of maintaining hegemony. In this manner, combining faith with deconstructive analysis can help us reconstruct what is true.

Use of a metaphor may help illustrate how retelling stories break apart our cultural and ideological blinders. In 1960, physicist and astronomer

Freeman J. Dyson theorized that perhaps alien civilizations could construct solar-system sized rings of material that gathered energy from their own suns, and collected or reflected that energy back to the home planet. While Dyson did not envision this as a solid object entirely enclosing the sun, he used the word "shell". Other theorists and imaginative types, like science-fiction writers, seized on the idea of a shell and quickly labeled it a Dyson Sphere. A Dyson Sphere would be a gigantic solid sphere entirely enclosing a star, protecting its inhabitants from other alien intruders, and reflecting back all the internal energy to those who constructed it. It would the ultimate closed system: no need for external input and no way for internal forces to get out. It would be such an unimaginably vast space there would be little desire or perceived need to get out.

Our mental, conceptual, and cultural worlds can be like an ideological Dyson Sphere. We construct ways of perceiving our world and communities that can appear to account for nearly every contingency. Though many problems are notoriously difficult to resolve, our mental Dyson Sphere means that we believe we are best equipped to deal with problems we can see. Our belief systems, our ideologies, explain our world and how our communities work. Although, if the Dyson Sphere is truly solid and encloses us entirely, we cannot see what is beyond it – unless something from within breaks out, or something from without breaks in.

In the nineteenth-century United States, a few of the key belief systems and ideological materials that constructed the conceptual Dyson Sphere were law, religion, and race. In early America, as Tom Paine said, "the law was king." Law was, paradoxically, both separate from and tightly interwoven with religion. Biblical worldviews, natural law philosophies, incipient scientific and positivist perspectives all helped shaped early American understandings of the origins and functions of law. Socially, culturally, and intellectually the Bible and Christianity, as Mark Noll points out, heavily influenced the mental world of the vast majority of Americans, regardless of one's personal piousness or whether or not a person attended church regularly. There were few public atheists in the United States, and virtually none in leadership positions.[4]

Law and religion worked in tandem to fashion a sphere of ideological, legal, and political communities. How an "American" was defined, and how people defined who belonged within their communities, was shaped significantly – though not exclusively – by law and religion. An American was a citizen with a certain constellation of rights, who contributed meaningfully in some fashion to the survival of the republic. The republic in turn was, people hoped, sanctioned by God. A virtuous citizenry would help ensure God's blessing and keep the country moving toward its manifest destiny.

Belief in God, in God's mission for America, and reliance on the law provided Americans with a conceptual toolkit that would help them meet and solve present and future problems.

Race was at times explicitly factored in, but more typically it was an unspoken foundational construct. The conceptual community was, of course, white – this did not have to be said; it was a given and a norm. Ninety percent of black people were enslaved. They were not contributing citizens in this mission of civil millennialism. But they were a potential threat – a problem.

At times this conceptual community of Americans was confronted with a convergence of race and freedom. In the North, which is my primary focus here, this meant that since free black communities were small and scattered, free black Americans "did not pressure white northerners to reinvent their assumptions about the color of a free community. As such, conceptualizing freedom for slaves and fugitives required a fundamental reordering of the concept of community that few were willing or able to achieve in their minds, let alone in their physical surroundings."[5]

White northerners reacted violently, in word and deed, to bold claims that placed African Americans within their Dysonian Sphere. When white anti-slavery minister Samuel Cox said in an 1834 sermon that "Jesus Christ was a colored man," the shouts of reprobation helped fuel an anti-abolitionist riot in New York City.[6] But even Cox was limited by his commitment to his country; in 1846, Frederick Douglass delivered a speech in London in which he excoriated the United States. Cox took umbrage, and later wrote that none "but an ignoramus or a madman could think that [Douglass'] way was that of the inspired apostles of the Son of God."[7] Cox offered no biblical support; his letter suggested that a black man telling an educated white man how it really was in the United States was simply too much to bear.

Most white northerners, therefore, in many respects had no conceptual apparatus for incorporating black people, particularly slaves, into their conceptual and physical communities. Black people born and raised as free were difficult enough to fit into their communities. When black women and men who were slaves decided to flee slavery and come into northern communities – often seeking aid and shelter from white churchgoers – they forced individual church goers, local church congregations, and denominations to deal with something they were not equipped to deal with: how to apply the same belief system that helped construct an ideology of Americanness and whiteness to a people who were neither.

The decisions of a small percentage of enslaved African Americans to escape provoked an "irruption of the real." David Fitch defines irruptions as political or "cultural events that will not fit within the current explanation of things."[8] African Americans' attempts to escape and otherwise undermine the institution of slavery were political, legal, and cultural irruptions. Their actions did not fit within racial ideologies of African Americans as incapable of complex planning and naturally submissive. (There were also countering ideologies of black people as sneaky, clever, angry and incorrigible. This is the beauty of ideologies; they are malleable according to the situation and needs of the dominant group). Racial ideologies combined with a supposedly biblical understanding of the slave's responsibility to submit to a master and practice self-denial. In a society in which the Bible was an important part of the conceptual sphere, passages like Titus 2:9-3:2 that clearly instructed slaves to submit helped construct a "current explanation of things" – such as why Africans were slaves, and why slavery, even if not desirable, remained tolerable. The logical extrapolation of ideologies left little room in most white Americans' minds in which black resistance could be fit within a biblical framework.

The response of the church to escaping slaves was often an irruption of the real. Many white American Christians could not intellectually handle real-life encounters with the logical extension of their belief, theology, and ideology: a belief that America had, if not a God-ordained mission, at least divine sanction; a theology that appeared to condone or at least permit slavery; and an ideology that placed black people outside their community. The result was a theological and political debate that split denominations and congregations, and left many in the church still ill-prepared to deal with what fugitive slaves pointed toward: final emancipation.

Emancipation would have also meant transforming how white northerners thought about white southerners in terms of an imagined community, a political community, and at times a community of actual kinfolk. Laura Mitchell makes this point succinctly:

> When considering the abolition of slavery, northerners had to visualize the process of chastising their familiar, white, southern equals and depriving them of what they believed was their property. Emancipation was therefore a moral reprimand to and an economic and a legal attack on their social, political, and economic peers…. The idea of emancipation therefore required white northerners simultaneously to elevate blacks to the status of neighbors and to demote white southerners to the level of political strangers or moral children. To reimagine a community that welcomed former slaves and shut the door on a large number of political peers was a tremendous task.[9]

In short, "the presence of runaway slaves brought the slavery question front and center, made the plight of the millions in chains real and inescapable…. The real fugitive challenged northerners' visions of themselves as moral agents, committed to freedom and to loving their neighbors as themselves, and exposed the inherent contradiction of slavery in a nation claiming to be free and democratic."[10] The same could be said of black protesters in the 1950's and 1960's – they made plain the contradiction of the reality of Jim Crow with the professed ideals of equality in the wake of WWII and in the midst of the Cold War. The actions of colored people threatened the integrity of the American Dyson Sphere.

Many antislavery church leaders responded to the problem that escaping slaves foisted upon them by preaching moderation. Moses Stuart of Andover Theological Seminary, for instance, in response to the 1850 Fugitive Slave Act used a tight exegetical argument based on the Old Testament process for rendition of slaves. If a master was a "heathen foreigner," a slave who escaped could be accepted into the community to which he or she had fled. But if the master was a "countryman" – an Israelite, or, in the context of antebellum America, a white American and therefore a Christian, unless obviously and irrefutably proven otherwise – an escaped slave had to be returned.[11] Stuart's specific exegesis was not pervasively applied, but it was in many ways representative of the responses of antislavery churches. Slavery in and of itself, while perhaps not ideal, was not necessarily evil or wrong. The problem colored people caused, especially when they fled to northern communities, could be avoided for the time being since the Bible appeared to condone rebuffing them. The conceptual community of American citizens could remain intact.

The problem with Moses Stuart's application of slavery in Israel and of biblical principles for dealing with fugitives in the Old Testament to justify returning antebellum fugitives was that it ignored the incredibly exploitative economic environment. This environment resulted from a capitalist economy that combined with racist ideologies and a religious ideology of American destiny. The same belief system that constructed a God-sanctioned polity also produced a God-sanctioned justification for exploitation of people created in the image of God.

There were exceptions. A few recognized this lethal mix of belief, theology, law, and race. William Whitcomb, a Congregational pastor in Massachusetts, preached that enslaved people were "bone of our bone and flesh of our flesh" and said, "I assert their perfect equality with the whole brotherhood of man."[12] For Whitcomb and the few like him, the problem black people triggered meant opportunity to put the gospel into actual practice. Whitcomb argued that white Christians had to put themselves in the place of the slave, as near as they could, and see the world through the slave's eyes, which, of course, sounds suspiciously like the kind of empathy critical race theorists warn has limited value. He was one of few, even among those who attacked the Fugitive Slave Act, that articulated a reconstructed conceptual and literal interracial community.

However, of the more than seventy sermons published in months immediately after the passage of the 1850 Fugitive Slave Act, only a handful employed a biblical perspective to attack it and advocate for escaping slaves. Most preached compliance to varying degrees. The failure of American churches, even many of those who adopted an anti-slavery or abolitionist stance, was the inability or unwillingness to recognize, much less critique, how racial ideologies were systematized in their purpose and practice. Even those who attacked the Fugitive Slave Act did so primarily through exegetical disagreements about the application of particular interpretations of Hebrew or Greek words – such as arguing about whether or not the "thee" in Deuteronomy 23 could only be understood as meaning the entire nation of Israel or could be interpreted as individuals and families as well.

Concentrating on exegesis and ignoring ideology permitted even antislavery churches to maintain a racialized vision of the country and their own institutions. However, this was not sufficient to heal the irruption entirely. The irruption of the real that fugitive slaves posed forced churches into making decisions to either attempt to maintain the collapsing of American ideologies of nation and race with theology and faith, or to reconstruct new ways of thinking about how nation, race, theology, and faith could be woven together in way that encompassed black freedom seekers. For some American Christians, this was a face-to-face manifestation of what Mark Noll and a few other historians have labeled the war: the Civil War as a theological crisis.

Noll notes that three of the four great transformations in American history were driven by "potent combinations of race and religion."[13] The American Civil War was one of those transformative periods. The process began sooner: "from 1830 onward slavery slowly divided the nation, [and] religion transformed the division over slavery into a matter of ultimate concern."[14] Thus, the Civil War, if understood as a conflict that began in the 1830's, was a "religious war fought over how to interpret the Bible and how to promote moral norms in national public life."[15]

The Civil War, or at least a civil war of some sort, was probably unavoidable once African Americans became the economic backbone of the South and key contributors to the expansion of the northern industrial economic dynamo. The actions of African Americans who sought to escape – even though a small proportion of all slaves – threatened to destabilize not

so much the economic health of the country but its legal and religious unity. As the country moved through the first half of the nineteenth century, the legal responses to escaping slaves steadily produced two legal systems in the United States, one north and one south.[16] In terms of belief and theology, a similar process occurred. To some extent it was the institution of slavery that drove in the wedge. To a larger extent, though, it was also what black people did: the persistent actions by some could not fit into the image constructed by the belief system of American Christians, thereby threatening the divinely sanctioned mission.

It is important not to fit this story into a well worn trope that appears in American film, television, and literature of the black woman or man as the moral compass for white Americans. In that trope, black people function as a warning to steer white people toward what is right. Typically resolution is reached by the white characters achieving some kind of moral or social equilibrium. The story of what black people did in antebellum America is far more complex. For starters, the story of how their decisions fomented broad and deep change in almost every facet of American society did not end that all happily. In the final analysis, the aftermath of the Civil War entrenched white supremacy across the nation, North and South, for at least another century. Black destabilization of the country ruptured faith, law, and society. White hegemony remained intact.

By 2060 the Problem of Colored People – of what they do – may indeed rupture hegemony. I have little doubt new hegemonies will be raised. The challenge, it seems to me, is how the church in America will prepare present and future generations to function effectively in those new hegemonies. How will the church instruct adherents to think? I would suggest that a critical part of the process must be recognizing and deconstructing ideologies that on the surface have little or nothing to do with theology or the church while remaining anchored in an almost antebellum-style understanding of the Bible as the authoritative word of God: as truth in a deconstructionist age that seems to resist staking any claim to absolute truth.

Here is where I venture out my own Dysonian Sphere of history. History is safer; I do not have to risk making predictions or even suggestions of what we should do in the future. So not only am I going to offer suggestions, I am going to do it in an area outside of my expertise. Those are my caveats. Here are my thoughts on how some of what I have discussed might apply to religious education for the future reality of the Problem of Colored People.

First, I wonder how seminaries educate the educators; not simply educating students who will go on to be pastors, teachers, ministers, but the faculty and administrators. Do seminaries in the Washington Consortium or in the ELCA educate those educators in Critical Race Theory or in the

histories of ideologies? I know full well how resistant faculty can be to more workshops, and once we are tenured it is difficult to make us do much of anything that we do not want to do. So some creative thinking is needed on how to make this happen.

My next line of thinking may apply more to predominately white seminaries and denominations. I would argue that dealing with the new realities of a country full of colored people does not mean simply developing "multiculturalism." This dovetails and diverges from the Association of Theological Schools' Committee on Race and Ethnicity (CORE) evolution of strategy that it proposed in 2009. In addition to focusing on hiring and retaining non-white faculty and administrators, CORE says the goal is "to educate all students more effectively for ministry in an increasingly multiracial society."[17] Doing that is potentially an important step toward fundamentally changing how education happens in seminaries. We know that a more diverse faculty, for instance, is more likely to provide a more diverse curriculum.

CORE's proposal also notes that "the challenge is how to shape our society in a way that may reconfigure the racial differences that have long divided this nation."[18] I would add that this cannot be done without first understanding *how* those racial differences have divided, and often continue to divide, this nation. That understanding is likely best achieved by achieving greater diversity in faculty and administration.

Third: want to get radical? Get rid of the term "multiculturalism" in the language of religious education altogether. Here is why. Cameron Lee and his fellow authors note that the percentage of minorities in seminaries in the ATS network has increased from 6.4% in 1969 to around 20% in the early 2000's. But the proportion appears to have plateaued. Multiculturalism, though, is not simply or even primarily about proportional numbers. Fuller Seminary in Los Angeles has a 35% minority enrollment, which is high compared to other seminaries but perhaps low compared to the demographics of Los Angeles. As the authors note, "statistical diversity is no guarantor of what we might call normative diversity, in which the recognition of the presence of varying cultures and backgrounds is allowed to reshape the normative assumptions of an institution."[19] That conclusion can be taken a step further: normative diversity will not be achieved if the focus is on "culture" and backgrounds. Perhaps, though, theological education can achieve "normative diversity" by educating the educators in the politics, economics, and legal thinking of other social groups, as well as those groups' religion and culture.

Such education might consider two avenues. The first would be how it equips students to deal with diverse environments. This will be necessary in the multiracial future of the United States, regardless of how diverse a particular seminary is. The second will be how it deals with diverse students.

Teaching educators CRT, for instance, specifically about micro aggressions, intersectionality, systemic vs episodic racism, the "new racism," and so on may help accomplish both.

Lee and his colleagues, though, still focus primarily on "culture." For instance, the survey they conducted said students and faculty wanted a seminary education to "teach about cultural differences and ways to be more culturally sensitive and self-aware." This is important because it can help us understand the different ways in which people learn, interact, and evaluate. It can, for instance, help us recognize micro aggressions. But at the same time, I am just about on my last nerve when I hear students talk about "culture". I am interested in culture. But I am just as, if not more so, interested in economic realities. Political realities. Legal realities. Culture does matter, but culture often has far less impact on the ability of people to access and take advantage of life opportunities. Talking about "culture" and "multiculturalism" is an easy way to maintain hegemony; power is not really threatened by "culture" because "culture" does not exercise as much control over resources and the expansions or limitations on freedom.

Lastly, I checked out some of the curriculum of a few of the seminaries represented in the Washington Consortium. Granted, I am judging only by course titles and brief descriptions. But that surface impression suggests, in some respects, business as usual. Novelist Carlos Ruiz Zafon wrote that "it seems that in the advanced stages of stupidity, a lack of ideas is compensated for by an excess of ideologies." I wonder about the extent to which higher education is suffering from a lack of ideas? And to what extent is that being compensated by a new, supposedly progressive set of ideologies like multiculturalism that in fact are helping us simply avoid the harder challenges that the Problem of Colored People will pose? Perhaps, in order for significant change to occur, there may need to be twenty-first-century irruptions in American faith and ideological systems.

Notes

1 This is a revised version of a paper delivered at a gathering of the faculties of the Washington Theological Consortium at Gettysburg Seminary on Sept. 28, 2013.

2 Richard Delgado and Jean Stefancic, *Critical Race Theory: An Introduction* (2nd ed.; New York, NY: New York University Press, 2012) 33-34.

3 David Yeago, "Modern But Not Liberal: A Confident Christian Faith Can Absorb and Sustain the Achievements of Modernity," *First Things* (June/July 2012) 27. http://www.firstthings.com/article/2012/06/modern-but-not-liberal

4 See Mark Noll, *The Civil War as a Theological Crisis* (Chapel Hill, NC: University of North Carolina Press, 2006); and item, *God and Race in American Politics: A Short History* (Princeton, NJ: Princeton University Press, 2008).

5 Laura L. Mitchell, "'Matters of Justice between Man and Man': Northern Divines, the Bible, and the Fugitive Slave Act of 1850," in *Religion and the Antebellum Debate over Slavery* (ed. John R. Mckivigan and Mitchell Snay; Athens, GA: University of Georgia Press, 1998) 134-165; 137.

6 *New York Spectator*, June 16, 1834, in the 19th Century Newspapers database. Accessed September 7, 2013.

7 *The Liberator*, November 27, 1846, in Accessible Archives database. Accessed Sept 7, 2013. Cox's letter was initially published in the September 10 issue of *New York Evangelist* and stirred a response from many anti-slavery and abolitionist activists. This issue of *The Liberator* reprinted a long section of the letter as well as Douglass's brilliant reply, which is available in several sources.

8 http://churchandpomo.typepad.com/conversation/2007/11/zizek-and-evang.html. Accessed September 15, 2013. See also David E. Fitch, *The End of Evangelicalism? Discerning a New Faithfulness for Mission, Towards an Evangelical Political Theology* (Eugene, OR: Cascade Books, 2011).

9 Mitchell, "'Matters of Justice between Man and Man'," 137.

10 Ibid., 138.

11 Ibid., 142.

12 Ibid, 153

13 Noll, *God and Race in American Politics*, 9.

14 Ibid., 38.

15 Ibid., 43.

16 For greater explication of the evolution of competing legal systems, see Thomas D. Morris, *Free Men All: The Personal Liberty Laws of the North 1780-1861* (Baltimore, MD: Johns Hopkins University Press, 1974).

17 Janice Edwards-Armstrong, "CORE: An Evolving Initiative," *Theological Education* 45 (2009) 71-76, 74.

18 Ibid., 75.

19 Cameron Lee, Candace Shields, and Kirsten Oh, "Theological Education in a Multicultural Environment," *Theological Education* 43 (2008) 93. The statistics are also drawn from this article.

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The Church Transformed

Cheryl M. Peterson

Usually, in Lutheran circles at least, we are more comfortable speaking of the church *reformed*.[1] This is part of our history, of course, the Lutheran church being born out of the great Reformation movement of the sixteenth century, when Luther and others struggled to bring the church back into alignment with the gospel of justification by grace through faith on account of Christ. It brings to mind the prayer for the church in *Evangelical Lutheran Worship* which focuses so beautifully on the continued need for the reformation of the church everywhere:

> Gracious Father, we pray for your holy catholic church. Fill it with all truth and peace. Where it is corrupt, purify it; where it is in error, direct it; where in anything it is amiss, reform it; where it is right, strengthen it; where it is in need, provide for it; where it is divided, reunite it; for the sake of Jesus Christ, your Son our Lord. Amen.[2]

We are the church reformed, and always reforming. That is part of our Lutheran heritage and always will be.

More recently, we hear about the church being *redeveloped*. Directors for Evangelical Mission (DEMs) in the Evangelical Lutheran Church in America work on two fronts: to develop new mission starts and to redevelop existing congregations by helping them to find a new vision for their ministry, so that they can grow in ministry and mission.[3] The DEMs screen and train candidates to become mission developers and redevelopers, and we teach courses at the seminary to help leaders to do this work of mission development and redevelopment. But even if one's own congregation is not an official "redevelopment" site, the church needs always to undergo redevelopment for its ministry to be contextual and dynamic.

Lutherans speak of the church being reformed – and redeveloped – but we do not often speak of the church being *transformed*. To be transformed may include reformation and redevelopment, but it is a more radical concept than either of those. The dictionary definition of transformation is: "to make a thorough or dramatic change in the form, appearance, or character of."[4] Synonyms for transform include change, alter, metamorphose, transfigure. When we speak about the church transformed, we are speaking of more than a re-formed church, but one that has changed form. We are speaking of more than a church that has re-developed, but one that is developing into something completely new.

When speaking of reforming or redeveloping the church, we often focus on the strategies we need to adopt as leaders in order to bring our ministry into line with God's mission and the needs of our neighbors, and to help our members get a vision for what is possible in our ministry context, so that we can truly become a mission outpost in our community. Last spring at Trinity Lutheran Seminary, we welcomed as our pastor in residence, the Rev. Mary Martha Kannass at Hephatha Lutheran Church, an urban congregation in the heart of urban Milwaukee.[5] Pastor Kannass told us that she came to Hephatha in 1991 to redevelop it, and as she puts it, they are still in redevelopment (23 years later) and will be in redevelopment until Jesus returns. What she meant by this is that while Hephatha has become a thriving urban congregation because of the new life that people experience there (and through it, the new hope being experienced in the neighborhood, for example, through Habitat houses that are being built, and the church's organizing efforts to keep the local school open), Hephatha is still in many ways a fragile congregation because of the terrible poverty faced by its members and the neighborhood it serves. It probably never will be a congregation that can be financially self-sustaining.

Pastor Kannass went on to describe the church's transformation in the midst of this process; however, she did not refer to anything she or the other leaders of Hephatha did but rather pointed to the work of the Holy Spirit. The new life that has been emerging in that congregation over the last 23 years – when it was on the verge of closure when the ELCA decided to take one more chance on "redevelopment" – has been nothing less than a transformation. Pastor Kannass attributes the growth and vitality that is happening at Hephatha to be a direct result of the Holy Spirit working in and through the people who are part of Hephatha's ministry, especially the children and other marginalized members of the neighborhood and the ability of the leaders to listen to them, and congregation's commitment to ground all of their neighborhood outreach in the means of grace through

which we have been promised that the Holy Spirit will be present to preach to us and bring to Christ:[6] the Word and Sacrament. When we speak of the church transformed, we must necessarily speak, not of any particular leaders or strategies, but of the work of the Holy Spirit in our midst.

The word "transformation" itself does not appear often in the Bible. The Greek verb is μεταμορφόω (*metamorpho-o*), and it is only used four times in the New Testament. Twice it is used to refer to Jesus when he is transfigured (transformed) before the disciples on the mountaintop (Matt 17:1-9 // Mark 9:2-8), completely changing his appearance before them. Paul also uses it twice, not to refer to Jesus, but to refer to those who believe in him. In Rom 12:2, Paul admonishes believers to "be transformed by the renewing of your minds so that we may discern what is the will of God – what is good and acceptable and perfect." Paul here connects transformation to renewal while simultaneously contrasting it to conformation to the values of this "age" or world. He uses the word again in 2 Cor 3:18, at the end of a discussion contrasting the "letter" of the law with the Spirit. He writes: "Now the Lord is the Spirit, and where the Spirit of the Lord is, there is freedom. And all of us, with unveiled faces, seeing the glory of the Lord as though reflected in a mirror, are being transformed into the same image from one degree of glory to another, for this comes from the Lord, the Spirit." In both cases, transformation is something that happens to the believer, and it involves a complete change. While the *metamorphosis* Paul refers to in each case is individual, not ecclesial, both of these Pauline passages link transformation to renewal and the Holy Spirit. It would follow, then, that when we think about the church being "transformed," we also should speak of the church as "always being made new" and that this renewal comes from the giver of life, the Holy Spirit.

What does it mean to be a "church transformed?" To be changed into something completely new is not something we can achieve by our own efforts, no matter how many mission development classes we have taken, or redevelopment tools and strategies we have in our knapsack. It means complete and total reliance on the Holy Spirit: it means learning to become a church that is Spirit-breathed and Spirit-led.

Elsewhere, I have proposed the phrase "Spirit-breathed" to describe the kind of church I think God is calling us to be.[7] While the phrase has been most commonly used to describe an understanding of the Holy Scriptures,[8] John 20:22 would suggest it is also an appropriate descriptor for the church. Not only is the Holy Spirit "breathed on" the church, thus inspiring it in the most basic sense; the Holy Spirit also empowers the church for mission. In this passage, the Johannine parallel to Luke's Pentecost event, which unlike the Pentecost event described in Acts 2, specifically includes

Jesus giving the disciples a missionary charge before he breathes[9] on (or into) them the Holy Spirit: "As the Father has sent me, so I send you" (John 20:21), which he goes on to describe in terms of the forgiveness of sins. The Spirit, whom Jesus breathed onto his disciples to bring them peace, will also empower and send them to forgive sins in his name.

The idea of a "Spirit-breathed church" no doubt will make some Lutherans nervous. When Lutherans talk about the church, our point of departure tends to be the second, rather than the third, article of the ecumenical creeds. A Lutheran understanding of the church usually begins with the Word of God, Jesus Christ, who comes to us through the proclamation of the gospel in Word and sacrament. This approach emphasizes God as outside of us, the gospel as gift, as something given to us, something we receive. We are passive hearers of the gospel, the church is not something we "create" by our good works; rather, our good works are done in response to the gift of the gospel that has been proclaimed in the pulpit and with visible words of the altar. The church is, as Luther wrote, "a creature of the Word," or a "creature of the gospel." The church is created by God's action on and in us. The church is created so that we have a place and a people among which we may hear the good news and be comforted by it.

This definition was forged against the medieval Roman Catholic understanding of the church in Luther's day, which emphasized the church's institutional and hierarchical aspects. The church was a politically powerful entity which shared in the rule of Christendom but which, the Reformers pointed out, had forgotten its true purpose, which was to comfort people with the promise of the gospel. Luther reclaimed a view of the church that put the hearing of the gospel at the center. As he wrote in the *Smalcald Articles*, "God be praised, a seven-year-old child knows what the church is: holy believers and 'the little sheep who hear the voice of their shepherd.'"[10] He liked to call the church a "mouth-house" (rather than a "pen-house"), where the good news of justification by grace through faith is verbally proclaimed and heard.

A Lutheran ecclesiology that "starts with the Spirit" will affirm that the Spirit works through the proclaimed Word, the gospel, and the "visible Word" of the Sacraments. According to Regin Prenter, Luther understood the role of the Holy Spirit as bestowing Christ on us through the Word; it is only in this moment that the Word becomes "God's living Word."[11] The Holy Spirit also effects faith in those who hear the Word, as Article 5 of the *Augsburg Confession* states: "To obtain such faith, God instituted the office of ministry, that is, provided the Gospel and the Sacraments. Through these, as through means, He gives the Holy Spirit, who works faith, when, and where he pleases, in those who hear the gospel."[12] Luther himself called the church a "creature

of the Word," or a "creature of the gospel." He explains in his 1523 treatise, "Concerning Ministry:" "Since the Church owes its birth to the Word, is nourished, aided and strengthened by it, it is obvious that it cannot be without the Word. If it is without the Word it ceases to be a Church."[13]

While I affirm this classic Lutheran grounding of the church in the Word, there are a couple of ways that a Word-ecclesiology can be limiting for considering what it means to be a "transformed church." First, this definition focuses more on the "word" part of the definition, and less on the "creature" part. The transformation of the church comes from the Word proclaimed, but how does this transformation happen and what does it look like in the community that is created by the Word and Spirit? Second, this view of the church can be (and has been) interpreted in individualistic terms; the church is the gathering in which individuals encounter God's grace in Jesus Christ in Word and sacrament, and where their afflicted consciences are comforted by that free gift of grace given in Jesus Christ, which they receive by the gift of faith.[14]

Yet the church is more than a collection of individuals who have faith in the promise of the gospel. In Luther's words, a "holy community" or "holy Christian people" is also created. With Luther, we affirm that it is the work of the Holy Spirit to make the Word a "living Word" and to bring an individual to faith. Many Lutherans can recite this passage from the Small Catechism: "I believe that by my own understanding or strength I cannot believe in Jesus Christ or come to him, but instead the Holy Spirit has called me through the gospel, enlightened me with his gifts, made me holy and kept me in the true faith."[15] In the very next sentence, however, Luther goes on to describe how the Holy Spirit creates a community by these same means in which the gift of forgiveness and new life are lived out and shared. Luther fleshes out the ecclesiological work of the Holy Spirit in a more robust way in his explanation of the Third Article of the Creed in the *Large Catechism*. This holy community is also called together "by the Holy Spirit in one faith, mind, and understanding. It possesses a variety of gifts, and yet it is united in love without sect or schism."[16] Believers are brought into relationship with God in Christ through faith while simultaneously being incorporated into the holy community as "a part and member, a participant and co-partner in all the blessings it possesses."[17] The primary blessing that believers receive in the holy community is the daily forgiveness of sins, offered through Word and Sacrament, a blessing that is experienced vertically (from God) as well as horizontally (with other believers). As Luther writes, the Christian experiences new life as "full forgiveness of sins, both in that God forgives us *and that we forgive, bear with, and aid one another.*"[18] Luther affirms the work of the Spirit not only in bringing

individual believers to faith, but empowering the lived-out reality of forgiveness of sins and transformed relationships.

A Lutheran ecclesiology that "starts with Spirit" is not only grounded in the Word and Sacrament, it is also fully Trinitarian. In this regard, I follow Lutheran theologian Edmund Schlink who stated that "Ecclesiology must be taken as a whole and expounded and developed in a Trinitarian way; and in this we should not forget that in the primitive Confessions [the creeds] the articles concerning the Church are directly connected with the articles on the Holy Ghost. This suggests that, within a Trinitarian context, one should expound the doctrine of the church as the [proper work] of the Holy Ghost."[19]

If we begin our reflections on ecclesiology in a Trinitarian way by considering the "proper work of the Holy Spirit," we begin with God's *ad extra* movement in the world, in the economy of salvation. In Luther's own teaching on the Trinity, Luther also begins "with the Spirit," in what Timothy Wengert calls Luther's "reverse Trinity." Wengert writes, "Because the Holy Spirit makes us believers, it stands to reason that we experience the Trinity backward – that is, only when we believe in Christ (the work of the Holy Spirit who does not indulge in self-revelation but in revealing the Son) do we pierce God's judgment and arrive at mercy."[20] For the individual believer, the Spirit makes known to us the Son, who reveals to us the heart of the Father. For the church as God's people, the body of Christ, the Spirit not only makes known to us the Son, but also empowers us to be witnesses to the promise of the resurrection available in his name.

Roman Catholic missiologist Stephen Bevans in a similar, but more expansive, way has proposed that we consider the Holy Spirit as "God inside out." Keeping in mind "Rahner's rule" regarding the Trinity, Bevans posits that "*God's* 'inside,' i.e., God's mystery, can only be known from God's 'outside,' i.e., God's movement to creation in Mission." He adds, "This movement is accomplished in the first place through the action of the Holy Spirit. God's deepest nature, in other words, is discerned not by focusing on God's inner Trinitarian, communal life, but on God's 'ec-centric,' 'centrifugal' reaching out to the world in love."[21] In other words, God first reaches out to the world – and each one of us – by the activity of the Holy Spirit. As Bevans writes,"The Spirit is divine mystery sent from 'inside' to be that mystery fully present and active 'outside' – in the world, in human history, in human experience: the Spirit is God Inside Out."[22]

I have suggested that an ecclesiology that "starts with the Spirit" might take as its foundation and framework the Pentecost event in the Acts of the Apostles and the subsequent narrative. Scholars debate regarding what event in Scripture constitutes the church's "origin." Does the church originate

in the Garden of Eden, as some of Luther's commentary writings seem to suggest? Or when Abraham first received the promise? Or when the first disciples were called, or at the cross, when the beloved disciple and Mary were made into a new family by Jesus? Or on the Day of Pentecost when the disciples received "power from on high?" All of these events in Scripture can be understood in different ways as constituting the origin of the church. Being the church does involve receiving God's promise, it does involve discipleship, following Jesus; it does involve becoming part of a community wherein we belong to one another. But I argue that it also – and especially – involves the wind of the Holy Spirit and the transformation that only the Spirit can bring. While the church's story is related to and rooted in the story of Israel and Jesus, *its particular identity and mission* only becomes clear after the resurrection and with the coming of the Holy Spirit.

The Pentecost event as described in Acts 2 is the moment in the biblical narrative when the church clearly receives its identity as a Spirit-breathed community that is called not only to follow Jesus, to be community together, but to witness to the power of God in Jesus Christ "to the ends of the earth." The first disciples receive "power from on high" that enables them to share in a true *koinonia* with Christ and each other, having "all things in common" (Acts 2:42), and to become "witnesses of these things" (Acts 1:18), being enabled by the Holy Spirit to speak boldly of the promise of new life in Jesus' name. The church is empowered to be the church because the Holy Spirit fell on those first disciples in that upper room, and because the very same Holy Spirit continues to fall on and blow through the church today.

The Double-Movement of the Spirit

In his later theology, Edmund Schlink speaks of the "double-movement" of the Holy Spirit which both calls or gathers the church, and also sends this same prophetic, priestly, and kingly people *into* the world. "In this double movement of those being called and those being sent by God, the church exists," and, in-between these movements, the church has its life as the worshipping assembly.[23] I would suggest that transformation happens in both movements. Lutherans readily affirm that the Holy Spirit calls and gathers us to receive faith and new life given through Word and Sacrament, as the church gathers for worship. Might we use the word "transformation" to describe this first movement, as we are brought from unfaith to faith, from death to life? Is this not a transformation made possible by the Holy Spirit? Last year on my sabbatical, I frequently worshipped at the Vineyard Christian Fellowship and in Pentecostal congregations. One of the most

instructive things about that experience was the clearly articulated expectation that God would "show up" and lives would be transformed. Worship was an event for them; God's presence was felt and experienced in powerful ways. This happened first in the music and praise of God – which often elicited cries of joy and tears. It also happened in the time of "ministry," when members would come forward to receive prayers for healing, empowerment, and other needs.

As we have already noted, for Lutherans, God "shows up" in the Word and the Sacraments to bring transformation to individuals and the church. Although we may not experience worship in the same emotional way that Vineyard and Pentecostals do, we nonetheless affirm that God "shows up" at our worship. Christ is present in the gathered assembly in order to forgive us and transform us by the gift of new life given in Word, water, bread, and wine.

So far we have spoken of the result of this first "movement" in terms of justification and the gift of faith, as well as in the creation of the new community of justified believers. In the individual, the Spirit also brings about a "new birth" along with our justification, whereby we are given new "spiritual impulses to love God and neighbor, as Melanchthon writes in the *Apology of the Augsburg Confession* (article 4).[24] The Holy Spirit is poured anew into our hearts as a result of our justification, in order to be regenerated, transformed, and made new.[25] The *Formula of Concord* goes on to affirm that the Holy Spirit has been given to those who have been pronounced righteous, in order to renew and sanctify them, creating in them love toward God and the neighbor, and enabling them to respond in righteous living. The *Formula* describes this process in transformational language:

> The Holy Spirit effects new birth and the inner reception of another heart, mind, and disposition. He opens the mind and the heart so that they understand Scripture and are attentive to the Word. . . He is a Spirit 'of rebirth and renewal' (Titus 3:[5]). He takes away our hard and stony hearts and replaces them with new, soft hearts of flesh, that we may walk in his commands (Ezek 11:[19], et al).[26]

We are transformed through the gift of faith and the new birth not only as individuals, but also corporately, as a community. As we have seen, Luther speaks of the "holy people" that is created by the new life given in Christ through the Holy Spirit, and describes how this spiritual community is transformed by the promise of the forgiveness of sins that becomes part of our life together, our *koinonia* – as "we forgive, bear with, and aid one another."[27] We are transformed by the fruit that grows in and among us as Christ's body and by the gifts of the Spirit that build up the body of Christ

for ministry, as Luther writes: the holy community "possesses a variety of gifts, and yet is united in love without sect or schism." It grows daily and becomes "strong in the faith and in its fruits," which the Spirit produces.[28]

Transformation also happens in the second movement of the Spirit, as we are sent out from worship into the world to be agents of God's transforming power wherever we go. At the end of Luther's *Large Catechism,* he speaks of the church in missional terms (though of course this is not language he himself used), because God still has more forgiving to do. Luther writes, "The Holy Spirit continues his work without ceasing until the last day, and *for this purpose he has appointed a community on earth, through which he speaks and does all of his work.* For he has not yet gathered together all of this Christian community, nor has he completed the granting of forgiveness."[29] This is why God needs the church, and why God sends the church.

Lutherans historically have been better at emphasizing the first movement of the Spirit (being gathered) than the second movement of the Spirit (being sent out). The term "missional" as a description for the "sending out" of the church has become very popular these days, but it can often be misunderstood. As Darrell Guder stresses, mission is "the result of God's initiative, rooted in God's purposes to restore and heal creation. 'Mission' means 'sending' and it is the central biblical theme describing the purpose of God's action in human history."[30] Mission is not a program or a strategy for outreach; it is not something that the church voluntarily does. It is something that God is doing that becomes part of the church's own nature as God calls the church into being and life through the Spirit. In other words, mission is not primarily an activity or even a purpose of the church; rather, mission is central to the church's identity and nature. The Bible reveals a God who is by nature "missional," a God who could not send God's own self into the world, to share the love within God's own being. God the Father sent the Son into the world, God's love incarnate, enfleshed, and when the Son was raised from the dead, the Holy Spirit was sent into the world, as Jesus promised, to be another "*paraklete*" (John 14:16), one who advocates, walks alongside of, or as we might say, echoing current ELCA mission terminology, "accompanies." This same triune God – Father, Son and Holy Spirit – has sent the church into the world – to be Christ's body, to be the temple of the Holy Spirit, the means through which the world might know and experience the love God has for all people. The mission is God's, not ours; we as the church are invited into this movement of outward love and healing, the in-breaking of the kingdom, that God is "up to" in the world. Or as the catchphrase, most often attributed to Rowan Williams, puts it, "It is not that the church has a mission. God's mission has a church."

We as God's "holy community" are invited into the mission of God; we are transformed by the Holy Spirit as individuals and communities to incarnate the love of God so that we might be agents of transformation for a sinful, broken world. The church is Christ's body in the world, God's hands and feet, sent and empowered by the Holy Spirit to bear the love of God to our neighborhood and to the world. Being a "missional church" means to be a church that understands and lives into the second movement of the Spirit: the knowledge that we cannot keep God's love to ourselves. As we inhale the breath of God's Spirit through the means of Word and Sacrament, which transforms us, we must exhale it as well – so that we might be agents and not only recipients of the Spirit's transformation. The *ruach* or wind of God that gathers us, also sends out us, moving us into places and to meet people we otherwise would not meet, to bring the message of God's love to a world that is hurting, God's promise of new life to places that are dying. To go to the margins, to the edges, and bear the gospel in word and deed, sometimes by just by being present in the midst of suffering and offering a word of peace and hope in Christ's name.

Acts as a Template for the Church Today

While Lutherans will always ground our understanding of the church in the event of Word and Sacrament, I have proposed elsewhere that we expand our thinking about the church by engaging two other Trinitarian approaches to ecclesiology, the mission of God (discussed above), and the church as *koinonia* or communion (from the Latin).[31] *Koinonia* is a wonderfully rich Greek work that has layers of meanings: it means a common participation or a partaking in something, and it also means the fellowship or community that happens as a result of that participation. The idea of the church as a "communion" has been a major theme in Catholic and ecumenical circles for the last several decades, but it has scriptural roots, especially in Luke-Acts (e.g., Acts 2:42) and Paul, who connects *koinonia* to the Holy Spirit (2 Cor 13:14). As a gift of the Spirit, communion is something we live into, not something we create. God is the agent of our communion together, particularly through the meal of Holy Communion, which unites the body of Christ and strengthens it for its work. This is a communion called to be in mission; the communion that we share with and in Christ, and through Christ, each other – is to be extended to the world. As the church, we are a communion formed by the Word and Sacrament, and a communion that opens out in the world in mission.

One way to explore an ecclesiology that "starts with the Spirit" and which draws the theological resources of Word, *koinonia*, and mission, is to

read the Acts of the Apostles as a template for what it means to be a "church transformed," or a Spirit-breathed community. Acts offers us the story of a people who are called into communion and mission by the proclamation and power of the death and resurrection of Jesus Christ. Although Acts has begun to appear in resources for the "missional church,"[32] Lutherans tend to shy away from it because of its association with Pentecostal theology and the church growth movement. I suggest that if one reads Acts as a narrative of the church – and if one looks at the Holy Spirit as the primary character driving the narrative – much can be learned. The narrative sketches out an identity and purpose for "church transformed" not only for the first century, but for today. As I explore the narrative of Acts through the framework of these theological starting points, I will refer also to the four "marks" of the church as given in the Nicene Creed as attributes of the Spirit-breathed church for today. While these cannot serve as "marks" of the church in any determinative sense for Lutherans, in the way that the Word rightly proclaimed and the Sacraments rightly administered do, they can help us reflect on who the church is called to be, particularly as dimensions of the Spirit's activity in our midst.[33]

The Spirit and the Word of Promise in Acts

Acts 2:1-11 describes the coming of the Holy Spirit as a violent and loud wind (*pneuma*) that filled the house, and as tongues of fire that rested on those present. The coming of the Spirit enabled believers both to speak and hear in different languages, understood as an eschatological event by Peter, who cites Joel 3:1-5 in his sermon following the outpouring of the Spirit. Those gathered are endowed by the Spirit with the ability to speak prophetically, in a way that enables understanding and unity. In Peter's interpretation of this event, he understands the work of the Spirit not only in terms of empowering prophetic speech, but also cleansing hearts and bringing new life through the forgiveness of sins in Jesus' name (Acts 2:28-39; 5:31-32; 10:43; 11:18; 15:7-9). In this eschatological outpouring of the Holy Spirit in Acts 2, the Holy Spirit acts to renew the disciples even as the Spirit empowers them to speak the prophetic word about Jesus boldly – even and especially in the face of persecution (Acts 4:31).

Luke offers a distinctive understanding of the Spirit as the one who empowers the disciples not simply to speak prophetically, but very specifically to witness to the suffering, death, and resurrection of Jesus and to preach the forgiveness of sins in his name. For example, when Peter begins to preach in the midst of "prophesying" that erupts when the Spirit is outpoured (Acts 2:14-36), he explicitly links the gift of the Holy Spirit with forgiveness in

Jesus' name. Peter interprets the events of Jesus' death and resurrection later in Acts 5:31-32 as the means by which God "might give repentance to Israel and the forgiveness of sins." He then says, "We are witnesses to these things" – along with the Holy Spirit – who is named alongside of the disciples in very personal terms as a co-witness. "These things" to which the disciples are called to witness are the death of Jesus Christ and the gift of forgiveness in Jesus' name (Luke 24:47; Acts 13:38). The "mission field" into which the disciples are called to proclaim this Word is no less than "all nations," beginning in Jerusalem. The first "role" that the character of the Holy Spirit plays in the Acts of the Apostles, then, is as one who is poured out upon the disciples in order to grant forgiveness of sins and renewal of life, and to enable the proclamation of that gift and promise to others (Acts 2:43).

In this part of the Acts narrative, we can see both the creedal attributes to be "apostolic," that is, to be sent out to be witnesses with the gospel as the first disciples were, and the attribute of "holiness," if we interpret it in terms of forgiveness, as Luther does in the Apostles Creed, and not in terms of moral purity or turpitude. As Luther explains, holiness is the result of the Holy Spirit working in and through the church to reconcile and heal with the forgiveness of sins given through Jesus Christ. For Luther, the "full forgiveness of sins" includes a horizontal as well as a vertical dimension: it means both that "God forgives us *and* that we forgive, bear with and aid one another."[34] Being holy means learning to live by the power of forgiveness in its own relationships – even if imperfectly.

Too often the church's proclamation of the forgiveness of sins is hindered by its difficulty in living out that gift in its own life. Many spiritual seekers claim that they want what the gospel promises and what the church purports to offer in its living out of that gospel – authentic community, healing, and reconciliation – but often, when they walk into the typical mainline congregation, they find instead a social club where members argue about unimportant things, and hold grudges and carry resentments.

When I was serving as a pastor, I met a number of people who had left our congregation because of a conflict that festered into resentment or turned into an outright fight. Feelings were hurt, grudges were held, people gossiped, and reconciliation was never broached or attempted. In other words, no one acted like they had any clue how to live as a forgiven and forgiving people.

You may recall a story that made the news back in 2006. A severely disturbed man walked into a schoolhouse and opened fire on students and teachers alike, killing five girls and severely injuring five others before turning the gun on himself. What made the story especially newsworthy was not the act of violence itself, since sadly, this seems to be a more and more

common occurrence. It was rather the reaction of the community in which it happened: the Amish community of Nickel Mines, Pennsylvania. Their response of forgiveness in the face of a horrible act of violence against their community, which left five dead and as many severely injured, stunned the American public as well as many in our own pews.[35] They did not just speak words of forgiveness; they embraced with sympathy the family of the disturbed man who was responsible, and even attended his funeral days after burying their own children.

I do not know if the media covered this story because it involved the Amish or because what they did was unfathomable and therefore striking to the American population. It is important to remember that their witness was possible not because they are Amish, but because they are Christian. The same Holy Spirit that empowered their ability to forgive blows on all of God's people, enabling us all to reflect the power of resurrection and new life in our lives, embodying forgiveness and reconciliation in its *koinonia*, and sharing it in and with the world. If we in the church allowed the Spirit to bring reconciliation in and through us, as God's people, perhaps this kind of event could become more common, and could be a true witness to the power of the gospel to heal and forgive.

The Spirit and Koinonia in Acts

The Spirit also draws those who have been renewed by the Holy Spirit deeply into communion with God and each other. Immediately following the outpouring of the Spirit and Peter's sermon, we read that the new believers "devoted themselves to the apostles' teaching and fellowship [*koinonia*], to the breaking of bread and the prayers" (Acts 2:42). Paul specifically describes *koinonia* as a gift of the Spirit (2 Cor 13:14), but it is used in the New Testament less as a synonym for church than as a description of its character or way of being in the world. According to John Reumann, *koinonia* refers "to that which believers are called, namely, fellowship with Christ and the Spirit, participating in the blessings of Jesus' death and being a part of Christ's body, through faith, with responsibilities for mission, care of the saints locally and in Jerusalem, and hospitality and benevolence."[36]

Luke's portrayal in Acts 2:44-47 echoes this way of life, albeit in somewhat idealistic terms, describing the community in terms of intimacy and generosity, and willingness to share all things in common with a specific concern for the needy among them and for the goodwill of all people (Acts 2:44-47). Luke does not repeat the term *koinonia* in his second description of early church (Acts 4:32-37), but his description of the believers as being of "one heart and soul" and their shared common life strongly echoes Acts 2:42-47.

In the Acts narrative, the Spirit is at work to create fellowship and growth (Acts 2:47), and also to convict members who do not make *koinonia* a priority but instead let their sin and greed reign, as is seen in the story of Ananias and Sapphira (Acts 5:1-11). With the description of community-life in Acts 4:32-35 as the immediate context for this episode, their attempt to "lie to" or "tempt" the Spirit can only mean to resist the renewing power of the Spirit to create *koinonia*. As Luke T. Johnson writes of this disturbing episode:

> The community was constituted as "one mind and heart" by the Spirit of God. It was the Spirit that led them to call nothing their own and share all their possessions. But this couple "falsified the Spirit" in the first place by their breaking the unanimity of intention; they "colluded" in their action. They were hoping that by counterfeiting the gesture, they could both partake of the community life and "hold back something of their own"…. The couple's biggest mistake was thinking that they were dealing with simply another human gathering.[37]

The Spirit, who is described in very personal terms here (as someone who can be lied to and tested), not only creates *koinonia* among believers, but also convicts those who are not living according to it, which brings to mind the evangelist John's language of the Spirit as the one who would "convict the world of its sin" (John 16:8). In other words, this is not an idealized divine community, but one where sin is clearly judged and dealt with, if rather brutally in this case.

Luke often refers to the church as "the Way" (Acts 9:2; 18:25-26; 19:9, 23; 24:14, 22). Douglas John Hall has interpreted this in terms of movement, as a "pilgrim people on the move." However, in light of the above, it makes more sense to understand this as "way of life," or "way of being." People of "the Way" are those filled with and led by the Spirit to live a particular "way," that is, the way of new life in Jesus' name. The above cited Scripture references support this view, as believers are said to "belong to the Way" (Acts 9:2) and be "instructed in the Way" (Acts 18:25); there is an appropriate way to worship, "according to the Way" (Acts 24:14). The outpouring or breathing-out of the Spirit creates and forms a community that is called and enabled by that same Spirit to belong to "the Way," who live by repentance and forgiveness, and in a *koinonia* of sharing with God and one another. The Holy Spirit orients the community toward this promise of a renewed life in themselves as well as toward "the other," those with whom the promise is to be shared.

The creedal attribute of the church reflected here, is of course, unity, the call to the church to be "one." In John 17, Jesus prays for his disciples'

unity so that the world may believe. The lack of visible unity among church bodies today continues to be a serious hindrance to the church's mission as a Spirit-breathed people. This is not true within the body of Christ, in terms of the differences that continue to divide Christians and in many cases make it difficult for us to work together serving the needs of the world, but also "from without," that is, in terms of how our continued fracturing provides a negative witness to those outside of the church, who see the divisions and want no part of it.

Like *koinonia*, unity is also a gift of the Spirit and Christians affirm a spiritual unity with other Christians in Christ through "one faith and one baptism." However, the healing of historic divisions in the church allows the church to experience and live out this gift of unity in deeper and more varied ways in order to be a more effective witness in the world. The work of ecumenism does not create unity; rather, it gives visible expression to the spiritual unity that already exists in the one body of Christ. While our ecumenical efforts will not create *koinonia* or unity in the church, we are called to live in openness to it, to live according to it. This means listening to, and opening ourselves up to, the leading of the Holy Spirit. Before the description of the *koinonia* of the early Christians in Acts 2:42, Luke tells us that they prayed, worshipped, opened the Scriptures, and broke bread (had eucharist) together. In other words, they availed themselves of the means of grace so that the Holy Spirit could work through them to strengthen them in their *koinonia.*

At the same time, this *koinonia* does not mean the absence of conflict and disagreement. In order to more visibly express and manifest the unity that only the Spirit can give, a Spirit-breathed church needs to be bold in addressing those theological differences that have historically divided Christian denominations as well as those issues that continue to divide Christians further within and between denominations (e.g., sexuality, biblical interpretation). A Spirit-breathed church will also not be afraid to address other divisions in and across the church, the ways that intentionally, or not, American Christians continue to segregate themselves by race and class and other "isms."

The Holy Spirit and the Missio Dei in Acts

The Acts of the Apostles narrates the expansion of this *koinonia* geographically (beginning from Jerusalem, then Judea and Samaria – and the ends of the earth), numerically (as thousands are added to their numbers), and ethnically (to Samaritans, Gentiles, etc.). The Holy Spirit is the primary missionary in this expansion, or "the mission director."[38] Even though disciples are charged by Jesus to be "his witnesses" in Luke 24:47 and Acts 1:8,

they are not "sent out" in the same way as in the other gospels (Matt 28:18-20; John 20:21). Indeed, "the only sending mentioned [in Luke-Acts] is that of the promised Spirit."[39] The Son sends the Holy Spirit as "power from on high" to direct the disciples in their witness (and redirect them when they are unwilling) so as to expand the people to God to include all nations. The Spirit frequently moves them out of their comfort zones, driving them across ethnic and other boundaries so that all may know the power of Jesus' resurrection to bring forgiveness and new life. The Holy Spirit directs them in the mission of God by speaking to, guiding, making decisions for and with the apostles (e.g., Acts 13:2, 4; 6:6-7), and serving as a witness alongside of them (Acts 5:32).

Three subsequent "fallings" of the Spirit serve as major narrative turning points in this geographic, numeric, and ethnic expansion of the people of God: on the Samaritans (Acts 8); on the Gentiles (Acts 10-11, which is later referred to in Acts 15); and finally on the Ephesian "disciples" (Acts 19). By showing how the Spirit falls on them in the same way as those gathered at Pentecost, Luke is indicating that the mission of God means the expansion of the eschatological people of God by the movement of the Spirit across seemingly impenetrable boundaries, so that others may be included in the promise given to Abraham's children.

The first group to be included in this expansion are the Samaritans (Acts 8:14-17). Samaria is one of the geographical markers mentioned in Jesus' mission "charge" to the Twelve just before his ascension (Acts 1:8), but the Samaritans have a larger, symbolic role in Israel's history, viewed as they were by Israel as "half-breeds" who worshipped the same God but on the wrong mountain; not exactly "other" but not exactly part of Israel either. At best, they are the "lost sheep of Israel." Because "there is a theological imperative to show signs of the healing of the old division of Israel," and thus bring restoration to Israel, this episode serves as "a stepping stone to the Gentile mission."[40]

As a template of the Spirit's transforming work in the church today, this episode invites us to consider what "close relationships" between (and within) our denominations need to be healed by the Spirit in order to strengthen the church's witness to the world. One aspect of the Spirit's transforming, missional work is to heal divisions within the family of faith: in the case of the Acts narrative, the "old division" between Israel and Samaria, and in the case of the church today, divisions between historic denominations and new divisions over issues such as sexuality and biblical interpretation. We have already noted that the church's witness to the world can be hampered by how its members live with and treat one another. The divisions that remain in the church today will remain obstacles to our witness, if we resist the Spirit's work to heal them.

This episode is followed by the story of the Ethiopian eunuch's conversion and baptism by Philip, which warrants a brief mention as it includes two references to the Spirit explicitly directing the mission of the church. Philip is first instructed to go to Gaza by an angel, but then the Spirit speaks directly to Philip, redirecting him to a chariot, where he will find a court official of Candace, queen of the Ethiopians, who is reading from the prophet Isaiah (Acts 8:28-29). The Ethiopian eunuch is an "other" to Israel ethnically and sexually. Ethnically, he is not a Jew but a foreigner, but even though he is a proselyte, he can never fully become a Jew because as a eunuch he cannot participate in the life of the Temple (Lev 21:20; Deut 23:1). This episode is suggestive of the wider boundaries that the Spirit will cross in service to the mission of God in order to bring all people – including sexual minorities – into the eschatological people of God.

The next – and most significant – "turning point" is Luke's narration of the conversion of the house of Cornelius in Acts 10-11, followed in Acts 15, by its interpretation by Peter and James at the Council of Jerusalem. Luke clearly intends that the outpouring of the Spirit on the Gentiles be understood as a sign of their inclusion into God's eschatological people: "And I remembered the word of the Lord, how he said, 'John baptized with water, but you shall be baptized with the Holy Spirit. If then, God gave the same gift to them as he gave to us when we believed in the Lord Jesus Christ, who was I that I could withstand God?" (Acts 11:17).[41]

In the previous episode featuring the Samaritans, the Holy Spirit does not come upon the Gentiles indirectly, through the laying on of hands by the apostles, but directly, by interrupting Peter's sermon in order to make a "witness" to those present that God no longer makes a distinction between peoples. The Spirit acts directly at other points in this episode as well; for example, when the Spirit twice gives explicit directions to Peter (Acts 10:19; 11:14), as part of the "the lengths God went to overcome the reluctance of Jewish Christians to preach the word to Gentiles."[42] As mission director, the Spirit directs even those who are unwilling to participate in God's mission.

The "Judaizers" in the crowd are "amazed" that "the gift of the Holy Spirit had been poured out even on the Gentiles" (Acts 10:45), because, until now, the Spirit belonged only to Israel, and was a sign of Israel's election and restoration by God. Now the Gentiles have received "repentance unto life" (Acts 11:18), as they speak in tongues and extol God, in response to the gift of new life they have received from God. At the council of Jerusalem (Acts 15), which determined that Gentiles could become part of God's people on the basis of the Spirit's reception alone (that is, without first becoming Jews), James invokes the Holy Spirit as support for the council's decree on how Jewish and Gentile Christians now ought to live together: "It seemed good to the Holy Spirit and to us to impose on you no further burdens than these essentials" (Acts 15:28).

As a template for the church's mission today, the Gentile episode in Acts teaches us that the Spirit's mission is one of radical inclusion of the "the other," especially those who are racially and ethnically "other." Missionally, it challenges the parochial nature of many congregations, not to mention denominations, in terms of ethnic identity. In spite of attempts to become a multicultural church, the Evangelical Lutheran Church in America remains a mostly white (97%) and middle-class denomination in the U.S.

The third and final "falling" episode occurs in Acts 19:1-7, upon a group of "disciples" at Ephesus who had "never heard of the Holy Spirit." In most cases in the New Testament, the term "disciples" refers to Christians; here it refers instead to John the Baptist's disciples, who were baptized with his water baptism (Acts 19:3). It seems anti-climactic to include this episode, especially after the incorporation of the Gentiles into the people of God, and scholars debate what Luke's intention might have been in narrating it. For our purposes, we might ponder what this group might signify for the narrative of the church's mission today.

If the previous "fallings" had to do with those who were religiously or ethnically "other" than the Jews, these disciples were "other" in that they were still waiting for the promise of salvation to come to them. Today we might call these people "seekers," those who desire to know God and who are interested in practicing a spiritual life. However, many of these spiritual seekers are looking elsewhere, because, as Diana Butler Bass argues in her book, *Christianity after Religion*, they are not finding the authentic community they seek in traditional congregations.[43] Reggie McNeal suggests that this is because most mainline churches are more secular than the culture that surrounds them: "The problem is that when people come to church, expecting to find God, they often encounter a religious club holding a meeting where God is conspicuously absent."[44]

The expansion of the eschatological people of God in Acts clearly shows its apostolicity, in terms of the church's being sent to participate in God's mission, but also its catholicity. The word "catholic" in the original Greek is *kata holon*, which means "according to or appropriate to the whole." Instead of simply identifying this Spirit-breathed attribute of the church with the universal scope of the apostolic mission (although it includes that), one might say with Darrell Guder that "the catholicity of the church is demonstrated in all the ways that the church at every level witnesses to the one gospel that draws all people to Christ."[45] In other words, this attribute is qualitative as well as quantitative. A "catholic" church is one that allows itself to be blown and carried by the Spirit beyond the limits of particularity in order to embrace the

world in all of its rich diversity – as the church in the Book of Acts did. It is the ecclesiastical word for what is meant by "inclusive." As a catholic community, the church is called to be all-embracing in how *and to whom* it reaches out in mission, reflecting the fullness of Christ and the universal redemption available through his life, death, and resurrection.

Such a catholic identity suggests the need to call into question the self-interests of members and groups within the church at every level. For the ELCA and other mainline churches in North America, this includes rejecting all attempts to define their own cultural tradition or theology as normative for the global church. In order to be more a fully catholic, transforming church, white Lutherans and other mainline Christians in the U.S. need to address our tendencies toward racial, ethnic, and classist parochialism. We also need more honesty in acknowledging the racist heritage of our country, including the legacy and continuing impact of slavery and Jim Crow, the illegal and violent taking of Native American lands, and unfair government housing policies and immigration practices,[46] and the benefits that come with "white privilege."[47] The church has a unique opportunity to participate in God's mission as "ambassadors" of reconciliation (2 Cor 5:20), but not without first helping Americans uncover the "narrative of the lie" that has undergirded the history of racial discrimination and violence in our country.[48]

Conclusion

In conclusion, Acts narrates the story of the church as a Spirit-breathed people who are revitalized by the Spirit working in their lives individually and communally, so that they can be agents of God's transforming love to the world.

Notes

1 This essay is adapted from a presentation of the same name that was given during the 2014 Spring Academy Week at the Lutheran Theological Seminary at Gettysburg. I wish to thank Dr. Kristin Johnston Largen and the planning committee for the invitation to speak at this event, Dr. Robin Steinke for her thoughtful and probing response, and the audience for their questions. The essay has been revised with a number of their comments and questions in mind.

2 *Evangelical Lutheran Worship*, Pew Edition (Minneapolis: Augsburg Fortress, 2006) 73.

3 See http://www.elca.org/en/About/Synods/Directors-for-Evangelical-Mission

4 http://www.oxforddictionaries.com/us/definition/american_english/transform

5 Hephatha's story was highlighted as part of the ELCA's 25th Anniversary celebration in 2013 with a bulletin insert: http://download.elca.org/ELCA%20Resource%20Repository/030413_25_ASecondHome_Bulletin_Insert.pdf

6 See Luther's explanation of the Apostles' Creed in the "Large Catechism," in *The Book of Concord: The Confessions of the Evangelical Lutheran Church* (ed. Robert Kolb and Timothy J. Wengert; trans. Charles Arand, et al; Minneapolis: Fortress Press, 2000) 435-36. Hereafter, *BC*.

7 Cheryl M. Peterson, *Who is the Church? An Ecclesiology for the Twenty-First Century* (Minneapolis: Fortress Press, 2013) 8.

8 Based on 2 Tim 3:16, which is translated by the NRSV: "All scripture is inspired by God and is useful for teaching, for reproof, for correction, and for training in righteousness." The Greek word is θεόπνευστος (*theopneustos*), literally, "breathed out by God."

9 The Greek word is ἐνεφύσησεν (*enephuseisen*).

10 *BC*, 324.

11 Regin Prenter, *Spiritus Creator* (trans. John M. Jensen; Philadelphia: Muhlenberg, 1953) 106-107.

12 *BC*, 40, 41.

13 Martin Luther, *Concerning the Ministry, 1523*, LW 40:37. For more on the development of Luther's understanding of the church as a "creature of the Word," see Peterson, *Who is the Church?*, chap. 2.

14 For more on contemporary Word ecclesiologies, see Peterson, chap. 2.

15 *BC*, 355.

16 *BC*, 438.

17 *BC*, 438. Italics added.

18 *BC*, 438. Italics added.

19 Edmund Schlink, *The Coming Christ and the Coming Church* (trans. I. H. Neilson et al; Philadelphia: Fortress Press, 1968) 96.

20 Timothy J. Wengert, *Martin Luther's Catechisms: Forming the Faith* (Minneapolis: Fortress Press, 2009) 45. Wengert cites Luther's conclusion of his explanation of the Apostles Creed in the Large Catechism. See *BC,* 439-440.

21 Stephen Bevans, "God Inside Out: Notes toward a Missionary Theology of the Spirit," *International Bulletin of Missionary Research* 22 (1998) 102.

22 Ibid., 102.

23 Edmund Schlink, *Ökumenische Dogmatik: Grundzüge* (Göttingen: Vandenhoeck & Ruprecht, 1983) 566. Translation mine.

24 *BC*, 140.

25 It should be noted that the word "transformation" does not appear in the Book of Concord, though Philip Melanchthon frequently uses the related words "conversion" and "regeneration" in "Apology to the Augsburg Confession," Article 4.

26 *BC,* 549.26.

27 *BC,* 438. By now the reader will have assessed that I think this is an underappreciated resource for Lutheran ecclesiology.

28 *BC*, 438.

29 *BC,* 438. Emphasis added.

30 Darrell L. Guder, ed., *Missional Church: A Vision for the Sending of the Church in North America* (Grand Rapids: Eerdmans, 1998) 4.

31 See Peterson, *Who is the Church*?, especially chaps. 3 and 4.

32 For example, Anthony B. Robinson and Robert W. Wall, *Called to be Church: The Book of Acts for a New Day* (Grand Rapids: Eerdmans, 2006).

33 See Peterson, *Who is the Church*?, 131. The following is adapted from material in chaps. 5-6.
34 *BC*, 438. Emphasis added.
35 Charles Gibson, "Amish Say They 'Forgive' School Shooter," ABC News, October 3, 2006, http://abcnews.go.com/WNT/story?id=2523941&page=1
36 John Reumann, "*Koinonia* in Scripture: Survey of Biblical Texts," in *On the Way to Fuller Koinonia: Official Report of the Fifth World Conference on Faith and Order, Santiago de Compostela 1993*, *Faith and Order Paper No. 166* (ed. Thomas F. Best and Günther Gassmann; Geneva: WCC, 1993) 51.
37 Luke Timothy Johnson, *The Acts of the Apostles* (Sacra Pagina 5; ed. Daniel J. Harrington; Collegeville, MN: Liturgical Press, 1992) 92.
38 Ju Hur, *A Dynamic Reading of the Holy Spirit in Acts* (JSNTS 211; Sheffield: Sheffield Academic Press, 2001) 151-153.
39 Peter G. Bolt, "Mission and Witness," in *Witness to the Gospel: The Theology of Acts* (ed. Howard I. Marshall and David Peterson; Grand Rapids: Eerdmans, 1998) 197.
40 David Ravens, *Luke and the Restoration of Israel* (JSNTS 119; ed. Stanley E. Porter; Sheffield: Sheffield Academic Press, 1995) 97.
41 Peter reiterates this later at the council: "And God who knows the heart bore witness to them, giving them the Holy Spirit just as he did to us; and he made no distinction between us and them, but cleansed their hearts by faith" (Acts 15:8).
42 Brian S. Rosner, "The Progress of the Word," in *Witness to the Gospel: The Theology of Acts* (ed. I. Howard and David Peterson; Grand Rapids, MI: Eerdmans, 1998) 227.
43 Diana Butler Bass, *Christianity after Religion: The End of the Church and the Birth of a New Spiritual Awakening* (New York: HarperOne, 2012) 20–26.
44 Reggie McNeal, *The Present Future: Six Tough Questions for the Church* (San Francisco: Jossey-Bass, 2003) 59.
45 Guder, *Missional Church*, 257. See Guder's discussion in "The Nicene Marks in a Post-Christendom Church," unpublished paper, 27 December 2005; http://www.pcusa.org/oga/perspectives/oct06/nicene-marks.pdf
46 An excellent resource for beginning this work is the PBS series, "Race: The Power of an Illusion:" www.pbs.org/race
47 See Peggy McIntosh's 1988 essay, "Unpacking the Invisible Knapsack." A link to the original essay and an interview with McIntosh can be found at: http://m.colorlines.com/archives/2014/05/peggy_mcintosh_sets_record_straight_on_white_privilege.html
48 Robert J. Schreiter writes how violence is used to destroy the narratives that sustain a people's identity. "These might be called the narratives of the lie, precisely because they are intended to negate the truth of people's own narratives. . . . The negation is intended not only to destroy the narrative of the victim, but to pave the way for the oppressor's narrative." Schreiter, *Reconciliation: Mission and Ministry in a Changing Social Order* (Maryknoll, NY: Orbis, 1992) 34.

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Before the Rocks Can Cry Out: MLK, Jr. and the Urgency of Now 2014 Martin Luther King, Jr. Lecture

McKinley E. Melton

Growing up in the Southern Baptist Church tradition, I could not help but become familiar with certain biblical verses. Some were repeated often as centerpieces of the Sunday service. They were excerpted during altar calls, explicated during sermons, or sampled in the midst of the music that permeated the worship experience. Others found their way into my consciousness because they were the favored verses of my parents, aunts, uncles, and grandparents who had, it seemed to me at least, memorized *The Bible* in its entirety. I imagined they had done so for no other reason than to quote scripture at the precise moment when I needed encouragement, reprimand, or to crystallize some life lesson that I had perhaps been a little resistant to learn. The verses to which I tended to feel the greatest connection seemed designed purposefully with youth in mind. As such, "train up a child in the way he should go, and when he is old he shall not depart from it" (Prov 22:6) and "suffer the little children, and forbid them not, to come unto me; for of such is the kingdom of heaven" (Matt 19:14) became a part of my vocabulary. Much to my displeasure, so too did "spare the rod and spoil the child" (Prov 13:24). There was a certain logic to these verses, and they spoke to my own youthful experience in a way that simply made sense. As a result, they became a part of my reality and shaped the way that I came to see and, more importantly, to understand the world.

In this, I will admit to feeling a certain kinship with Rev. Dr. Martin Luther King, Jr., whose writings have simultaneously captivated me and set me free, as they have done for many who came before. This man, now recognized as an iconic figure in the struggle for Civil Rights was, at his heart, a preacher of the gospel. Known for his tireless championing of equality, we must remember that his oratorical skills were first shaped within the space of the Black Church. Biblical quotations, in combination with religious and cultural practices, served as his earliest rhetorical resources. Throughout his life, King merged biblical understanding with the struggle for social justice, which proved a tremendous strength in reaching his immediate audiences, communities who had been similarly immersed in biblical rhetoric. Like any preacher worth his or her salt, King empowered his audiences to understand biblical narrative better by drawing parallels to their own lived experience. Simultaneously, he utilized biblical text and divine mandates in order to inform his contemporaries' understanding of the world in which they lived.

On a personal level, King's work and writing proved particularly illuminating with regard to a particular biblical adage which once provided a great deal of confusion to my young mind. Often during the praise and worship portion of the church service, an enthusiastic deacon might shout: "God's been too good to me, I just can't keep it to myself." Then, upon encouraging the members of the congregation to stand to our feet, sharing in his praise and offering our own, he would add: "Praise his name! Don't let the rocks cry out in your place!" I found the statement utterly nonsensical, even after it was explained to me that God possessed power enough to make the rocks praise his name if his children were not up to the task. Being an intellectually curious child – some might even say precocious – I do not know that the answer I was given fully satisfied me. Indeed, it was much later that, through study and reflection, I came to understand a greater meaning behind this oft-repeated phrase heard in childhood.

Returning to this concept many years later allowed me to move beyond fantastical visions of all of creation breaking out into praise and worship while men and women sat idly by. Examining the verses in context yielded a fuller appreciation of the narrative, and a greater understanding of why the passage had come to possess such great resonance, beyond its evocative imagery. Perhaps more importantly, the biblical text now comes to possess even greater meaning when applied to the circumstances of our own modern history and to the contemporary moment, holding particular resonance as we take a moment to reflect collectively on the words and works of Rev. Dr. Martin Luther King, Jr. As we reflect on King's legacy this afternoon, let us consider how we too might put his work and biblical text in conversation with one another. How might a contemporary consideration of King's rhetoric alongside an examination of biblical narrative allow us to think about our own role in taking action before the rocks cry out?

To root our discussion within the biblical text, let us first recognize that the primary passage with which this adage is associated is Luke 19: 37-40, which focuses on Jesus' return to Jerusalem. He is riding on a colt, upon which his disciples have placed their clothing, while many others laid their own clothes down on the road before him:

> Then, as He was now drawing near the descent of the Mount of Olives, the whole multitude of the disciples began to rejoice and praise God with a loud voice for all the mighty works they had seen, saying: *"Blessed is the King who comes in the name of the Lord!* Peace in heaven and glory in the highest!" And some of the Pharisees called to Him from the crowd, "Teacher, rebuke Your disciples." But He answered and said to them, "I tell you that if these should keep silent, the stones would immediately cry out."[1]

Reviewing this popular refrain in its biblical context reveals that this was not, as I had been led to believe, a scene in which an ego-driven God was so in need of receiving glory that God threatened to supplant human praise with the animation of rocks. Rather, Jesus' response is to those ever-troublesome Pharisees, and to their desire to silence the celebration of the good works that he had done. Humankind, full of audacity and unmitigated gall, threatened to silence the praise of that which is for the glory of God. This could, in effect, cause the very ground to shake and shudder in recognition of God's awesome power.

As we review this scene in parallel to our consideration of Rev. Dr. Martin Luther King, Jr., it is key that we understand the exclamatory rocks as the potential result of a power struggle between the disciples who wish to praise God and the human leadership who wish to silence them. This biblical moment resonates powerfully with King when we recognize that this was a man who, at every turn, sought to celebrate and give praise to those things that glorified the God he so assiduously served. As we reflect on King's legacy, we might envision his life as being dedicated to such divinely ordained ideals as peace, justice, equality, and the brotherhood of humanity. King's celebration of the ideals he most associated with his God was likewise stymied and stifled by the powers-that-be, by the leadership of his own time. These leaders, like the Pharisees before them, imagined his very presence to be a threat to their authority and a disruption of their treasured status quo.

As strongly as this passage resonates with King's circumstances, Luke 19 is not the only place in which the spontaneous crying out of rocks is evoked. In many ways, an earlier reference within the book of Habakkuk is even more apropos. Here, the prophet directly implores God to explain

the injustice he has witnessed with the rise of the wicked within the city of Judah, a rise that came at the expense of the poor and the righteous. Habakkuk, in utter frustration, calls upon the Lord, saying, "O Lord, how long shall I cry, And You will not hear? … There is strife, and contention arises, Therefore the law is powerless, and Justice never goes forth" (Hab 1:2, 4). God, then, by way of the powerful reprimand that only God can deliver, in all of its Old Testament intensity, tells Habakkuk that the wicked will get what is coming to them. He speaks of "the violence of the land and the city, and of all who dwell in it. Woe to him who covets evil gain for his house, that he may set his nest on high, that he may be delivered from the power of disaster … *for the stone will cry out from the wall, and the beam from the timbers will answer it*. Woe to him who builds a town with bloodshed, Who establishes a city by iniquity!" (Hab 2:8-12).[2]

Within these passages, we get a much different image of the force that might compel the rocks to cry out. Here, the stones are subjected to pressures that are even more easily attributed to the doings of humankind. The stone cries out, only to be answered by beams of timber, which are equally a part of the crumbling construction of human beings. The edifice can no longer stand, as it was built on the bloodshed and broken backs of the righteous poor. Recognizing a parallel between this ill-fated city and an entire nation built on injustice, Rev. King tirelessly fought to hold this nation accountable for its generations of sins and misdeeds, and he similarly recognized that the societal structures that America had built could not withstand the pressures of inequality for long. King understood full well that the materials with which American society had built its metaphorical house were crying out for relief. Time had worn down the timbers of racial and economic injustice, and cracks were steadily appearing in the system of segregation, the cornerstone of the foundation that had sustained our society for so long.

As a political figure, King was fully aware of the imperatives of his time, yet he also understood the command of God as a minister and theologian, and felt called according to God's purpose. Indeed, much like the prophet Habakkuk before him, King was called to: "write the vision and make it plain" (Hab 2:2). In communicating that vision, as plainly yet vividly as he could, King encouraged his listeners – disciples as well as detractors – to imagine new possibilities for the world in which they lived. The choice that he and his countrymen faced was clear. Although the rocks were compelled to cry out for seemingly different reasons in Habbakuk and in Luke, the underlying cause was the same. Within Luke, the rocks would cry out through human inactivity, in the absence of their justifiable praise. Within Habbakuk, the rocks would cry out through human inactivity, in their failure to right their own unjust course. Likewise, in King's confrontation with injustice, the time

for complacency was coming to its close. Whether out of weakness and frustration at being forced to maintain an untenable system of inequality, or out of exuberant celebration that God's will had been done, it was inevitable: the rocks were *going* to cry out. The challenge for men and women, then, was to decide: on which side of history did they want to belong?

Central to King's clarion call was the sense of urgency with which he advocated for change. This urgency should not be confused with the impatience of Habakkuk, who called out for justice without understanding fully God's plan. This, in turn led Habakkuk to question whether God was even aware of his plight. Nor should this urgency be dismissed as impetuous and poorly conceived, which was a charge that King faced throughout his career. Perhaps in no place was this more famously addressed than in his 1963 "Letter from a Birmingham City Jail." The open letter is written largely in response to the charge of eight white Alabama clergymen, who suggest that the non-violent demonstrations spearheaded by King, and the Southern Christian Leadership Conference, were "unwise and untimely," even as they claimed to "recognize the natural impatience of people who feel that their hopes are slow in being realized."[3] In his brilliantly eloquent response, King writes:

> For years now I have heard the word "Wait!" It rings in the ear of every Negro with a piercing familiarity. This "Wait" has almost always meant "Never." It has been a tranquilizing thalidomide, relieving the emotional stress of a moment, only to give birth to an ill-formed infant of frustration. We must come to see with the distinguished jurist of yesterday that "justice too long delayed is justice denied." We have waited for more than 340 years for our constitutional and God-given rights … I guess it is easy for those who have never felt the stinging darts of segregation to say, "Wait." But when you have seen vicious mobs lynch your mothers and fathers at will and drown your sisters and brothers at whim; when you have seen hate-filled policemen curse, kick, brutalize and even kill your black brothers and sisters with impunity; when you see the vast majority of your twenty million Negro brothers smothering in an airtight cage of poverty in the midst of an affluent society; when you suddenly find your tongue twisted and your speech stammering as you seek to explain to your six-year-old daughter why she can't go to the public amusement park that has just been advertised on television, and see tears welling up in her eyes when she is told that Funtown is closed to colored children, and see ominous clouds of inferiority beginning to form in her little mental sky … when you are harried by day and haunted by night by the fact that you are a Negro, living constantly at tiptoe stance never quite knowing what to expect next, and plagued with inner fears and outer resentments; when you are forever fighting a degenerating sense of "nobodiness"; then you will understand why we find it difficult to wait. There comes a time when the cup of endurance runs over, and men are no longer willing to be plunged into an abyss of injustice where they experience the blackness of corroding despair. I hope, sirs, you can understand our legitimate and unavoidable impatience.[4]

Faced with the gentle rebuke of the Alabama clergymen, King boldly claims a moral authority. Quite similarly to the confrontation between Christ and the Pharisees who would see the disciples silenced, King refuses to stifle his efforts, reminding his audience that the urgency of the moment is not of his own creation. Rather, the circumstances of his environment make it impossible to "wait." Within this lengthy passage, King reminds us that any attempts to mollify those who strive toward freedom only serve to empower the forces that robbed them of that freedom in the first place. Again, as in both Habbakuk and Luke, inaction functions here as fundamentally unrighteous.

One might think that this passage, this unrelenting assault on the word "Wait," would be thoroughly convincing on its own. Yet, King does not stop at suggesting the need for action, but instead uses this moment to suggest a particular course of action, advocating for his philosophy of non-violence. He argues that "oppressed people cannot remain oppressed forever. The urge for freedom will eventually come."[5] This urge, he argues, can come through the peaceful means of non-violent protest, or the American public will find themselves dealing with an unpleasant alternative. King offers:

> The Negro has many pent-up resentments and latent frustrations. He has to get them out. So let him march sometime; let him have his prayer pilgrimages to the city hall, understand why he must have sit-ins and freedom rides. If his repressed emotions do not come out in these nonviolent ways, they will come out in ominous expressions of violence. This is not a threat; it is a fact of history.[6]

In evoking this history, King once again challenges his opposition, suggesting that the cries that have gone unheard will most certainly be voiced. This is inevitable. What must be decided then, is whether those cries will be heard, and transformative dialogue made possible, or whether they will descend upon willfully deaf ears, in such force and fashion as to crumble the foundations on which Americans stood.

This is not the only time that King invokes this particular paradigm, skillfully suggesting that change is inevitable, and that it is up to America to

decide whether it would like it to come his way, or the proverbial hard way. In the 1961 essay, "The Time for Freedom Has Come," published in *New York Times Magazine*, he writes, "it is understandable that violence presents itself as a quick, effective answer for a few. For the large majority, however, nonviolent, direct action has emerged as the better and more successful way out."[7] In the midst of the 1964 presidential Election, he published "Negroes are Not Moving Too Fast" in the *Saturday Evening Post*, arguing that "charges that Negroes are going 'too fast' are both cruel and dangerous. The Negro is not going nearly fast enough, and claims to the contrary only play into the hands of those who believe that violence is the only means by which the Negro will get anywhere."[8]

In many ways, King deliberately manipulated white America's fear of the imagined consequences of black rage. A skillful orator who was keenly aware of the tenor of his times, King understood full well that non-violence, for all of its many strengths as a political and organizing strategy, presented a "safer" option for those who feared black aggression and felt that any loss in power would subjugate them to the very people they once oppressed. King manipulated the presence of fiery leaders such as the Nation of Islam's Elijah Muhammad and Minister Malcolm X, and the nascent Black Panther Party, establishing himself as the peaceful alternative to what he described as "the hatred and despair of the black nationalist."[9] However, while this is a political and rhetorical strategy that he employed quite often, it is important to note that he did not suggest that "angry blacks" were America's greatest threat. Even his discussion of "nonviolence" as a strategy was presented with imagery of force and power. Perhaps most poetically, King writes in his 1964 book, *Why We Can't Wait*, which reflected on the nonviolent movement, and the 1963 Birmingham campaign specifically:

> Just as lightning makes no sound until it strikes, the Negro revolution generated quietly. But when it struck, the revealing flash of its power and the impact of its sincerity and fervor displayed a force of a frightening intensity. Three hundred years of humiliation, abuse and deprivation cannot be expected to find voice in a whisper. The storm clouds did not release a "gentle rain from heaven," but a whirlwind, which has not yet spent its force or attained its full momentum.[10]

Rather than suggesting that the anger came from within the black community – whether advocating non-violence or not – King argued most consistently that his society was under attack by the racist ideologies and practices that had operated at its core for generations. The problem, King argued, lay within the very foundation of American society.

In "Showdown for Nonviolence," published posthumously in *Look* magazine less than two weeks after his assassination, King addresses precisely what is consuming the country from the inside out. In many ways, his description of the national situation echoes the prophet Habakkuk's earlier survey of the social and moral decay of Judah, a city within which the wicked built their wealth upon foundations of iniquity, but also inequity. King writes:

> There is an Old Testament prophecy of the "sins of the Fathers being visited upon the third and fourth generations." Nothing could be more applicable to our situation. America is reaping the harvest of hate and shame planted through generations of educational denial, political disfranchisement and economic exploitation of its black population. Now, almost a century removed from slavery, we find the heritage of oppression erupting in our cities, with volcanic lava of bitterness and frustration pouring down our avenues.[11]

Revisiting the narrative of long-suffering and marginalized communities, who have waited long enough for justice that had been delayed and thereby denied, King argues: "Black Americans have been patient people, and perhaps they could continue patient with but a modicum of hope; but everywhere 'time is winding up,' in the words of one of our spirituals, 'corruption in the land, people take your stand; time is winding up.'"[12]

Once again, what is key here is that the ultimate threat is not the "uncontrollable rage" of black Americans. King writes:

> White America has allowed itself to be indifferent to race prejudice and economic denial. It has treated them as superficial blemishes, but now awakes to the horrifying reality of a potentially fatal disease. The urban outbreaks are "a fire bell in the night," clamorously warning that the seams of our entire social order are weakening under strains of neglect.[13]

These weakening seams, straining under the pressures to which humankind has subjected them, echo the very same stresses placed upon the proverbial stones due to "corruption in the land." The stones prepared to cry out and await response from the support beams that had once maintained the structural integrity of Judah. Where King departs from this, however, is in suggesting that America need not go the way of the crumbled cities and fallen empires that preceded it. America was becoming aware of its disease, and need not wait for its walls to tumble as Jericho's once had.

Within "Showdown for Nonviolence," King argues that the time has come, not only to fight for the liberation of black Americans, but for the salvation of America itself. Herein lies the true value of his philosophy of urgency. Act now, brothers and sisters, King cries emphatically; if not for my sake, then surely for your own. Despite addressing the sins of injustice and inequality that are threaded into the very fabric of the nation, King's assessment is nevertheless a hopeful one. He writes:

> The American people are infected with racism – that is the peril. Paradoxically, they are also infected with democratic ideals – that is the hope. While doing wrong, they have the potential to do right. But they do not have a millennium to make changes. Nor have they a choice of continuing in the old way. The future they are asked to inaugurate is not so unpalatable that it justifies the evils that beset the nation. To end poverty, to extirpate prejudice, to free a tormented conscience, to make a tomorrow of justice, fair play and creativity – all these are worthy of the American ideal.[14]

Emphasizing the American ideal, while linking the indictment of the past with the potential hope for the future was, again, a rhetorical strategy that served King quite well throughout his career. Perhaps nowhere was this more prominent than in King's most famous speech, "I Have A Dream," which was delivered at the Lincoln Memorial on August 28, 1963, the keynote address of the March on Washington for Jobs and Freedom.

King opens with an homage to Lincoln, calling him "a great American" and referring to his Emancipation Proclamation as a "momentous decree" which "came as a great beacon light of hope to millions of Negro slaves," a "joyous daybreak to end the long night of their captivity."[15] He quickly reminds his audience that "one hundred years later, the life of the Negro is still sadly crippled by the manacles of segregation and the chains of discrimination."[16] Moving even further into America's past, beyond the Emancipation Proclamation, King refers to the Constitution and to the Declaration of Independence as "a promissory note to which every American was to fall heir," guaranteeing to all of its citizens "the inalienable rights of life, liberty, and the pursuit of happiness."[17] King accuses the nation of defaulting on its promises, saying that "instead of honoring this sacred obligation, America has given the Negro people a bad check; a check which has come back marked 'insufficient funds.'"[18] He then announces, in the spirit of the collective "we" who have marched to the nation's capital, "We've come to cash this check, a check that will give us upon demand the riches of freedom and the security of justice."[19]

Only then, only after announcing that black Americans have long awaited the return on their investments of labor and loyalty, and only after suggesting that their patience has been unrewarded and unacknowledged, only then does he proclaim:

> We have also come to this hallowed spot to remind America of the *fierce urgency of now* … Now is the time to make real the promises of democracy; now is the time to rise from the dark and desolate valley of segregation to the sunlit path of racial justice; now is the time to lift our nation from the quicksands of racial injustice to the solid rock of brotherhood; now is the time to make justice a reality for all God's children.[20]

King's emphasis on the stability of solid rock echoes the perilous standing of Judah, suggesting that like the city before it, America stood to sink into the mire of its own creation. Again, shifting focus back to the health of the nation as a whole, King suggests that "it would be fatal for the nation to overlook the urgency of the moment. This sweltering summer of the Negro's legitimate discontent will not pass until there is an invigorating autumn of freedom and equality. Nineteen sixty-three," he adds, "is not an end, but a beginning. And those who hope that the Negro needed to blow off steam and will now be content, will have a rude awakening if the nation returns to business as usual."[21]

King first reminds his audience that the struggle is not the black American's struggle alone. He speaks of white allies who have "come to realize that their freedom is inextricably bound to our freedom," and he acknowledges the "biracial army" that has come to "storm the battlements of injustice." This army, marching forward, will not stop, King argues, cannot stop, must not stop, until its mission has been accomplished. "No, we are not satisfied," King famously proclaims, "and we will not be satisfied until justice rolls down like waters and righteousness like a mighty stream."[22]

As we look back today, more than fifty years since the March on Washington, perhaps we might entertain two questions. First, are we satisfied? In the half-century since the Civil Rights Movement was at its peak, we have certainly made a great many strides, as individual, though interrelated, communities of color, and most certainly as a nation. The legislative victories of the Civil Rights Movement were laudable, as were the hard-won fights on school de-segregation and the many battles won over rights and privileges that had long been denied or granted on the basis of skin color alone. Yet, the gap between the wealthiest and the most economically vulnerable members of society continues to grow. While we celebrate a culture of excess and consumption, too many parents send their children to school as hungry as

they were when they sent them to bed the night before, unable to provide the basic nourishment to ensure their healthy development and growth. Though officially desegregated, our children work to survive an educational system that is fundamentally flawed, through which we subject every child to the same standards while denying them equality in resources and access to support. We claim to be a society that privileges knowledge and learning, yet we lack collective outrage over the Supreme Court's misapplication of the principles of King's "colorblind" society to dismantle policies which ensure access to higher education for those students who are most in need of a ladder to success.

We celebrate the presence of the first African American family to reside in the White House. Yet we continue to struggle to ensure that every American citizen has a right to vote, that the privileges of their citizenship are not restricted and denied due to the actions of a legislature in which they can have no voice. As we push for citizenship rights of those whose families have invested in the American Dream for generations, we still struggle with the role that immigrant families play in this nation, and spend more time fighting over what rights and responsibilities they should have than greeting them with love as members of the beloved community that King once described.

We continue to face the challenges of overpopulated prisons, teeming with men and women of color. The brutality that has long defined the relationship between communities of color and the police, many would argue, has exchanged the humiliation of fire hoses for the degradation of stop-and-frisk. Despite King's visions of justice, the parents of Trayvon Martin and Jordan Davis buried their sons and bore witness as the men who took their lives were found "not guilty" by a jury of their peers. Many more mothers and fathers bury their children every single day, the victims of gun violence that has consumed their communities, neighborhoods in cities across this nation that have been swallowed up by the frustration of their people, who have turned their rage inward on themselves, even as they remain unseen and unacknowledged by the outside world.

Are we satisfied? And, if we are not satisfied, the second question we should consider: where is our urgency? What is the urgency of now? How might we marshal our forces, and launch an offense that will continue the march that was begun so many decades ago? How will we, with love, and compassion, remind our brethren that we do not have another millennium to right our course, that the demands of justice are insistent, and that freedom does not come without cost? If we can, somehow, recapture the urgency of the moment in which King spoke, might his impassioned pleas become prophecy, rather than being relegated to the fantasy of a dream?

In thinking about King's famous dream, it would be appropriate to spend some time examining his closing. After the oft-quoted refrain in which he declares his series of dreams, after he wishes that his "four little children will one day live in a nation where they will not be judged by the color of their skin, but by the content of their character," he dreams that "one day every valley shall be exalted, every hill and mountain shall be made low, the rough places shall be made plain, and the crooked places shall be made straight and the glory of the Lord will be revealed and all flesh shall see it together."[23] Following this series of "dreams," King confesses that "this is the faith that I go back to the South with."[24] This is a pivotal moment in King's speech. This faith of which he speaks is not the stuff of dreams. Rather, Scripture informs us that "faith is the substance of things hoped for, and the evidence of things not seen" (Heb 11:1). Substance and evidence suggest concrete goals, not abstract ideas. These are not wispy fairytales of which King speaks.

With this concretized faith, then, much can be accomplished. As King goes on to bring his pronouncements to their close, he boldly declares:

> With this faith we will be able to hew out of the mountain of despair a stone of hope. With this faith we will be able to transform the jangling discords of our nation into a beautiful symphony of brotherhood. With this faith we will be able to work together, to pray together, to struggle together, to go to jail together, to stand up for freedom together, knowing that we will be free one day.[25]

King suggests that this day, accomplished through a struggle that could only be sustained through faith, will be the day when all of God's children will be able to sing, freely "my country 'tis of thee," creating harmony around the final lines, "from every mountain side, let freedom ring." Moreover, King concludes, again, for the wholeness and health of the entire nation, "if America is to be a great nation, this must become true."[26]

As King concludes his speech, he invokes the rhetorical strategy of repetition, honed well within his time spent in the pulpit. The chorus with which he draws to a close remains nearly as popular as the oft-recalled "I have a dream today" portion that preceded it. King sounds out to the crowd, urging them to join responsively in the collective call:

> So let freedom ring from the prodigious hilltops of New Hampshire.
> Let freedom ring from the mighty mountains of New York.
> Let freedom ring from the heightening Alleghenies of Pennsylvania.

> Let freedom ring from the snow-capped Rockies of Colorado.
> Let freedom ring from the curvaceous slopes of California.
> But not only that.
> Let freedom ring from Stone Mountain of Georgia.
> Let freedom ring from Lookout Mountain of Tennessee.
> Let freedom ring from every hill and molehill of Mississippi, from every mountainside, Let freedom ring.[27]

With this conclusion, King urges his audience to imagine Freedom as something that is possible in every corner of America. His geographic focus ranges from the deeply segregated South to the New England and mid-Atlantic regions in which we celebrate the country's origins, to the Wild West into which the nation expanded. Yet, while the regional approach to his vision effectively explores the entire nation as a potential land of freedom, the topography here is also key. King's emphasis is on the mountains, whether ranges or individual prodigious peaks, from which freedom consistently rings. As such, he crafts a vision of the world that echoes with the imagery of Luke 19. Here, in King's vision, which can only become a prophecy fulfilled with faith and good works, the rocks are imagined as though they are actually crying out, singing the praiseworthy song of freedom.

Again, the choice left before King's contemporary audience is clear: the rocks *will* cry out. Whether they cry out in pain, anguish, and despair as they crumble under the burdens beneath which we have placed them, or whether they cry out, making a joyful noise that calls for love, equality, justice, and freedom, that choice is ours. But this is a decision we must make with a fierce sense of urgency. This is a decision that we must make now.

Notes

1 Luke 19:37-40, from *Spirit-Filled Life Bible for Students: New King James Version* (ed. Jack W. Hayford; Atlanta, GA: Thomas Nelson, 1995).
2 Emphasis added.
3 http://teachingamericanhistory.org/library/document/letter-to-martin-luther-king/
4 Martin Luther King, Jr., "Letter from Birmingham City Jail," in *A Testament of Hope: The Essential Writings and Speeches of Martin Luther King, Jr.* (ed. James M. Washington; New York, NY: HarperOne, 1986) 289-302 [292-293].
5 Ibid., 297.
6 Ibid.
7 Martin Luther King, Jr., "The Time for Freedom Has Come, " in *A Testament of Hope: The Essential Writings and Speeches of Martin Luther King, Jr.* (ed. James M. Washington; New York, NY: HarperOne, 1986) 160-168 [164].

8 Martin Luther King, Jr., "Negroes Are Not Moving Too Fast," in *A Testament of Hope: The Essential Writings and Speeches of Martin Luther King, Jr.* (ed. James M. Washington; New York, NY: HarperOne, 1986) 176-181 [177].
9 King, "Letter from Birmingham City Jail," 297.
10 Martin Luther King, Jr., "Excerpts from *Why We Can't Wait*," in *A Testament of Hope: The Essential Writings and Speeches of Martin Luther King, Jr.* (ed. James M. Washington; New York, NY: HarperOne, 1986) 518-554 [519].
11 Martin Luther King, Jr., "Showdown for Nonviolence," in *A Testament of Hope: The Essential Writings and Speeches of Martin Luther King, Jr.* (ed. James M. Washington; New York, NY: HarperOne, 1986) 64-72 [71].
12 Ibid.
13 Ibid.
14 Ibid., 71-72.
15 Martin Luther King, Jr., "I Have a Dream," in *A Testament of Hope: The Essential Writings and Speeches of Martin Luther King, Jr.* (ed. James M. Washington; New York, NY: HarperOne, 1986) 217-220 [217].
16 Ibid.
17 Ibid.
18 Ibid.
19 Ibid.
20 Ibid., 217-218. Emphasis added.
21 Ibid., 218.
22 Ibid., 219.
23 Ibid. (Isa 40:4-5).
24 Ibid.
25 King, "I Have a Dream," 219.
26 Ibid., 219-220.
27 Ibid., 220.

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Black Soldiers, Education, and the U.S. Civil War: The Fight for Liberation

Nelson T. Strobert

Beginning in the spring of 2011 and continuing through 2015 the United States in general and Civil War sites in particular are engaged in remembering the 150th anniversary of the Civil War.[1] The scope of this presentation does not focus on the battles but on one population involved in that period, the black Civil War soldier. Specifically, this presentation examines and highlights the soldiers, teachers, and texts that helped to equip these men for life as free people of color in these United States.

Who were these Black soldiers? They are exemplified by such men as:

- First Sergeant Octavius McFarland. Born into slavery in Liberty, Missouri, McFarland joined the Union Army in December 1863. He like many of his fellow black soldiers was illiterate upon enlistment. His educational interest and development were spurred through two general military orders that promoted the education of black soldiers. McFarland entered a contest with the purpose of promoting good writing and learning in the Colored Infantry, for which he received a gold pin.[2]
- Sergeant Abram Garvin. Before his enlistment he was in bondage and worked as a farmhand as well as a blacksmith in Kentucky. He joined the Union army (108th U.S. Colored Infantry) with his master's consent in 1864. He served as a prison guard in Rock Island, Illinois.[3]
- Albert E. Jackson. Jackson was a slave and shoemaker. He left his wife and three children to join the Union Army in the spring of 1863, shortly after the Emancipation Proclamation. He traveled with other enlisted men of color to Port Hudson, Louisiana. Jackson suffered from a number of health problems during his military career. He died in November 1864 from complications of what was diagnosed as chronic bronchitis.[4]
- Sgt. George Mitchell was born a slave in St. Francois County, Missouri. He was owned by four different masters during his growing years. His last master, John Dean, released him after the Emancipation Proclamation on January 1, 1863. Mitchell joined the Army and was a soldier in the First Missouri Colored Infantry, which later was renamed the 62nd U.S. Colored Infantry.[5]

In his address, "The Great American Slave Rebellion," given at the Civil War Institute at Gettysburg College, Robert F. Engs stated, "The truth is that the exigencies of the Civil War freed the slaves. But even more basically, THE SLAVES FREED THEMSELVES through noncooperation on the plantation and through their participation as Union soldiers in the actual fighting."[6] Instead of viewing the war to preserve the unity of the United States, slaves saw the Civil War as a potential war for abolition well before Lincoln did. James McPherson wrote, "By voting with their feet for freedom – by escaping from their masters to Union military camps in the South – they forced the issue of emancipation on the Lincoln Administration." He further stated that "the self-emancipation thesis embodies an important truth. By coming into Union lines, by withdrawing their labor from Confederate owners, by working for the Union army and fighting as soldiers in it, slaves did play an active part in achieving their own freedom and, for that matter, in preserving the Union."[7]

The desire for and the commitment to freedom of the former slaves was complemented by what they experienced when they became soldiers. They wanted to fight, however, the Civil War was not so much about saving the Union but freeing their lives and the lives of their wives, children, and other family members from slavery.

Barbara Fields in her essay, "Who Freed the Slaves?," states that "… freedom did not come to the slaves from words on paper, neither the words of Congress nor those of the President" but from the initiative of the slaves."[8] She further states, "whether in the loyal slave states of the Union or in the heart of the Confederacy, the slaves themselves had to make their freedom real. Thousands of slave men gained freedom for themselves and their families by enlisting for military service. Others, temporarily assigned by Confederate authorities to personal military labor away from home,

returned to spread subversive news – about the progress of the war or about the Unions' emancipation edicts – among slaves hitherto insulated from events in the outside world."[9] What did this freedom entail?

The lens of freedom had two foci: the alleviation of bondage or the termination of slavery and the cultivation of the mind or literacy and education. These elements of liberation were present for a very long time in the slave communities, but the events in the Civil War brought them demonstratively to the forefront. This was concretized in the military efforts of black men who fought, black women who cared for the sick, as well as the women, military officers, and chaplains who assisted in the education of these black soldiers.

What was the state of education for blacks, particularly in the southern states? Carter Woodson, in his classic work, *The Education of the Negro Prior to 1861*, suggests two factors that prohibited the education of most blacks in the first quarter of the nineteenth century. The first was the industrial movement which transformed "spinning and weaving" and promoted the demand for cotton and the development of the plantation system in the South. The second factor was the Haitian refugees who, in conversation with African Americans, described the heroic actions of Toussaint L'Ouverture (1743-1803), the Haitian revolution leader who had corrected the abuses inflicted upon Haitians. These Haitian refugees settled in such areas as Charleston, South Carolina; Baltimore, Maryland; Norfolk, Virginia; and New Orleans, Louisiana. Furthermore, the bloody actions of the French Revolution were discussed by slave owners and abolitionists, and this helped to develop fear among them, considering that their discussions were often overheard by slave men and women.[10] In his "Antebellum African Americans, Pubic Commemoration and the Haitian Revolution," Mitch Kachun states that "Haiti's example of self-liberation and independent governance was well known among antebellum African Americans, and, notwithstanding the new nation's many difficulties, Haiti served as an inspiration for black Americans' own quest for freedom.[11]

To counter or curtail the idea of liberation by slaves, state legislatures passed various laws to prohibit slave education. In South Carolina, "AN ACT TO AMEND THE LAW RELATING TO SLAVES AND FREE PERSONS OF COLOR" was adopted in 1835. It states:

> Be it enacted by the honorable, the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same: If any person shall hereafter teach any slave to read or write, or cause, or procure any slave to read or write, such person, if a free white person, upon conviction thereof shall for each and every offense against this Act be fined not exceeding one hundred dollars and imprisoned not more than six months; or, if a free person of color, shall be whipped not exceeding fifty lashes and fined not exceeding fifty dollars, at the discretion of the court of magistrates and freeholders before which such person of color is tried; and if a slave, to be whipped at the discretion of the court, not exceeding fifty lashes: the informer to be entitled to one-half of the fine, and to be a competent witness. And if any free person of color or slave shall keep any school or other place of instruction for teaching any slave or free person of color to read or write, such free person of color or slave shall be liable to the same fine, imprisonment, and corporal punishment as are by this Act imposed and inflicted upon free persons of color and slaves for teaching slaves to read or write.[12]

In 1833 the state of Alabama countered the education of blacks by including the following:

> 31. Any person or persons who shall attempt to teach any free person of color, or slave, to spell, read, or write, shall, upon conviction thereof by indictment, be fined in a sum not less than two hundred and fifty dollars, not more than five hundred dollars.
> 32. Any free person of color who shall write for any slave, a pass or free-paper, on conviction thereof, shall receive for every such offence, thirty-nine lashes on the bare back, and leave the state of Alabama within thirty days thereafter.
> 33. Any slave who shall write for any other slave, any pass or free-paper, upon conviction, shall receive, on his or her bare back, fifty lashes for the first offence, and one hundred for every offence thereafter.[13]

The legislature in Georgia passed the following prohibition in 1848 on the education of slaves in the following:

> 11. Punishment for teaching slaves or free persons of color to read. – If any slave, Negro, or free person of color, or any white person, shall teach any other slave, Negro, or free person of color, to read or write either written or printed characters, the said free person of color or slave shall be punished by fine and whipping, or fine or whipping, at the discretion of the court.[14]

With all of the legislative actions to prohibit slaves from gaining an education as well as barring those who helped slaves with literacy, slaves defied and

ignored the laws in order to be liberated. Woodson has shown that these anti-education bills went so far as to bar blacks from teaching their own children, for in several states this activity was itself a crime. However stringent the laws, that did not deter blacks from seeking an education. Thus, the escape to freedom and the exodus to literacy were directly intertwined.

There are accounts of slaves who went to hidden places in order to become educated. A vivid example of this is in the autobiography of Harriet Jacobs, *Incidents in the Life of a Slave*, where she writes:

> I knew an old black man, whose piety and childlike trust in God were beautiful to witness. At fifty-three years old he joined the Baptist church. He had a most earnest desire to learn to read. He thought he should know how to serve God better if he could only read the Bible. He came to me, and begged me to teach him. He said he could not pay me, for he had no money, but he would bring me nice fruit when the season for it came. I asked him if he didn't know it was contrary to law; and that slaves were whipped and imprisoned for teaching each other to read. This brought the tears into his eyes. "Don't be troubled uncle Fred," said I. "I have no thoughts of refusing to teach you. I only told you of the law, that you might know the danger, and be on your guard." He thought he could plan to come three times a week without its being suspected. I selected a quiet nook, where no intruder was likely to penetrate, and there I taught him his A, B, and C.[15]

With the outbreak of the Civil War in 1861, blacks saw this conflict as the opportunity to change their status within the United States. They were willing and able to fight and take on the responsibilities of being part of the military. John Hope Franklin asserts, "When blacks rushed to offer their service to the Union, they were rejected. In almost every town of any size, large numbers of blacks sought to serve in the Union army. Failing to be enlisted, they bided their time and did whatever they could to assist. In New York they formed a military club and drilled regularly until the police stopped them. Several Philadelphia blacks offered to go south and organize slave revolts, but this action was unthinkable."[16]

The strong determination for freedom by former slaves was expressed by one black soldier in Boston who stated, "Our feelings urge us to say to our countrymen that we are ready to stand by and defend our Government as the equals of its white defenders; to do so with our lives, our fortunes, and our sacred honor, for the sake of freedom, and as good citizens; and we ask you to modify your laws, that we may enlist, that full scope may be given to the patriotic feelings burning in the colored man's breast."[17]

However eager Black men longed to serve in the military, that was not the sentiment of President Lincoln. He focused more of his attention on saving the Union than eradicating slavery as he did not want to disturb the border states (Delaware, Maryland, Missouri, and Kentucky). In the words of one black soldier, "Our union friends Says the[y] are not fighting to free the negroes we are fighting for the union and free navigation of the Mississippi river very well let the white fight for what the[y] want and we Negroes fight for what we want…liberty must take the day nothing shorter."[18]

In a letter to the *Christian Recorder*, James Henry Hall who enlisted in the 54th Massachusetts Infantry, stated, "We do not covet your wives nor your daughters, nor the position of political orator. All we ask is the proper enjoyment of the rights of citizenship, and a free title and acknowledged share in our own noble birthplace."[19] Corporal John H. B. Payne of the 55th Massachusetts Infantry emphatically declared his fight for freedom in a letter. He stated, "And I am not willing to fight for this Government for money alone. Give me my rights, the rights that this Government owes me, the same rights that the white man has. I would be willing to fight three years for this Government without one cent of the mighty dollar. Then I would have something to fight for."[20]

In another letter, Sergeant Charles W. Singer, a free person of color, indicated that the genuine solidarity that he had for his enslaved brothers and sisters is what brought him to the battleground. With this close relationship he wrote, "Freedom! What a glorious word to commence with! I place it above all others except my God. I never was a slave; but my imagination furnishes to me a picture, which must approximate somewhat to the reality of that miserable condition…. I wish for nothing but to breathe, in this land with my fellow subjects, the air of liberty. I have no ambition, unless it be to break the chain and exclaim: 'Freedom to all!' I never will be satisfied so long as the meanest slave in the South has a link of chain clinging to his leg."[21]

With the conflict lasting more than a few months, changes for recruitment of soldiers were necessary, particularly as fewer white men volunteered to fight. Barbara Fields notes that "in March 1862, [Congress] adopted a new article of war that forbade military personnel upon pain of court-martial – to return fugitive slaves to their owners." A month later Congress abolished slavery in the District of Columbia. In July 1862, over Lincoln's objections, Congress passed a second confiscation act. This Act stated that all slaves whose owner supported the rebellion were free. In the same month, Congress authorized the enlistment of "persons of African descent" into military service.[22] One might say that this congressional action was the prequel to Lincoln's action in the Emancipation Proclamation which occurred six months later on 1 January 1863:

> And I further declare and make known, that such persons of suitable condition, will be received into the armed service of the United States to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service.[23]

This marked a significant change in the recruitment effort. As John Blassingame states, "As a result of the decrease in the enlistment of white volunteers soon after the outbreak of hostilities, Lincoln asserted in the Emancipation Proclamation that the freeing of the slaves and their participation in the war effort was a 'necessary war measure.' Accordingly, in March, 1863, Secretary of War Edwin M. Stanton began the systematic recruitment of Negroes."[24]

With the authorized inclusion of black troops, another major issue arose. These men were treated as second class soldiers and they did not have any prospects of advancement in the system. Many of them concluded that one of the major issues was their lack of education, and "their officers realized that they had to smash the shackles of ignorance that bound the recently-emancipated slave before he would become a good soldier. Moreover, many officers thought it was their moral duty to educate their recently-oppressed troops."[25] Thus, military life for many black soldiers included elementary education in addition to military tactics and strategies. Along with determination to be a part of the Union military, the black soldier was also determined to alleviate his illiteracy which was the companion to full citizenship.

The focus of literacy was reinforced by Joseph T. Wilson, a black soldier who was entrusted to write the story of blacks in the military. In *The Black Phalanx* he states:

> The esteem in which education was held by the soldiers of the Black Phalanx, can be judged of best by the efforts they made to educate themselves and to establish a system of education for others of their race. Doubtless many persons suppose that the negro soldier elated with his release from slavery, was contented; that his patriotism was displayed solely upon the field of battle, simply to insure to himself that one highest and greatest boon, his freedom. Such a supposition is far from the truth. The Phalanx soldiers had a strong race pride, and the idea that ignorance was the cause of their oppression gave zest to their desire to be educated.[26]

Wilson goes on to describe the life of the soldier when not engaged in the war during free time. These soldiers were involved in cleaning their gear, in religious discussion, and in developing reading skills. This enthusiasm for reading was so important that the soldier often forgot to eat. The attitude toward learning was sustained and undergirded by the presence of teachers and tutors at the camps.

Official military reports give testimony to the importance of education to the black Civil War soldier. Colonel Mussey, a white officer, in a report to Major C.W. Foster, the Assistant Adjutant-General, Chief of the Colored Bureau in Washington, DC, commented on the black soldiers by remembering the work of Major Stearn. Stearn, appointed recruiting commissioner for U.S. Colored Troops on June 17, 1863, was an advocate for black military service well before the Emancipation Proclamation. He obtained teachers for the soldiers. In addition he helped to establish schools for black girls. In terms of personnel, Stearn utilized chaplains from various regiments to teach the soldiers and saw this as part of their responsibility and duty. Mussey noted that Stearn "endeavored to establish and foster a desire for education among the colored troops and among the colored people."[27] From his work with the soldiers, he did not establish the desire for education; it was already there. Colonel Mussey also shared his own reflections from his encounter with the soldiers: "I regard and have regarded the organization of colored troops as a very important social, humanitarian, as well as military measure, and as a providential means of fitting the race freed by this war for their liberty…. I have now, after a year's labor in this department, more hope and more faith than ever in the capability of the negro to make a good soldier and a good citizen."[28]

It should be noted that the establishment of schools to provide basic education was not a feature of the Army. With that being the case, there was little guidance from the United States War Department. Those schools that were established became a priority of those who were in command. For example, General Godfrey Weitzel was assigned to command the 25th Corps consisting of colored troops. Having come into the war from being a professor of engineering at West Point, he ordered the officers to construct school houses for their men.

As mentioned previously, very often chaplains directed the schools. Henry M. Turner was an outspoken black abolitionist and chaplain, and future bishop of the African Methodist Episcopal Church. He was the first chaplain to be appointed to the Colored Troops. He insisted that the commanding officers supply books, time, and tents to operate his school. In a letter published in the *Recorder*, Turner wrote:

> Probably there never was such an anxiety to learn to read and write as there is now in the colored regiments. I am called upon so much for spelling-books, and have to refuse because unable to comply, that it

> mortifies me exceedingly, especially when I know many second-hand spelling-books are lying about through the country, for which there is no use. I occasionally run off a few days, and ransack all the benevolent institutions that can spare a book or primer, besides the thousands of papers, tracts, and periodicals which I weekly procure for those who can read, and the weekly packages of Recorders and Anglo-Africans. As soon as my return is known, my quarters are invaded by hundreds of soldiers, shouting over each other's heads, "Chaplain, for pity's sake, if you have a spelling-book, let me have one." "No," says another, "I am ahead of you." And thus rages the spelling-book clamor, until one or two hundred are eagerly grabbed and carried off. Then comes the cry from one or two hundred more, "When are you going to get more? When you do, save me one." "Yes, save me one, too." And a hundred or more cried out the same thing. Then follows the rush of those who can read – "A hymn book, a Testament, a Bible, if you please." Christian Advocate, New York Independent, Boston Herald, Anti-Slavery Standard, &c., come in a general cry from every direction, until several hundred are gone. But what we mostly need are spelling-books; as for reading matter, we can get the best the country affords very easily, and in great abundance. I have the honor to be yours very truly, H.M.T.[29]

He chronicled his experiences through contributions to the *Christian Recorder*, the denominational newspaper of the African Methodist Episcopal Church. The reading of the newspaper was a catalyst for the encouragement of education. Turner reported the following:

The Recorder is looked for weekly, as a precious visitor, in this part of our noble army. It is dearly prized by many of our gallant soldiers who, I am happy to say, are trying to prepare for whatever position the future may offer them: likely nothing could have inspired a more eager ambition into the men of my regiment, for literary attainments, than the vast number of Recorders and Anglos, which weekly find their way into our different companies. One very ordinary looking fellow takes up the paper, and begins to lay open its columns, and to throw a glare of interest, where, to the uneducated all seems to be darkness and gloom, and a more stalwart and finer-looking fellow listens awhile, and becoming jealous at the idea, starts off in search of a spelling-book, saying to himself (as he fancies his superior abilities,) "I won't listen to him. I am going to do my own reading," and away he wends himself from tent to tent, and from one place to another, until a spelling-book is procured, regardless of price. – All that is then necessary, is to watch him a few months, and you will see him blundering through a newspaper like a child learning to walk. You had as well loose him, and let him go then, for you may be sure he is gone.[30]

Chaplains took on various roles during the war: preaching, counseling, distributing religious tracts, leading prayer meetings, writing letters for soldiers who were illiterate or the injured. In providing education for the black soldiers, the chaplains were linking the endeavor with their concern for the moral and spiritual direction of the men. Education and religion were a unit; they were bound together.[31]

Black soldiers also conveyed their yearning for and interest in the importance of education in the public arena. Sergeant Joseph H. Barquet in an open letter to The National Convention of Colored Men which was held in Syracuse, New York, stated, "There are many points of vital importance that ought to claim your undivided attention. I will not arrogate to myself to mention to you what these are, but remember education, and force this on the people…. By education, and that alone, scarcely aided by wealth (can ignorance ignore this?) must we assume a new position; and education alone can enable us to maintain the same."[32] Connecting education with economics, Sergeant-Major George S. Massey emphasized practical education as an important constituent to citizenship in the United States. "Our education needs to be practical, such as will profit us and our families, and the rest of mankind. Let no one harbor a thought that, because he is not permitted to occupy the most prominent position in society, there is nothing left worthy of his attention. We need farmers and mechanics as well as statesmen, lawyers, and doctors."[33]

Black soldiers' concern for education extended beyond their own individual interests. They gave support to the newly established Wilberforce University in Ohio, underwritten by the African Methodist Episcopal Church and led by Bishop Daniel A. Payne. When an appeal was authorized and publicized by the university's Board of Trustees, William Woodlin, a musician in the 8th Unites Stated Colored Infantry, wrote, "I, as the agent, am happy to state that the men of the regiment representing at least ten different States, have responded to my solicitations with alacrity, and I am enabled to present you, as the result of my labors, the sum of $241…. The great changes which are not so rapidly molding the public mind have brought us to realize the necessity of intellectual improvement to a much greater degree than ever before."[34]

As the war was coming to a close one black soldier from Geneva, Louisiana, reiterated the subject of education to his fellow citizens. He wrote, "Are there young ladies capable of teaching schools, or young men capable of becoming lawyers or statesmen? If there are, that is what we want to hear…. We must walk uprightly and honestly, and educate those who have

been kept in bonds, and educate our children, and fit them for the field; and we must battle against prejudice, and continue to do so until we have redeemed our race."[35]

In addition to the chaplains and union officers who supported the education of the new freemen in the military, there were civilian teachers who aided the effort. Two women must be noted as they give their first-hand encounter with the soldiers. Frances Beecher Perkins, a white teacher who joined her husband, Colonel James C. Beecher, in Jacksonville, Florida, wrote, "My wish to preserve the memory of a gallant regiment and its beloved colonel forms another plea for my writing…. I may truly say that during my whole time in the south I saw no regiment more manly in appearance, none with straighter line or better drill, nor any more worthy of their uniform, than that which was then called "The First North Carolina Colored Volunteers [33rd Regiment of the United States Colored Troops]." She goes on to say, "My mornings were spent in teaching the men of our regiment to read and write, and it became my pleasing duty and habit, wherever our moving tents were pitched, there to set up our school. Sometimes the chaplain assisted, and sometimes the officers; and the result was that when the men came to be mustered out each one of them could proudly sign his name to the payroll in a good legible hand. When enlisted, all but two or three of them were obligated to put a mark to their names as written by the paymaster." She also commented on the enthusiasm and the serious commitment of the adult students, "Whenever they had a spare moment, out would come a spelling book or a primer or Testament, and you would often see a group of heads around one book."[36] Over the years she received letters from her former students who indicated that the classes they had with her were carved in their memories.

Susie King Taylor, African American Woman, was a seamstress, nurse, and teacher during the war. She wrote about her time with Black soldiers in *Reminiscences of My Life in Camp with the 33rd United States Colored Troops Late 1st S.C. Volunteers.* Her piece is the only written description by a woman of color working with the black troops. Although born into slavery, she learned to read and write. She was assigned as a laundress to the regiment but demonstrated a number of other skills which prompted officials to give her more responsibilities, one of which was that of teacher. She described her experience at Camp Saxton in 1863:

> I taught a great many of the comrades in Company E to read and write, when they were off duty. Nearly all were anxious to learn. My husband taught some also when it was convenient for him. I was very happy to know my efforts were successful in camp, and also felt grateful for the appreciation of my services. I gave my services willingly for four years and three months without receiving a dollar. I was glad, however, to be allowed to go with the regiment, to care for the sick and afflicted comrades.[37]

As an outcome of the instruction she received a number of letters of thanks from the soldiers for the time she devoted to their education. She commented that some of these men became professionals as members of the clergy or worked for the government. She was clearly a successful teacher.

Having an overview of the context, the black soldiers as students and advocates of education, as well as the instructors, one wonders about the nature of instruction. What texts were used for the betterment of these men, formerly slaves who were denied the benefit of education? Blassingame notes that "a myriad of curricula was designed to satisfy the Negroes' burning desire for education. In the schools, the Negroes were taught reading, spelling, writing, mathematics, grammar, geography, history, sewing and sometimes gymnastics. Because of the religious inclination of the Negroes and many of their instructors, the Bible was their favorite textbook. Their love of the Bible made it easy for chaplains and others to teach the Negroes moral lessons as well as how to read. So, religious education was a dominant area of study." In addition to the Bible, other textbooks that were utilized included: *Hilliards's First and Second Readers*, *The Bible Reader*, Wilson's Readers, the *Picture Primer*, Sargent's *Standard Primer*, the National *First and Second Readers*, Davis' *Primary Arithmetic*, Cowly's *Speller*, and the *New York Speller*.[38]

In addition, examples from selected texts utilized for instruction along with the scope of the content are worth noting. In George Stillman Hillard's, *A First Reader*, one finds a reader with excerpts from familiar literary figures including Tennyson, Longfellow, and Wordsworth. The text was edited in order to appeal to the young students as well as the advanced level student reader in the public or private schools. In the "Preface" to the text, Hillard wrote, "Should this volume result in any good to the great cause of education – should it help to touch the heart, to kindle the mind, and train the moral sense of the coming generation – it will be a permanent source of grateful reflection to the compiler."[39]

Hillard's *A second class reader*[40] targeted students from eleven to thirteen years of age. He geared the selections in the texts to ward off boredom so often expressed by young adolescents. Although this second reader included familiar literary figures, Hillard included themes that included animals and nature such as, "The Bluebirds," "The Ocean," and "Happy Families of Animals." With such titles, he hoped that students would not find them a chore

to read. The scope of William Bently Fowle's *The Bible reader* is selected biblical texts for help to the teachers in deciding texts for their students. Fowle's wrote, "So far as this selection is calculated to promote the love and perusal of His Word, and the spiritual welfare of His erring children, and no farther, it is humbly commended to the blessing of our heavenly Father."[41]

Richard Green Parker and J. Madison Watson wrote *The National Second Read.* The reader includes pronunciation and grammar exercises. In addition, the authors are sensitive to the needs of the students, and each chapter begins with words that students might find difficult, along with the definitions. Parker and Watson wanted to promote reading along with understanding by students. They wrote, "Children, in first attempting to read, find great difficulty in determining the correct pronunciation of the separate words…. To avoid this difficulty, and to enable pupils to read understandingly and with ease, each reading lesson is preceded by a list of the more difficult words, arranged for a class exercise in pronunciation."[42] Upon the completion of the text, students would be prepared to tackle the subsequent volume.

In addition to the above texts, *The New England Primer*[43] was used in both general and religious education, and specifically in the Sunday School. An examination of the *Primer* shows instruction in the alphabet, alphabet of lessons, syllabication, and short historical vignettes. The *Primer* also served as a text for the indoctrination of readers into the Protestant faith tradition with the inclusion of prayers, catechetical questions, and hymns.

Conclusion

The black Civil War soldier, although fighting a war that the administration viewed as preserving the union of the nation, also fought for freedom for himself and those other black women and men who were in servitude. The opportunity for schooling by these soldiers with the help of military officers, chaplains, and lay teachers saw a literate group emerge from these former men in bondage. The acquisition of knowledge confirmed their own identity as citizens of the United States. The evidence is clear that the soldiers took education and citizenship seriously. Furthermore, as the theme for the day is "Battles with Sex, War, and Violence," these Black soldiers' lives, with few, if any, knowing about Martin Luther, embraced Luther's seminal thinking on education and citizenship. Although he focused this treatise on the education of youth, Luther saw the benefits of an educated population when he wrote, "A city's best and greatest welfare, safety, and strength consist rather in its having many able, learned, wise, honorable, and well-educated citizens. They can then readily gather, protect, and properly use

treasure and all manner of property."[44] This education during the war meant the black soldiers' preparation for engagement in a town, nation, and world beyond themselves. Their resolve and commitment to education is perhaps best described in the words of the spiritual, "Oh Freedom":

> Oh freedom
> Oh freedom
> Oh freedom over me!
> And before I'd be a slave
> I'll be buried in my grave
> And go home to my Lord and be free.

Notes

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4 Ibid., 45-46.
5 Ibid., 235-236.
6 RG 4.6.2 Records of the Civil War Institute, box 5, folder 29, "Engs, Robert – 'The Great American Slave Rebellion'," (1991 CWI - June 27, 1991).
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8 Barbara Fields, "Who Freed the Slaves?," in *The Civil War: An Illustrated History* (ed. Geoffrey C. Ward, Ric Burns, Ken Burns; New York, NY: Alfred A. Knoph, 1990) 181.
9 Ibid.,181.
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13 John G. Aiken, *A Digest of the Laws of the State of Alabama Containing all the Statutes of public and general nature, in Force at the close of the Session of the General Assembly, in January 1833* (Philadelphia, 1833).
14 *Codification of the Statute Law of Georgia* (Augusta: Charles E. Grenville, 1848).
15 Harriet A. Jacobs, *Incidents in the Life of a Slave* Girl (ed. Jean Fagan Yellin; Cambridge, MA: Harvard University Press, 1987) 111.
16 James Hope Franklin and Alfred A. Moss, Jr., *From Slavery to Freedom* (New York, NY: Alfred A. Knoph, 2006) 221.
17 Ibid. See also 31 May 1861, *The Liberator*, 2.
18 Fields, "Who Freed the Slaves?,"178.

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20 Ibid., 208.
21 Ibid., 213.
22 Fields, "Who Freed the Slaves?," 181; see also U.S., *Statutes at Large, Treaties, and Proclamations of the United States of America* (Boston, MA: Little, Brown and Company, 1863) 589-592.
23 http://www.nps.gov/ncro/anti/emancipation.html, accessed 5 October 2011.
24 John W. Blassingame, "The Union Army as an Educational Institution for Negroes, 1862-1865," *The Journal of Negro Education* 34 (Spring 1965) 154.
25 Ibid., 155.
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27 *ORS* section 3, volume 4, Report of R.D. Mussey, Colonel, 100th U.S. Colored Infantry, Commissioner for Organization U.S. Colored Troops, 771; *ORS* section 3, volume 3, "C.W. Foster, Assistant Adjutant-General of Volunteers," 1111.
28 *ORS* section 3, volume 4, 774.
29 Ira Berlin, ed. *Freedom: A Documentary History of the Emancipation, 1861-1867* (London, UK: Cambridge University Press, 1982) 612; see also *Christian Recorder* 8 (October 1864).
30 *Christian Recorder* (17 December 1864).
31 Berlin, 613; see also Bell Irvin Wiley, "'Holy Joes' of the Sixties: A Study of Civil War Chaplains," *Huntington Library Quarterly* 16 (May 1953) 304.
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33 Ibid., 221.
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35 Ibid., 227.
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40 George Stillman Hillard. *A second class reader: consisting of extracts, in prose and verse : for the use of the second classes in public and private schools: with an introductory treatise on reading and the training of the vocal organs* (Boston, MA: Hickling, Swan and Brewer; Cleveland: Ingham & Bragg, 1858) v.
41 William Bently Fowle, *The Bible reader: being a new selection of reading lessons from the Holy Scriptures: for the use of schools and families* (Boston, MA: Wm. B. Fowle and N.Capen, 1843) 3.

42 Richard Green Parker and J. Madison Watson, *The National Second Read: Containing Lessons in Punctuation and Progressive and Pleasing Exercises in Reading, Accompanied with Simple and Comprehensive Definitions and the Pronunciation of all Doubtful Words* (New York, NY: A.S. Barnes & Co., 1857) vi; See also Samuel Williard, *The Picture Primer: intended as a first for children as an introduction to the picture reading book* (S. Babcock, 1833) and Sargent's standard school primer, *First steps in reading, spelling, and thinking: On a new and approved plan*: *with illustrations by Billings and others* (John L. Shorey, 1867).
43 *The New England Primer Improved: or an Easy and Pleasant Guide to the Art of Reading: to Which is Added, the Assembly's Shorter Catechism* (Philadelphia, PA: King and Baird, 1863).
44 *To the Councilmen of All Cities in Germany That They Establish and Maintain Christian Schools, 1524*, LW 45:356.

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The Virtue of Epieikeia: A Study in Luther and his Sources

Jason Gehrke

Over the course of his long and varied career, Martin Luther often appealed to ἐπιείκεια (*epieikeia*)[1] or "equity," a principle found originally in Aristotle's *Ethics*. But only the biographer H. G. Haile seems to have noticed the surprising frequency of Luther's appeals to *epieikeia*, although the reformer energetically employed this concept, particularly as an older man. In his *Lectures on Genesis* (1535 – 1545), for example, Luther made *epieikeia* a virtue of the biblical patriarchs. He thus articulated a Christian view of temporal life and commerce through the medium of a classic moral language. In so doing, he drew constructively upon the civil and canon law traditions of the Middle Ages, which he had famously cast into the flames at the Elster Gate in 1520. Here Luther followed – consciously, as we shall see – a path well – worn by his many Christian predecessors, including Thomas Aquinas, Jean Gerson and Gabriel Biel. Luther went still further, however, and developed out of pagan *epieikeia* a Christian *lex charitatis,* which teaches grace in the conduct of mundane affairs. *Epieikeia* became a central principle in Luther's moral and political thought, as Haile puts it, "his most poetic, and perhaps his most important vision."[2] As this essay will seek to show, the principle of *epieikeia* should figure prominently in future studies of Luther's thinking on temporal life and the moral order.

Epieikeia and Aequitas: Aristotle and Cicero

When Luther invoked the *Nichomachean Ethics* and *epieikeia,* he placed himself in a long line of moral thinkers who took their cues from Aristotle. As one author notes, "Practically all writers, civil as well as ecclesiastical, have based their explanations of *epikeia* and *aequitas* on Aristotle."[3] Aristotle's *epieikeia* belongs to his concept of justice as a mean. The relevant passage appears at the end of his influential discussion of justice (*Nicomachean Ethics,* V), where *epieikeia* emerges as a corrective measure between the generality of positive law and the facts of concrete circumstance.[4]

Aristotle's notion of justice is essential to his definition of *epieikeia.* He presents justice in two ways. First, one can speak of justice in the abstract as a mean between two extremes. Aristotle introduces his discussion this way:

> Now the points for our inquiry in respect of justice and injustice are, what kind of actions are their object – matter, and what kind of a mean state [μεσότης] justice is, and between what points the abstract principle of it, i.e. the just, is a mean.[5]

Secondly, Aristotle describes justice as a moral virtue. Although he can speak of justice abstractly, it is more properly a possession of character [ἕξις]:

> All men mean by the term Justice a moral state [ἕξις] such that in consequence of it men have the capacity of doing what is just, and actually do it, and wish it: similarly also with respect to Injustice, a moral state such that…men do unjustly and wish what is unjust.[6]

Aristotle discerns the content of this moral state by contrast to its opposite, which is observable in the person who either violates the law or is excessively greedy.[7] He writes:

> Let it be ascertained then in how many senses the term 'Unjust man' is used. Well, he who violates the law, and he who is a grasping man [πλεονέξης], and the unequal man, are all thought to be Unjust: and so manifestly the just man will be, the man who acts according to law, and the equal man. 'The Just' then will be the lawful and the equal, and 'the Unjust' the unlawful and the unequal.[8]

Aristotle thus determines the content of justice by induction and observation of common terms. 'Justice,' abstractly considered, has two characteristics, legality and equality. However, it is not primarily an abstract notion. It is the moral quality of a person who acts lawfully and fairly toward his or her neighbor.[9]

At first glance, 'law – keeping' and 'equality' appear as distinct ideas. But in Aristotle's thinking, the two are complementary because the laws themselves

legislate with a view to preserving the common good, which Aristotle envisions as a balance of due proportion within a polis. As Claudia Baracchi explains:

> Primarily the just [δίκαιον] is 'that which is lawful [νόμιμον]' and 'that which is fair [ἴσον]'. In the latter it points to the posture of one who is neither grasping nor driven by the passion for indiscriminate acquisition. *At stake in both cases is the search for balance and measure in the relation to another or among others*.[10]

Thus, the same mediating justice inhabits both the individual and the laws – both seek moderation. Justice abstractly conceived, written legislation, and the person who is 'equal' mutually uphold the ideal of social equality. Baracchi further explains that "the system of laws and regulations is here seen as the structural support of the community."[11] Positive law maintains peace by shaping a society through written law, toward the mean of justice. Similarly, the person who is not 'grasping' but 'equal' sees their own interest in the context of the common good.

If justice and the just person signify, respectively, a mean and a person who pursues the mean, it follows that a judge embodies this virtue and seeks the mean in a court of law. Aristotle perhaps laid the cornerstone of Greco – Roman jurisprudence when he wrote that "going to the judge is in fact going to the just, for the judge is meant to be the personification of the Just."[12] The judge exhibits all the qualities of Aristotle's justice – legality, moderation, and lenience:

> Justice is the moral state in virtue of which the just man is said to have the aptitude for practicing the Just in the way of moral choice, and for making division between himself and another, or between two other men, not so as to give to himself the greater and to his neighbor the lesser share of what is choice – worthy and contrariwise of what is hurtful, but what is proportionally equal, and in like manner when adjudging the rights of two other men.[13]

Aristotle thus realizes an ideal of justice in general, of positive law in particular, and its virtue in the character of a just person. He also conveys an abiding judicial ideal of a mediator, who metes out due portions under law, with a view to balance and the common good.

With justice so presented, the *Nicomachean Ethics* at last turns to *epieikeia,* which is often translated as *equity*. Concluding his treatise, Aristotle deals with a seeming vulnerability in his ethical ideal: "Every law is necessarily universal or general, while there are some things which it is not possible to speak of rightly in any universal or general statement."[14] Laws are formulated

with a view towards what occurs *in the main*, even by the noblest legislator. As Virt explains, „Sometimes the written law (Gesetzesformulierung) brings about justice even in its application to the particular circumstances [of a case], sometimes not."[15] A gap thus opens between the generality of positive law and the facts of concrete circumstance. Hence, Aristotle writes, "this is the nature of the Equitable, a correction of law, where Law is defective by reason of its universality."[16] Positive law cannot regulate in advance every conceivable case: "This difference [or gap] [between written law and the Equitable] is not a static one; because the basis of this distinction lies in the generality of any given statement of the law, on the one hand, and the many particular circumstances, which the law is supposed to govern."[17] Justice thus extends beyond the written law, whose insufficiency leaves a gap between written law and the needs of a particular case.

Aristotle fills this gap with the doctrine of *epieikeia. Epieikeia* satisfies justice in those cases which stand beyond the dictum of written law; *epieikeia* is the fulfillment of the law, where the letters cannot. The law is not unjust, but justice extends beyond the legal: "The 'epieikes' belongs to a category of the Just."[18] In this perspective, *epieikeia* is a justice that surpasses the law, but can be invoked to resolve legal challenges. *Epieikeia* is a species of justice that molds itself to the case at hand:

> For to speak generally, the rule of the undefined must be itself undefined also, just as the rule to measure a Lesbian building is made of lead: for this rule shifts according to the form of each stone and the special enactment according to the facts of the case in question.[19]

Because justice is properly a moral virtue, *epieikeia* describes a moral quality, a virtue of the person. The equitable person is able and willing to correct the law, and does not obsess over his rights. *Epieikeia* thus describes a certain gracious disposition toward one's neighbors in the negotiations of common public life:

> It is clear then what the Equitable is [τὸ ἐπιεκής]; namely that it is Just, but *better* than one form of Just: and hence it appears too who the Equitable man is: he is one who has a tendency to choose and carry out these principles, and who is not apt to press the letter of the law on the worse side but content to waive his strict claims though backed by the law: and this moral state is Equity, being a species of Justice, not a different moral state from Justice.[20]

Two related and complementary ideas are involved here, as Riley argues: "The first…involves a correction of [law] which result[s] in benefit to the subject of the law. The second…has reference only to a right, and exists as a

virtue, not in…the subject of obligation, but in him to whom that subject is obligated."[21] *Epieikeia* thus becomes relevant in two possible circumstances. In the first, a judge applies the law to a case, keeping in mind the legislator's intent. According to Aristotle, *epieikeia* acts, "by ruling as the lawgiver himself would rule were he present, and would have provided by law had he foreseen the case would arise."[22] Secondly, *epieikeia* belongs to all those matters of private and social commerce, where a person might press her rights to the extreme. This sense of *epieikeia* opposes an abusive approach to law marked by litigiousness and strife.

Virt's comments signal a way to understand Aristotle's rather seamless move from the notion of a "legal correction" to that of lenience in claims of private right. Virt describes *epieikeia* as a virtue that guides people in the use of their freedom:

> The manifold conditions of human interaction … open a space for freedom, and bring prudential reason into the arena. This [prudential reason] is most effective when it is shaped by such a moral disposition, as had been formed in the Virtues of the Greek citizens.[23]

Virt thus recalls that Aristotle thinks of justice and *epieikeia* within the context of a *polis*, whose citizens have recourse to law shaped by virtue. Aristotle makes the justice of a commonwealth depend upon the carefully formed virtues of its citizens.[24] Justice is manifest in laws and in the person who acts lawfully. *Epieikeia* extends justice beyond legality and discerns the 'equal' in cases where the law cannot. Thus, as Riley explains, "Both the man who uses *epikeia* as an emendation of law, and the man who, in favor of his neighbor, acts leniently in demanding his due from his neighbor – both are motivated by the same virtue."[25] *Epieikeia* thus pertains to legal rights because it is the species of justice that corrects the implacability of rigid law. As a moral virtue [ἕξις], therefore, *epieikeia* encourages moderation with respect to legal mandate. Hence, Aristotle's assertion that a person who has *epieikeia* will "not press the letter of the law on the worse side but will be content to waive his strict claims though backed by law."[26]

Aristotle's portrait of justice and *epieikeia* can thus be summarized. First, justice is an inherently social idea. "The Just man does what is advantageous to another, either to his ruler or a fellow subject," Aristotle writes.[27] Moreover, Aristotle's *epieikeia* does not always indicate lenience. As a *correctio legis*, equity measures the facts according to legislative intent. *Epieikeia* could therefore entail a stricter judgment, if the case should warrant. Falcón y Tella notes, "[Aristotle's *epieikeia*] means that the judge in Greece, when adapting himself to the concrete case, could resolve it as much with benignity as with severity, for good or evil, in a less or in a more rigorous fashion."[28] Still, the tendency of *epieikeia* toward lenience belongs to Aristotle's seminal presentation. Finally, *epieikeia* is a species of justice, which denotes the prerogative to pass judgment when the law is incapable. *Epieikeia* may even contradict the written law or ignore legal right, in order to bring about justice. In this sense, *epieikeia* is the fulfillment of the law and justice when written laws are not equal to the task.

Beyond Aristotle's *Nichomachean Ethics,* Luther often presented his notion of *epieikeia* as drawn directly from Cicero. Luther followed the schoolmen in considering Roman *aequitas* as basically a synonym for Aristotle's *epieikeia.* Luther proves conventional by this practice. Cicero enjoyed enormous influence in his own day, and even more upon Roman law and philosophy long after his death. As Charles Cochrane claims, "No author has been more widely known or more intensively studied."[29] Cicero's *aequitas* wed a Roman social sympathy to the notion of distributive justice and firmly claimed that mere laws are not an end but a means to securing a people in its common life. This Ciceronian nuance deeply informed Luther's idea of *epieikeia*, even though he often attributed it to Aristotle right alongside references to Cicero's *De Officiis*. Even when Luther invoked Aristotle, he often had in mind a Roman or Ciceronian version of the concept which had survived long into the Middle Ages.[30]

Even before Cicero's day, Roman law had long – since adopted the technical notion of equity as a correction of written law. Under Roman law, a person could defend his or her actions as being in accordance with the true intent of the legislator. This principle is evident in the works of Cicero. In his work on legal advocacy, *De Inventione,* Cicero explains:

> Let anyone who would argue against the letter of the law (*contra scriptum*) first introduce the topic in order to demonstrate the equity of the case. [He should argue] that no law bids anything harmful or wrong… and that the author himself, if he were present, would approve this action; and that if such a thing had happened to him [the legislator], he would have acted the same way; and the author appointed men of a certain age as judges, not that they could merely recite a written word, which any child can do, but so they would be able to discern his thinking and interpret his will.[31]

Thus in Cicero, equity is offered as the canon of a good judge. A true judge does not merely read the letter; he grasps the intent of the law and expands upon its meaning for a given case. By Cicero's argument, a true judge rules in accordance with the will of the legislative authority:

> [An advocate should argue that] laws are dear to us not for the letters, which are delicate and obscure marks of their intention; rather [they are dear to us] because of the value of the things which they legislate, and because of the wisdom and diligence of their authors. Furthermore, he will show that the law consists in meanings, not in words; and that a judge is obedient to the law when he discerns its meaning and not the mere letters.[32]

Hence, Cicero conveys a technical sense of *equity* as a correction of written law that is not unlike the *epieikeia* of Aristotle's *Ethics*. In another work, Cicero includes *aequitas* in a definition of the *ius civile*: "*Ius civile* consists in written statues, senatorial decree, legal precedent, the expertise of lawyers, judicial verdict, custom, and *aequitas*," Cicero says.[33]

Cicero also could speak of *aequitas* as a moral virtue befitting public life. In *De Officiis,* Cicero calls justice and equity the binding force of civil society and envisions public life as the arena of moral virtue: "everything which is morally worthy has its origin in one of four sources," he writes. The second of these is realized "in securing human society, in rendering to each person what is his own, and in keeping promises in good faith (*rerum contractarum fide*)."[34] Cicero thus taught that people live most fully within a society that secures their property and life, and promotes a sharing of talent and industry among friends:

> We were not born for ourselves but our country claims a part of us, friends another. Just as the Stoics say everything which the earth produces is created for human enjoyment, and even human beings are born for the sake of others, we should follow Nature as our guide and contribute to the common good by sharing in mutual obligations, and thus by our skills, our wealth, and our talent strengthen human society together more closely, one people with another.[35]

In this social ideal, Cicero calls justice the *ratio* that preserves social concord. He remarks that people are said to be "good" on account of justice; and Cicero's justice entails a disposition toward social grace, or liberality:

> The broadest principle in which human society and a common life (*comunitas vitae*) are contained is justice, which is the supreme splendor of virtue, and the reason men are called good; and to justice is wed kindness (*conjuncta beneficientia*), which is also termed *benignitas vel liberalitas.* And the first rule of justice is that we do no harm to another, unless provoked by some genuine wrong (*injuria*); and secondly, that public property be used for public [benefit], and private property for one's own affairs (*communibus utatur pro communibus, privatis ut suis*).[36]

Cicero regards this justice as the highest virtue (*maximus splendor virtutis*) because it secures the consummate form of human life – a community of free people under law, secure in their property, and edified by a salutary commerce of wealth and talent.

Hence, Cicero's justice presupposes equity as a safeguard against serpentine manipulation of written law, which harms others and wrongly divests them of property. He calls such chicanery, "an oh so clever, but malicious interpretation of the law [*nimis callida, sed malitiosa juris interpretatio*]," and invokes the old proverb, "The height of right is the height of wrong" [*summum ius summa injuria*].[37] Cicero argues that law is subservient to whatever sustains the community of people in their common life. Charles Lefebure summarizes the notion well:

> What classical law emphasizes under the name of equity, Cicero points out, is that quest for equality…Thus, accent is on an element intrinsic to the positive law and imbedded in any system of law, an ideal of justice calling for the uniform treatment of cases. In addition…we have another sense which arises from the praetor's Edict*: equity in this sense is an element opposed to the positive law insofar as positive law fails in certain circumstances to incorporate natural justice*. The Edict represents an effort to give this equity precedence over *ius civile* – an equity whose role it is to aid, supplement, and *even to correct the positive law from without*.[38]

In short, for Cicero, no written law can be applied justly if it contradicts the common good; no law can contradict its own stated purpose. This notion became fundamental to the medieval traditions of civil and canon law that drew so heavily upon Roman codices.

Thus, for Cicero, there are times when actions that a just person would normally carry out, become inappropriate. Unforeseen events can transform an ordinarily just duty into a weighty wrong: "When circumstances are altered, duty likewise is altered and does not always remain the same," he writes.[39] This happens when keeping a promise violates the two basic mandates of justice – to do no harm, and secure the common good. He thus warns against keeping an obligation that would harm either of the parties involved; and he finds reprehensible any action contrary to the common good. When in doubt, Cicero admonishes, "Equity is a light in itself; doubt signifies the intention of doing harm."[40]

The mere rendering of equal rights does not exhaust Cicero's ideal of equity in justice – though justice assumes a division of ought among equals. In Cicero's thought, justice signifies whatever action sustains *communitas vitae*, which consists in equity under law. Equity prevents the abuse of written law and guides a citizen through the moral difficulties of life within the body politic. Equity keeps the two dictates of justice – to do no harm and uphold the common good – close at hand, so that abstract notions will not obscure the better course. All of these precepts survived Cicero and became foundational doctrines of both secular and canonical law in the society that succeeded and drew so heavily upon the canons of Roman law for centuries after.

"Secundum theologos": Aquinas, Gerson, and Biel

Under the influence of Roman law, civil and canonical jurisprudence in the Latin Middle Ages preserved the ancient ideal of *aequitas*. Christianity added its impress to the classical notion which came to signify a form of mercy within the realm of law. Lefebure traces, for example, a broad tendency in medieval jurisprudence toward "benevolence and indulgence" under the names "*misericordia, dispensatio,* and *humanitas.*"[41] This tendency, medieval jurists attributed to Roman legal precedent. Hence, the thirteenth century canonist, Hostiensis, cited St. Cyprian as the author of a predominant definition: "*Equity is justice tempered by sweet mercy* (*aequitas est iustita dulcore misericordiae temperata*)*,"* which by Lefebure's reading, "expresses… the sense in which equity was understood," among medieval jurists.[42] As G. R. Evans explains, "among the [medieval] definitions is the notion of equity as somehow broader and deeper than the law, perhaps the very source of justice."[43] Under Christian influence, Roman law had elevated *aequitas* as a supreme ideal of justice. Gratian's *Decretum* ultimately codified and imparted *aequitas* to the medieval faculties of law, which drew upon Roman law and the *Codex Justinianus* for centuries.[44]

By the twelfth century, then, jurists both civil and canonical had developed a distinct, technical definition of equity, marked by this Christian tendency toward *dispensatio* or *misericordia.* In the canon law, *aequitas* took the spiritual character of the Church's mission as its guide. This canonical *aequitas* aimed at the building up of the whole body.[45] Peter Lombard's *Sententiae* offer a prime example of this notion and its broad currency. In *Sententiae* IV.34.3, Lombard urges that a situation should be treated "on the basis of strict decree [*ex rigore magis dictum*]" rather than "on the basis of canonical equity [*ex canonica aequitate*]," – once divorced and remarried, a couple should not marry their prior spouses again, unless by a specific verdict of the Church.[46] Lombard does not elaborate *aequitas canonica,* but assumes a technical sense of the term. His comment presumes that *aequitas canonica* could set aside normal rule, though he opposes such an action in this case.

Lombard's *Sententiae* also includes a locus, *de quatuor principalibus virtutibus* [concerning the four principal virtues], that became a traditional place for commentary on the four cardinal virtues. Lombard himself does not elaborate greatly, but cites Augustine, who explains justice in terms of mercy: "Concerning these virtues Augustine says: 'Justice means helping the poor; prudence watching against treacheries; fortitude, fending off attacks; temperance, controlling depraved loves."[47] In another place, Lombard quotes Ambrose to explain that, "love (*caritas*) is the mother of all the virtues, because it informs them all; without it, there is no true virtue."[48] Following long tradition, Lombard's *Sententiae* draws the classical virtues into the framework of Christian teaching.

The significance of these passages lies in their broad currency. Lombard's *Sententiae* became the standard textbook in academic theology until the sixteenth century: "Candidates for a master's degree in theology were required since the 1240's to write a commentary on the work and hence to formulate their thoughts on the virtues, treated by the Lombard in distinction III.33."[49] Every theologian who earned the proud title, *Magister Sententiarum,* would have learned Lombard's ideas of virtue and his understanding of *aequitas canonica* as well. The *Sententiae* also provided a significant context for that attempted synthesis of Latin and Greek learning which resumed after the return of Aristotle in the thirteenth century.

Robert Grosseteste translated Aristotle's *Ethics* in the 1230's. Riley names Albertus Magnus "the first of the scholastics to devote himself to a formal treatment of *epikeia*."[50] But it was Thomas Aquinas who composed the magisterial discussion in his *Summa Theologiae, II – II, q.* 120. Summarizing Aristotle, St. Thomas explains how *epieikeia* or *aequitas* is a virtue. Aquinas does not simply apply a Greek word to the old Roman notion of equity. Rather, he introduces Aristotle's *epieikeia* into the traditional *aequitas* – a word he used to translate the Greek term. As Posthumous Meyjes claims, "The concept of *epikeia* was unknown to the scholastics and found its way into theology in the course of the thirteenth century as one of the fruits of the recovery of Aristotle."[51] Following Grosseteste and Albertus Magnus, Aquinas returned *ad fontes,* as it were, by mediating *epieikeia* to theologians of the later Middle Ages in the language of the canonical and civil law, that is, by the term *aequitas.* Luther's conflation of *epieikeia* and *aequitas* will appear thoroughly medieval and Thomistic against the background of this western legal tradition.

"As to the nature of *epikeia* or *aequitas*, St. Thomas' explanation is radically identical with that of Aristotle," Riley says. "[They] are in

agreement that the basic foundation of *epikeia* is the fact that law is sometimes deficient by reason of its generality."[52] St. Thomas recovered Aristotle with famous exactitude:

> Human acts, about which laws are made, exist as individual events, and can thus be infinitely various. It is not possible to write any particular formula of law which would never be deficient in any case. Thus legislators pay attention to what occurs in the majority and make law with this [in view]. So, in some cases keeping this law actually opposes the equality of justice and the common good which the law intends.[53]

Aquinas's exposition thus treats *epieikeia* as a norm of legal justice: "As Aristotle says in his *Ethics,* '*epikeia* is better than justice in a certain form,' namely the legal, which observes the words of the laws. But since it is a kind of justice, [*epikeia*] is not better than all justice."[54] Moreover, Aquinas draws Paul's *Epistle to the Philippians* into his definition, which calls *epieikeia* a form of moderation:

> It seems that *epikeia* is a form of modesty, for the Apostle Paul in Philippians says, 'Let your modesty be known to all men.' The word in the Greek is *epikeia*. But according to Cicero, modesty belongs to temperance…*Responsio*: it belongs to *epikeia* to moderate something, namely, the observance of the words of law. But the modesty which is a part of temperance moderates the outward manner of a person, his bearing or clothing, and matters of that sort. Still, it is possible that among the Greeks, the term *epikeia* became transferred by way of similarity to all forms of moderation.[55]

But Aquinas consciously relates this resurgent doctrine to familiar sources. He cites the *Codex Justinianus* in order to equate *epieikeia* with *aequitas*:

> *Epikeia* does not set aside justice absolutely, but what is just as determined by law. Nor does it always oppose severity, which follows the truth of the law when it is fitting. But to follow the words of a law when one should not is criminal (*vitiosum*). As the *Codex Justinianus* says: 'There is no doubt that he acts contrary to law, who embraces the words of a law, when doing so goes against the legislator's intent."[56]

Aquinas cites here the famous rule *Non dubium,* which had become a widespread principle of canonical jurisprudence.[57] While *Non dubium* remained

the precedent among jurists, theologians followed Aquinas in citing *epieikeia* from the fourteenth century onward.

Aquinas thus bears witness to a Latin tradition mediated by Cicero, Augustine, and Roman law, and evident in Lombard's *Sententiae*. Aquinas harmonizes all these authorities with the Scriptures and Aristotle. As Louis Pascoe remarks, "Before the revival of Roman law in the twelfth century, the spirit of *aequitas* was generally expressed in canon law by such terms as *dispensatio, misericordia, indulgentia,* and *caritas.*"[58] Under Aquinas's influence, *epieikeia* re-emerged among theologians. According to Meyjes, "After Thomas, the concept of *epikeia/aequitas* was soon naturalized in moral theology and canon law."[59] *Epieikeia* thus became a commonplace in theology after 1300; it is difficult to conceive of a way that any later theologian could use or discuss *epieikeia* in ignorance of St. Thomas Aquinas's opinions.

After Aquinas, Jean Gerson deserves mention as a seminal preacher of *epieikeia.* Gerson was active at the turn of the fifteenth century as chancellor of the University of Paris; he was a leading light of the conciliar movement. Gerson completed the same *cursus studiorum* as had Aquinas, and as Luther would complete after him. According to Pascoe, "Gerson earned his arts degree in 1381...became a *baccalaurius biblicus* in 1387," and earned the title *magister Sententiarum* after "lecturing on the four books of Lombard's *Sentences*…In the year 1394, he had acquired the honors of the doctorate as well."[60] Gerson was also the only medieval theologian Luther invoked by name in connection with *epieikeia*.

Jean Gerson spent his great energies seeking a resolution of the Great Schism and reform of the Church. He saw in *epieikeia* a reform doctrine, which could circumvent unyielding papal candidates who were jealous more of their own status than of the Church's unity. Gerson followed Aquinas in understanding *aequitas* according to Aristotle's *epieikeia*, and making direct reference both to Aquinas and to Aristotle's *Ethics* in connection with the topic; the basic outlines of Gerson's notion are thus by now familiar.

But Gerson invoked *epieikeia* within a broader program of reform that focused on the church's hierarchical order under divine law. He thus construed *epieikeia* as the arbiter of positive law. Meyjes explains that "Gerson generally describes the function of *epikeia* as interpretive."[61] *Epieikeia* could judge a given law to determine if it agreed with the intent of the legislator. Gerson argued that God's intent to create peace ultimately governs all forms of law, especially in matters that affect the Church's unity. Legislative intent thus derives from divine law, whose end is love, he claims. As Pascoe explains, the legislator's intent "shares in the purpose of all law which is love, unity and peace."[62] Gerson thus argues:

> General rules do well to admit of exceptions, just as in matters of grammar, so also in moral cases. Furthermore, since particular canons govern matters variable in infinite ways, a higher law has been established as their interpreter, which Aristotle calls *epikeia* in *Ethics* V… This law always has a place in the interpretation of other individual laws, when it is discerned that they fail the very end and reason for their establishment. For the end of all laws, both human and divine, is love, which works unity."[63]

Gerson's insistence upon the teleological orientation of law toward love figured largely in his use of *epieikeia*. Pascoe notes that Gerson modified Rom 13:10 to make the point: "Therefore the fulfillment of the law and its purpose is love."[64] In Gerson's argument, *epieikeia* considers the subordinate and teleological orientation of positive law toward the divine. That is, because all expressions of law ultimately derive from divine mandate, *epieikeia* may strike down particular expressions of law that hinder God's intent that law preserve unity and peace within the Church and commonwealth and express the love of God. Gerson's powerful argumentation was not lost upon the reformers who followed after him.

As an immediate predecessor to Luther, Gabriel Biel deserves a final note. His *Sentences* commentary appears a likely medium for the transmission of Gerson and Aquinas to Luther, not least in this narrow matter of *epieikeia*. Farthing writes that, "Thomas is an exceedingly important source for Biel's social ethics. Biel depends upon Thomas for his understanding of the role of law – divine, natural, or positive – in regulating the relations within the community."[65] Biel's *Sentences* commentary favorably invokes both Jean Gerson and Thomas Aquinas to define the nature and limits of positive law. Biel claims that a violation of human law is a mortal sin, and engages Gerson to show that his own doctrine does not contradict the chancellor's:

> Gerson's claim in *de Vita animae* does not oppose this: [He says] 'No transgression of natural or human law, insofar as it is natural or human, is *de facto* a mortal sin,' because [Gerson] is speaking about purely human law…Furthermore, positive laws of the Church and other powers, insofar as they are just, participate in the divine law, which commands obedience.[66]

To support this observably Gersonian notion, Biel adds the authority of a shared influence; he cites Aquinas to explain on what basis a law is called just:

> In *Prima Secundae,* q. 96 art. 4, the Blessed Thomas says that laws are called just on the basis of their end, of their author, or of their form. 'On the basis of their end, when ordered to the common good; on the basis of form, when burdens laid upon subordinates are similarly ordered to the common good (*in ordine ad bonum commune*).[67]

Biel thus follows Gerson and Aquinas by asserting the derivative nature of human laws and their orientation toward the common good. Biel quotes Aquinas favorably and as a definitive authority. When Biel proceeds to discuss the limits of human law, he again cites Aquinas:

> It is said that 'laws are binding in accordance with the mind of the legislator,' because, as blessed Thomas says, 'every law is ordered toward the common benefit of people, and for this reason obtains the force of law.' But if [a law] 'fails this [common good], the law does not possess the authority of the one who made it.' Moreover, it often happens that something is useful to the common benefit in many things, but still in other cases is greatly harmful. Because therefore a legislator is not able to foresee every individual case, he makes a law with a view to what occurs in general, turning his attention toward the common good. When there arises a case in which such an observance is damaging to the common good, [the law] must not be observed.'[68]

Biel's commentary is so riddled with references to Aquinas that his many quotations cannot be reproduced. Biel quotes Aquinas at length and in context. He gathers Gerson's and Aquinas's teaching on law and *epieikeia* into a single locus, which also engages Gratian's *Decretum, Hostiensis,* and the canonists. Even a careless reader could not avoid a substantial and fair acquaintance with Aquinas's thinking on *epieikeia* from studying Biel's work.

In his careful study of Gerson, Posthumous Meyjes warns that scholars should not "draw too confident conclusions about [Gerson's] sources [when treating the doctrine of *epikeia*]." He explains that after Aquinas, "all theologians and canonists made use of [*epikeia*]."[69] The doctrine became so well known, that according to Meyjes one cannot easily claim any particular author as a direct resource for a later writer, and his warning would apply to Luther in this case, were it not for some careful textual clues: each of the theologians studied above directly preceded an author known to or cited by Luther. Besides Cicero and Aristotle, Luther cited only Jean Gerson by name in connection with *epieikeia.* However, Gerson himself directly cited Thomas Aquinas as a resource for his own doctrine, and for good reason.[70]

It stands to reason that if Luther cited Gerson, he would have known of Thomas's ideas on the matter, at least through Gerson's writing. Moreover, Aquinas composed the few pages that reintroduced *epieikeia* to medieval theology; and Aquinas himself connected Aristotle's *epieikeia* with the old Roman ideal of *aequitas.* Gabriel Biel, the famous Erfurt professor, leaned heavily upon all of these sources in a commentary on Peter Lombard's massively influential text. Biel gathered quotations from both Aquinas and Gerson into a single place. Hence, all of these theologians appear as predecessors of Luther's doctrine. Given Luther's favorable reference to "Gerson and others," and his numerous mention of "the jurists," there is good reason to believe that Luther himself was aware of their thought and influence on his own mind.

Lex Charitatis: Luther's Law of Mercy

In the Genesis lectures, Luther made his first and most extensive remarks on *epieikeia* as he taught the story of Abraham and Lot's parting – Gen 13:6 – 12. In the story, two relatives negotiate a business matter, with a view to keeping peace between their households. Luther finds the case an example of *epieikeia*, which he calls the *lex charitatis*. He identifies this law of love with the ancient maxim that 'the height of right is the height of wrong.' As Luther warms to the topic, he teaches that *charitas* is the end (*finis/telos*) even of secular law. In view of love, authorities should set aside the laws when doing so promotes peace and unity, he says. Luther thus regards *epieikeia* as a species of forgiveness that belongs to the realm of social commerce; *epieikeia* is a juridical mercy applied in view of the gospel. Luther's immediate references promote Cicero and Aristotle as sources of his doctrine, but his notion belongs more truly to the canonical and scholastic traditions, which had long equated *aequitas* with *epieikeia* and Christian *caritas*. In the final estimation, Luther extends the scholastic and medieval notion of *epieikeia*. He follows Gerson in giving *epieikeia* broad latitude. Luther ultimately clings to the foundational notion of *epieikeia* as a form of lenience before the law, and argues in biblical and Christian terms for the gospel character of this moral insight. Ultimately, *epieikeia* conveys the notion of forgiveness as the Christian's basic moral disposition, one that animates his or her posture toward all the various conflicts of temporal life.

The story of Lot and Abraham is the first of several narratives in Genesis where Luther upholds *epieikeia* as a supremely Christian ethic. According to Luther, Abraham fulfills the *lex charitatis* set down by Christ at the Last Supper:

> Let us observe the law of love and concord (*lex charitatis et concordiae*): Abraham was Lot's uncle, older than he and more worthy on account of the promise. He was a priest and prophet of the Lord and lacked nothing in worth or authority. But neglecting all this, he cedes his own right and makes himself equal to his nephew, who in age, worth, authority, and office was far inferior. Is this not what Christ commands – the greater should serve the lesser and be a servant of others? As in John 13.[71]

Luther here adapts a biblical narrative to discernibly pagan virtues – or perhaps vice versa. He takes that quality precisely defined by Aristotle as *epieikeia* – yielding one's right – and makes it the exemplary dictum of Christ. The chief point, for Luther, is that Abraham did not press his rights. Abraham was not grasping, although the law would have supported him:

> Abraham surely could have won out because of his authority and right (*auctoritate et jure*), and said: I am the elder. The promise and inheritance of this land were given to me, not to you. Moreover, although we are both foreigners, I am able to claim whatever part I want because of the promise. You then, take your family with you and find another place. I will remain here with mine. Thus, by the height of right (*sic summo iure poterat dicere*) he could have spoken to his nephew, and stayed in his own place. Truly [Abraham] has the right to do so, but he yields his right, and leaves for us the most salutary example of how we ought to preserve peace, when he heeds that dictum: 'the height of right is the height of wrong' (*summum ius summa iniuriae*).[72]

Careful reading suggests that Luther is blending the classical virtue of equity into a single concept under the heading of Christian charity. That is, the virtue Luther ascribes to Abraham is identical with Aristotle's *epieikeia* as mediated by Thomas and the schoolmen into the Latin theological vocabulary, which had in fact remained true to the basic notion yielding one's right even when the law would support a claim. Luther thus concludes with a comment that gives his notion a Roman hue, "We should not press our rights, but rather moderate the laws in accordance with whatever promotes the commonwealth."[73] But Luther's introductory comment summarizes all of these influences under the heading *lex charitatis,* with its unmistakably Christian and medieval pedigree.

That Luther regarded Aristotle's idea of *epieikeia* as identical with the traditional scholastic notion becomes clear as the lecture progresses. Luther elaborates the story by an illustration, in which he censures the Carthusians' strict enforcement of monastic vows:

> Let me add an example: The Carthusians have a law that they may not eat meat their whole life. Now, if one of them becomes sick, either because his physical constitution (as the physicians call it) or manner of life cannot bear the endless eating of fish, so that his life is endangered, the monks still press this law without *epieikeia* or dispensation (*sine epiika seu dispensatione*). Even if a single piece of meat were able to save the wretched person's life, they would not do it. This is indeed to press the law without dispensation (*sine dispensatione*) and to forget that the end of all laws is love (*omnium legum finis sit dilectio*): Therefore, Gerson and others rightly condemn this severity.[74]

The traditional character of Luther's notion emerges more clearly with the above passage, which suggests that he read Aristotle and Cicero through the lens of canonical tradition. Luther invokes two notions: first, the principle that a law which contradicts its purpose is no law at all; and secondly, with the word *epieikeia,* Luther invokes Aristotle (or at least a scholastic reading of Aristotle). But Luther equates *epieikeia* with the canonical precept that rules could be relaxed by a *dispensatio* – a word he uses in a technical sense as well (*sine epiika seu dispensatione*). Moreover, Luther's broad gesture toward "Gerson and others," suggests that he meant to invoke a principle familiar to all. Luther again uses *epieikeia* to criticize monastic vows:

> The religion therefore of the monks is the sort which knows no *Epikeia,* no moderation…[It] does not look to the purpose of law; [it] does not see love: Just as Paul says in Colossians 2: "[it] does not spare the body.' Hence, what Terence says is true: 'the height of right is the height of wrong'(*Summam ius esse summam iniuriam*). For indeed, God does not want bodies to be killed, but much more to be nourished and sustained, so that they are able to fulfill the vocation and duties, which are owed to one's neighbor.[75]

Luther thus gathers multiple sources to unify both Christian and pagan ethical notions under the single banner of *charitas* as *epieikeia.* In a single context, he summons the Apostle Paul, Aristotle and Cicero. He uses the terms *epieikeia* and *dispensatio* synonymously and makes explicit reference to Jean Gerson. Luther repeatedly uses the terms *delectatio* and *charitas* to convey a legal ethic. He thus borrows explicitly Christian and theological language to elucidate the meaning of *epieikeia.* His doctrine is founded on the classical notion but is mediated through medieval principles of moral theology and law.

Notably, Luther makes a subtle shift in his discussion of Abraham and then of the Carthusians. At the beginning of this passage, Luther applied *epieikeia* to an individual who does not press his own rights (Abraham). He then shifts perspective to consider the enforcement of rules in a monastic setting (Carthusians). But Luther further expands his notion and applies *epieikeia* to civil authorities. Along the way, his language betrays a broad acquaintance with the medieval tradition of equity that preceded him:

> The Emperor, *they say*, is the living, breathing law. Moreover, *the theologians say* that law is the counsel of a good man. Once a law is established, it remains for prudence to moderate it in particular cases. Because it is impossible for a legislator to see all the various and particular cases which can occur: they are endless. *Therefore, according to the theologians*, when a law is established, it necessarily includes the counsel of a good man who governs the law in future cases, lest it become a burden: but always so that the purpose of the law is retained – that it serve peace. Indeed, if any law is against *charitas,* it is no law. *For charitas is the mistresses and teacher of the law, and bids the law be silent*. Because the law teaches not the right (*ius*) but the wrong (*injuria*) in some cases, if someone presses it without moderation…Therefore, learn that peace and *charitas* are the moderator and administrator of all virtues and laws: Just as Aristotle clearly explains in the fifth book of his *Ethics*.[76]

Hence, Luther does not explicitly cite sources in the lecture. His kerygmatic style seems not to leave much room for copious references. But his many generalizing phrases make it clear that Luther used the scholastic sources self – consciously. He did not simply transmit the scholastic doctrine of *epieikeia* in a passive way. He had read, understood, and chosen to invoke his medieval predecessors in connection with this topic. It appears that he assumed a certain familiarity on the part of his students as well.

While every page cannot be cited, Luther's discussion of the *lex charitatis* in the above quoted passage broadens into a general discourse on good governance. He criticizes a general abuse of the laws and admonishes that every law should be read in light of the supreme end of law, which is love – the preservation of peace and tranquility. He again contrasts the Carthusians' stricture with Augustine's original monasticism, which observed the geometric proportion that Aristotle explains in his *Ethics*. As noted above, Aristotle in one sense had set up *epieikeia* as a form of justice that opposes law. Luther preserves this notion with his idea of charity that bids the law be

silent. He comes increasingly to see *epieikeia* as identical with love, as a form of mercy that opposes the judgment of law; his notion thus appears more and more a breaking in of the gospel to the realm of secular governance.[77] At the same time, Luther's use of the term involves his Christian notion of forgiveness in a classical moral vocabulary and thus viewed forgiveness as a principal of law and temporal life that could not be divorced or removed from the world of mundane affairs or from civil society as a whole.

If there is any doubt that Luther came to identify *epieikeia* with Christian mercy, his concluding remarks in this passage secure the point. He returns to the basic notion of yielding one's rights, even though the law would support a claim. But, like Aquinas, he quotes Eph 4:32 ("be kind to one another, forgiving one another as Christ forgave you") alongside Phil 4:5 ("Let your *epieikeia* be known to all people") to make the point. Luther interprets these texts through an observably classical lens: "Moderation really denotes yielding one's right and forgiving something for the sake of harmony. It is needed throughout life, for the height of right is the height of discord (*summum enim ius summa est discordia*)."[78] Luther thus assimilates *epieikeia* to forgiveness, which Paul's epistles urge upon Christians. Luther fuses a classic and canonical idea with the forgiveness of sins, which silences the law in cases where it would otherwise do harm.

Luther's comments in Genesis 13 were neither his first nor last on *epieikeia*. The reformer had already devoted extensive attention to *epieikeia* almost ten years earlier, when he lectured in 1526 – 1527 on *Ecclesiastes* and the *Epistles to Titus and Philemon.* In both works, Luther's comments anticipate his later reading of Genesis. On Eccl 7:19 – 20 – "*Wisdom strengthens the wise man more than ten rulers in a city. Surely there is not a righteous man who does good and never sins*" – Luther says:

> Although laws may be established very well, and states may be constituted and well founded, unless prudence is present, often things go very badly. For even when a wise man establishes laws, it is impossible for him to see all possible conditions and circumstances. Hence, much is left to the administrators of the laws. This is why *the legal experts* also say that the Emperor is a living law: because he has been put in that place in order to moderate the laws…and accommodate for the persons, places, times etc.[79]

This paragraph is characteristic of the entire chapter, which is basically an extended discourse on *epieikeia* or *aequitas*. Luther takes *epieikeia* as a virtue that pertains primarily to rulers, who must administer laws that could not foresee the generality of cases. The principle and its justification are indistinguishable from that of Thomas Aquinas or Aristotle. But Luther still reduces *epieikeia* to forgiveness, even in these earlier texts. In the very next lines, he sees forgiveness at work in the idea of political *equity*:

> He says, as it were: Why do you try to force everything exactly according to the laws? Nothing will ever become completely right. If you want to live in society, you will have to overlook much, bear much, ignore much, so that you may preserve something of justice. Examine yourself and you will see how often you yourself act wrongly and do what is rightly offensive to many people. Therefore, do not be overly righteous, because you yourself also sin and give offense in many things. It is just as Christ says in Matthew 7, 'You see the speck of dust in your neighbor's eye, but do not consider the board in your own,' *although there he speaks of heavenly righteousness*. Were we to inspect ourselves at home, then without a doubt, we would discover failings that rightly offend others. This fact should certainly motivate us not to be such severe judges of others, nor overly exacting of righteousness from others.[80]

Luther seems aware of the deep affinity he was drawing between *epieikeia* and the basic notion of forgiveness derived from the gospel. His unification of the two concepts – forgiveness and *epieikeia* – is so palpable that he pauses to shore up the distinction between earthly and temporal righteousness, even as he teaches forgiveness in temporal commerce.

Luther's comments on Titus and Philemon run a similar course. There, he directly equates *Ethics V* with a canonical doctrine of equity. He similarly summons texts of the New Testament to uphold *epieikeia* as a Christian virtue. Luther again recalls the Carthusian prohibition against meat to illustrate *epieikeia*, as he would do in Genesis. Additionally, in his comments on Titus 3, Luther develops the notion of *epieikeia* as a form of *dissimulatio,* a willful overlooking of wrongs. This *dissimulation* is a kind of patience that keeps peace despite manifest wrong: "The one who does not know how to dissemble, does not know how to rule, he does not know even how to live with other people," Luther says.[81]

Thus, Luther extended *epieikeia* far beyond the technical definition of an exception to law on account of its generality. Although he preserved that sense as well, *epieikeia* indicated much more for Luther. As H. G. Haile explains, "Epikeia was Luther's recognition of indeterminacy in human affairs, and of the uniqueness of each set of human circumstances."[82] Luther's comments thus shift constantly back and forth between the technical notion and its broader application in human life. He can apply *epieikeia*

in all contexts involving relations, one person with another. Ultimately, *epieikeia* means forgiveness and can thus be illustrated from numerous texts of the Scriptures which urge people to bear one another's wrongs on account of the forgiveness that is in Christ Jesus. And yet, *epieikeia* retains for Luther its primary application in the realm of law. It was for Luther forgiveness, grace derived from the gospel, but a unique form of grace that belongs in the midst of secular affairs, moderating a severity in law and right that normally would oppose love.

Quite near to the end of his life, Luther taught Genesis 48, the story of the blessing of Ephraim and Manasseh, Joseph's sons. The old professor raises *epieikeia* once more in the context of the patriarchs' disagreement over the right of primogeniture, after Jacob determined to bless the younger son. Most remarkable is the uniformity of content that appears here. Luther uses all of the same references and illustrations to explain the basic content of *epieikeia* which he had invoked in his lectures on Ecclesiastes and Titus, and years earlier on Genesis 13: Luther chastises merciless governments; he upbraids the Carthusians for their strict rules; he praises Aristotle's *Ethics* and St. Augustine for observing the geometric proportion. The basic outlines of his doctrine do not change.[83] It appears then, that Luther formed a lasting notion of *epieikeia* during his early career and continued to see it at work. But Luther's comments on Gen 48:17 emphasize how the reformer came to see *epieikeia* as a form of the gospel, specifically tailored to the affairs of daily life, precisely molded to moderate between mercy and law, so that grace would predominate even in secular callings.

Luther sees *epieikeia* at work in the disagreement between Jacob and Joseph over the blessing of Ephraim. But the problem is not how to apply a general law to a specific situation. There is no question that Joseph rightly applies a good law in the proper context. Rather, Luther sees at work two rival principles – the right of primogeniture and the promised inheritance, the law and the gospel. He makes Joseph advocate for the law; Jacob upholds the promise. Luther sees this as the last in a tradition of patriarchal disputes wherein the law and the promises contradict, but *epieikeia* ultimately predominates:

> We had similar examples above of Abraham and Sara, Isaac and Rebecca, spouses joined by the highest love and mutual reverence… [in contrast to] our kings, princes, and bishops who stir up the most deadly wars because of very light offenses… Here, very great men disagree over an exceedingly important case, and they both have the weightiest arguments [in their favor]. Abraham, Isaac, Joseph, rely on the law which is the height of wisdom joined with natural right (*summa sapientia conjuncta cum jure naturali*). So they conclude: Ishmael, Esau, Manasseh is the firstborn and so should have a double portion of inheritance…Thus, Joseph perseveres, hardened in legal and natural wisdom. But Jacob resists him, just as Rebecca and Sara contest that right above.[84]

Luther's contrast between the law and the promise, along with his criticism of kings and princes sound a familiar strain. His earlier pleas for equity in the law are already lurking in this introductory portrait. But he delays his treatment of *epieikeia* to establish a governing paradigm*:* the familiar themes of Law and Gospel and the two kingdoms:

> But these matters must be referred to those two kinds of doctrine which are handed down in *Christian Theology and Law* [*in Theologia Christiana et Iure*], namely to the grace of the promise and the law. The doctrine of the law must be retained as it is necessary for the preservation of discipline; it must be very strictly kept. For the law must not be caste away on account of the promise of grace. Rather it must be taught so that we retain the doctrine concerning good works… But God is exempt from this law and should not be subject to it, so that he acts according to the law. For he is the Lord of law, and able to… do otherwise than law commands. The kingdom of grace is one thing, [the kingdom] of law another. The law convicts sin…and announces the wrath of God…But the kingdom of grace is one of mercy, of pardon, of redemption and liberation from sin and punishment of sinners.[85]

Notably, Luther says that both Christian theology *and law* contain this distinction between *both* the law *and the gospel* – a key point. Luther claims there is a Christian law, and he teaches the young seminarians in his lecture hall how to understand and apply this law in a manner befitting a Christian land. For Luther, the passage in Genesis presents a challenge between two good and proper mandates of God. The conflict does not involve an error in law and the prudence of him who moderates. Luther rather assumes that legal authorities know the gospel, even as they are ministers of an authority that is not identical with the gospel.

Under the rubric of this distinction, Luther immediately introduces *epieikeia* once more. Apparently, this story suggests to Luther a principle for temporal life. He speaks as though *epieikeia* follows necessarily from the story just told. Again, Luther moves seamlessly between the teaching on two kingdoms and the application of *epieikeia* within them:

> The kingdom of grace is one of mercy, of pardon, redemption and liberation from sin and punishment of sinners. *And among the jurists* there is a valuable teaching concerning *epieikeia* which should be diligently observed in all governance of the household and commonwealth. Furthermore, Aristotle has a beautiful passage on *epieikeia* in that very famous book of his *Ethics.*[86]

The ensuing paragraphs recount Luther's now familiar exposition of *epieikiea* that includes the Carthusian rule, criticism of merciless princes, praise for Augustine's monasticism etc. Luther then imagines a just *paterfamilias,* who sets the law aside in view of his authority over the law and *epieikeia.* His imagined exemplar mirrors God's relationship to law as Luther explained above. If for some reason a servant cannot perform his duty, Luther says:

> Then, the *paterfamilias* concludes: 'I am the living law in my home and have in hand *epieikeia* and the right to moderate or mitigate the law. Therefore, let the rigor of my previous order yield.' Then, *epieikeia* breaks the law on account of a sudden and unforeseen [circumstance].[87]

Luther makes the *paterfamilias* master of the law in his household, and thus able to break it – just as God is Lord of the law, and the emperor a living law as well. Importantly, this is a power to act with mercy, in Luther's thinking, not in greater severity. Luther thus elaborates *epieikeia* as a kind of political grace:

> First the difference between persons must be observed, and afterward the duties and the station of each person are to be considered. Thus, if a Carthusian needs a bath, by all means let him enjoy one; or if he cannot eat vegetables or fish, let him eat meat, or vice versa. Aristotle beautifully explains this [principle] concerning the geometric proportion and *epieikeia*. *This indeed is the part of grace which should have place in the government, in the household and commonwealth*. When my wife is sick, I cast aside the law until she gets better. The law should be kept in such a way that the magistrate has in hand the geometric proportion, the middle way and *epieikeia*.[88]

Luther thus sets up *epieikeia* as a share of divine mercy (*pars gratiae*) ministered in public life by the authorities, and by every person in his or her daily life with others. The gracious husband imitates the gracious God, for Luther. Both are masters of the law, one deriving his authority from the other. The master of a household, the magistrate, relatives in their quarrels, all may set aside the law in view of *epieikeia*, which Luther calls elsewhere love, and here grace.

As if to underscore the point, Luther returns immediately to the narrative at hand. Joseph rightly applies a just law in the proper context. Luther imagines his inward soliloquy:

> [Joseph] says: 'Oh, my father, what are you doing? You don't recognize my sons. I carefully arranged that Ephraim would be on your left hand, and [Manasseh] on your right so that the law of primogeniture would be kept and divine ordinance unaltered. Thus, my father, move your right hand from the head of Ephraim onto Manasseh's head, because it is a most righteous and established law of God. [89]

Luther commends this speech and Joseph for his deft combination of filial piety and devotion to the supreme Lord: "Joseph has the best case and the opinion (*sententia*) of the law on his side, because primogeniture is divinely mandated and honored by God." Luther does not make Joseph unjust in applying the law to the concrete circumstance: "If Joseph had done otherwise, he would have sinned. He was obliged to keep the law and uphold the right of primogeniture," Luther says.[90] But Jacob is also right in view of the promise. The promise simply predominates:

> But Jacob responds: 'I understand, my son, that you are defending the right of primogeniture according to the law, which you want to be kept and upheld. I also desire that it be firm and unmoved. But this is neither the time nor the place of law, but rather of divine blessing which is not subject to law, either to our right or our wisdom.' He therefore does not reject Joseph's opinion, but he leaves it undecided. [Jacob] does not remove the law, but does the work of the promise.[91]

Luther thus reduces *epieikeia* to the basic distinction between law and gospel. He does not, therefore, reduce the *grace* of *epieikeia* to the bare legal notion of a correction of law on account of its generality. Rather, Luther's thinking elevates *epieikeia* into a theological principle that draws the gospel into secular life in order to guide people through their daily challenges. He sees *epieikeia* at work in the opposition of primogeniture and promise. He sees it in the gracious forbearance of the priest, Abraham, and the gentle exchange of the patriarchs with their wives and sons; likewise, a ruler on his throne can also judge in mercy, as should a magistrate and master of servants. All these become a model for the disposition towards mercy that

Luther urges upon all leaders, who stand over the laws in their spheres of authority. Their position derives from God's own, who is Lord of all law. Luther thus calls *epieikeia* the *lex charitatis* – that grace which should prevail in all times and places. No boundary confines this law of love, or renders it irrelevant to the conduct of a Christian's business.

Conclusion

Luther's doctrine of *epieikeia* both illuminates his relationship to the medieval Catholic sources and provides a view of his moral theology from the perspective of the civil and canon law traditions of medieval Europe. To the historiographical question, *epieikeia* provides a window into Luther's method and sources. First, in the lecture hall Luther did not meticulously cite his sources. He often adverts to scholarly consensus in legal matters as though it is commonly known to all. Luther's generalizing phrases, "*secundum theologos,*" his references to the "*jureconsultos,*" or "*jureperiti,*" betray a mind at home in scholastic texts and often reverent toward their conclusions. Hence, when Luther says calls love the fulfillment of the law whose end is peace, he invokes Gerson with an appreciation that borders upon plagiarism. It is clear that Luther could treat Thomistic ideas with nuance and appreciation, despite the dramatic rhetoric of his famous disputations.

Furthermore, *epieikeia* complicates the modern portrait of Luther's ethics in a salutary way. It shows that Luther thought of public life as a distinct species of the Christian experience. He did not sequester grace or confine it to the hereafter, as though grace and Christ belong only in heaven and the Church, while the earth and world labor under harsh penalty and conflict. For Luther, the same God that confers grace to sinners in the church seeks peace and unity on account of grace in the world. Positive law should thus be administered with God's ends in view. And this truth justifies Luther's constant invocation of *epieikeia,* which abrogates legal penalties, even in this fallen world. In view of Christ's mercy, Luther thus calls Christians to overlook wrongs; to pretend not to see the sins of another, and to cede their rights under public law when doing so promotes peace. He thus provides a Christian ethic of love in public life whose ground and authority is the gospel itself.

Notes

1 In the literature, this word is sometimes transliterated as *epikeia*. This oscillation in spelling will be evident in direct quotes throughout the paper.

2 H. G. Haile, *Luther: An Experiment in Biography* (Princeton, NJ: Princeton University Press, 1983) 1.

3 Lawrence Joseph Riley, *The History, Nature and Use of Epikeia in Moral Theology* (Studies in Sacred Theology 2/17; Washington, DC: Catholic University of America Press, 1948) 19. I especially thank Dr. Mickey Mattox for his encouragement of this research and assistance in ushering it to publication.

4 Plato, *Republic* 1.331a9-131b1-2. Cephalus says, "πρὸς δὴ τοῦτ' ἔγωγε τίθημι τὴν τῶν χρημάτων κτῆσιν πλείστου ἀξιαν εἶναι, οὔ τι παντὶ ἀνδρὶ ἀλλὰ τῷ ἐπιεικεῖ καὶ κοσμίῳ." My translation: "In addition to this [previous point], I add further that the accumulation of wealth is worthwhile, not for every person, but to the *equitable and appropriately ordered*." Note that in Plato this term first appears in context of a discussion with a wealthy old man on how to alleviate fear of retribution and judgment in Hades, and the value of wealth in that endeavor. Aristotle's is not the original discussion of *epieikeia*, which seems always to have been related, ultimately, to the eternal character of the human soul and the thought of retribution after death.

5 Aristotle, *The Nicomachean Ethics* (trans. D.P. Chase; Mineola, NY: Courier Dover, 1998) 76.

6 Ibid.

7 Aristotle uses the term πλεονέξης and πλεονεξία. It denotes the person who deals dishonestly in order to acquire excessive advantage, usually to the detriment of others. See Henry George Liddell, Robert Scott, and Henry Stuart Jones, *A Greek-English Lexicon* (9th ed.; Oxford, UK: Oxford University Press, 1996): "πλεονεκτέω -- *have* or *claim to have more than one's due, to be greedy, grasping.*"

8 Aristotle, *The Nicomachean Ethics,* 76.

9 An exhaustive discussion of Aristotle's method exceeds the scope of this paper. What matters here is that Aristotle's concepts should be familiar and thus recognizable when used by his successors. Joachim comments on Book V.1.3, "Our method, [Aristotle says], is to be the same as before. The reference is to the general method of ethics, which is from opinions actually held. In 6-10, Aristotle gives a statement of these [held opinions]; we are to accept this as a preliminary conception of justice and injustice." For a fuller discussion of Aristotle's method in *Ethics,* see Harold H. Joachim, *Aristotle, the Nicomachean Ethics: a Commentary* (Westport, CT: Greenwood, 1985) 127.

10 Claudia Baracchi, *Aristotle's Ethics as First Philosophy,* (Cambridge: Cambridge University Press, 2008) 147. Emphasis original.

11 Ibid..

12 Aristotle, *The Nicomachean Ethics*, 82-83.

13 Ibid., 87.

14 Ibid., 95.

15 Günter Virt, *Epikie, verantwortlicher Umgang mit Normen: eine historisch-systematische Untersuchung zu Aristoteles, Thomas von Aquin und Franz Suarez* (Tübinger Theologische Studien 21; Mainz: Matthias-Grünewald-Verlag, 1983) 78.

16 Aristotle, *Nicomachean Ethics*, 96.

17 Virt, *Epikie*,78.

18 Ibid., 91.

19 Ibid., 95.

20 Aristotle, *The Nicomachean Ethics,* 96.

21 Riley, *The History, Nature and Use of Epikeia in Moral Theology,* 25.

22 Aristotle, *The Nicomachean Ethics*, 96.
23 Virt, *Epikie*, 87.
24 Raymond B. Marcin, "Epieikeia; Equitable Lawmaking in the Construction of Statutes," *Connecticut Law Review* 10/377 (1978-1977) 23, 384-385. Marcin offers such a solution: "*Gnome* is Aristotle's restraint on *epieikeia.*"
25 Riley, *The History, Nature, and Use of Epikeia in Moral Theology,* 22.
26 Aristotle, *The Nicomachean Ethics*, 96.
27 Ibid.
28 María José Falcón y Tella, *Equity and Law* (Leiden; Boston: Martinus Nijhoff, 2008).
29 Charles Norris Cochrane, *Christianity and Classical Culture: a Study of Thought and Action from Augustus to Augustine* (reprint, with the text rev. and corr; Indianapolis: Liberty Fund, 2003) 38.
30 See Jonathan Barnes, "Roman Aristotle,"in *Philosophia Togata II: Plato and Aristotle at Rome* (ed. Jonathan Barnes and Miriam Griffin; Oxford: Clarendon, 1999) 1-69; also, Guido Kisch, *Erasmuz und die Jurizprudenz seiner Zeit* (Basel: Helbing and Lichtenhahn, 1960) 26-36. Barnes carefully traces what can be known about the manual transmission of Aristotle's works, with a view to the manuscripts. Kisch catalogs a debate about the relationship between Aristotle's notion of *epieikeia* and the Roman *aequitas.* While one might easily take the idea of a linear progression from Aristotle through Cicero and the Latin tradition to Luther, the Roman *aequitas* was not derived directly from Aristotle's *ethics.* Only later, predominantly under the influence of Aquinas, did the two terms become synonymous, primarily among scholastic theologians. Full development of the point exceeds this paper; but the consensus is important to note: Luther's adequation of *aequitas* and *epieikeia* indicates a debt to scholastic theology and law far more than the bare quotation might seem to indicate.
31 Cicero, *De Inventione, 2.*47.1. quoted in Marcus Tullius Cicero, *De Inventione. De Optimo Genere Oratorum. Topica* (The Loeb Classical Library; Latin Authors; Cambridge, MA: Harvard University Press, 1949). *"Contra scriptum autem qui dicet, primum inducet eum locum per quem aequitas causae demonstretur. Demonstrabit nullam esse legem quae aliquam rem inutilem aut iniquam fieri velit…scriptorem ipsum, si existat, factum hoc probaturum et idem ipsum, si ei talis res accidisset, facturum fuisse; et ea re legis scriptorem certo ex ordine judices, certa aetate praeditos constituisse, ut essent, non qui scriptum suum recitarent, quod quivis puer facere posset, sed qui cogitationem assequi possent, et voluntatem interpretari."*
32 Ibid., 2.48.4. – "*deinde leges nobis caras esse non propter litteras, quae tenues et obscurae notae sint voluntatis,sed propter earum rerum quibus de scriptum est utilitatem et eorum qui scripserunt sapientiam et diligentiam; posteae, quid sit lex describere, u tea videatur in sententiis, non in verbis consistere; et iudex is videatur legi obtemperare qui sententiam eius, non qui scripturam sequatur."*
33 Cicero, *Topica,* 5.28.1, quoted in Cicero, *De Inventione. De Optimo Genere Oratorum. Topica*. "*Atque etiam definitiones, aliae sunt partitionum, aliae divisionum. Partitionuum, cum res ea, quae proposita est, quasi in membra discerpitur, ut, si quis jus civile id esse, quod in legibus, senatusconsultis, rebus judicatis, juris peritorum auctoritate, edictis magistratuum, more, aequitate, consistat."*
34 Cicero, *De Officis,* 1.5.4. quoted in Marcus Tullius Cicero, *De Officiis* (The Loeb Classical Library; Latin Authors; Cambridge, MA; London, UK: Harvard University Press; W. Heinemann, 1947). "*Sed omne, quod honestum est, id quatuor partium oritur ex aliqua. Aut enim in perspicientia veri solertiaque versatur aut in hominum societate tuend, tribuendoque suum cuique et rerum contractarum fide."*

35 Ibid., 1.7.22. "*non nobis solum nati sumus ortusque nostria partem patria vindicate, partem amici, atque ut placet Stoicis, quae in terries gignantur ad usum hominum Omnia creari, homines autem hominum causa esse generatos, ut ipsi inter se aliis alii prodesse possent, in hoc naturam debemus ducem sequi, communes utilitates in medium afferre muatuione officiorum, dando accipendo, tum artibus, tum opera, tum facultatibus devincire hominum inter homines societatem."*
36 Cicero, *De Officiis,* 1.7.3. in. Marcus Tullius Cicero, *De Officiis* (The Loeb Classical Library; Latin Authors; Cambridge, MA; London, UK: Harvard University Press; W. Heinemann, 1947). "*latissime patet ea ratio qua societas hominum inter ipsos et vitae quasi communitas continetur: cujus partes duae sunt: justitia, in qua virtutis splendor est maximus; ex qua boni viri nominantur, et huic conjuncta beneficientia, quam eandem vel benignitatem, vel liberalitatem apellari licet. Sed justitiae primum munus est, ut ne cui quis noceat, nisi lacessitus injuria; deinde, ut communibus pro communibus, privatis ut suis."*
37 Ibid., 1.10. 33. "*Existunt etiam saepe injuriae columnia quadam, et nimis callida, sed malitiosa, juris interpretatione. Ex quo illud, Summum ius summa injuriae, factum est iam tritum sermone proverbium."*
38 Charles Lefebure, "Natural Equity and Canonical Equity," *Natural Law Forum* 8/122 (1963) 124. Emphasis added.
39 Cicero, *De Officiis*, 1.10. 33.
40 Ibid., 1.9.32. "*Aequitas enim lucet ipse per se, dubitation cogitationem significant iniuriae."*
41 Charles Lefebure, "Natural Equity and Canonical Equity," 123-127. This whole passage deals with the influence of Roman law on canon and civil law prior to Gratian. Lefebure shows that through the Roman law, the western Church preserved the notion of equity as a form of lenience, that Christianity supported this notion and came to see this *misercordia* as inherent to the supreme ideal of justice.
42 Ibid., 123. Lefebure includes extensive summaries of medieval canon lawyers for whom the doctrine of equity was an important issue. In this number he includes: "Bulgarus (fl. 1160), his students Rogerius (c. 1160) and Joannes Bassianus (c. 1180), and after them Azo (c. 1210) and Accursius (d. 1263)," and in an opposing school, "Martinus Gosia (fl. 1158), followed by Jacobus (d. 1178), Hugolinus (fl. 1158), and Placentinus (fl. 1175), judges that equity in general should prevail in case of opposition to any kind of written law." The point is important for understanding Luther as it shows there was in fact a long-standing debate over equity in the canonical tradition. Luther knew and referred to this doctrine regularly, as is argued below. But although Luther made reference to the classical sources, his own idea was not unmediated.
43 G. R. Evans, *Law and Theology in the Middle Ages* (London, UK; New York, NY: Routledge, 2002) 85.
44 Stanley Chodorow, *Christian Political Theory and Church Politics in the Mid-twelfth Century: the Ecclesiology of Gratian's Decretum* (Publications of the Center for Medieval and Renaissance Studies, U.C.L.A., 5 (Berkeley, CA: University of California Press, 1972) 247-249. Chodorow studies the theological import of Gratian's *Decretum.* Prior to it, "Church law consisted of a great mass of documents…. Magister Gratian brought order to the mass of material, deriving a set of legal rules on a large number

of the questions traditionally covered by canons. Historians have [thus] called Gratian the father of canonical jurisprudence…. Gratian presented ecclesiastical law to his contemporaries in a manageable form. In doing this, he founded a new science of canon law parallel to the system of Roman law, and there is no doubt that part of [his] purpose was to establish this new science."

45 Evans, *Law and Theology in the Middle Ages,* 86. "Finally, there is *aequitas canonica,* which derives from the *spiritual character* of canon law. This is a fairness in which justice is tempered with mercy. It is balanced, not in the sense of getting the right result, but in that of doing what is best for the soul of the guilty and of the victim and fulfilling in that way the most profound underlying principles of order."

46 Peter Lombard*, Sententiarum* IV Libri, IV. Dist. 34. Cap. 3. 340-342. *"Quod in fine huius capitul continetur ex rigore magis dictum intelligendum est quam ex canonica aequitate; vel intelligendum est, non posse reconciliari prioribus, nisi judicio Ecclesiae, quo division fact fuerat."*

47 Peter Lombard*, Sententiarum* IV Libri, IV. III. Dist. 33. Cap. 1. 227-232. *"Post praedicta de quatuor virtutibus, quae principals vel cardinals vocantur, disserendum est; quae sunt iustitia, fortitude, prudentia, temperantia. De quibus Augustinus ait: 'Iustitia est in subveniendo miseris; prudential in praecavendis insidiis; fortitude in perferendis molestiis; temperantia in coercendis delectationibus pravis."*

48 Ibid., III. Dist. 23, Cap. 3. 154-158. *"Caritas, ut ait Ambrosius, mater est omnium virtutum,' quae omnes informat, sine qua mulla vera virtus est."*

49 István Pieter Bejczy, *The Cardinal Virtues in the Middle Ages: A Study in Moral Thought from the Fourth to the Fourteenth Century* (Brill's Studies in Intellectual History 202; Leiden; Boston: Brill, 2011) 143. Bejczy also notes that John Duns Scotus and Thomas Aquinas both commented on these passages, Aquinas particularly attempting to synthesize Aristotle with the Lombard's traditional "Augustinian" theology.

50 Riley, *The History, Nature and Use of Epikeia in Moral Theology, 126-127*.

51 G. H. M. Posthumus Meyjes, *Jean Gerson, Apostle of Unity: His Church Politics and Ecclesiology* (Studies in the History of Christian Thought 94; Leiden; Boston: Brill, 1999) 243.

52 Bejczy, *The Cardinal Virtues in the Middle Ages,* 127-128.

53 Thomas Aquinas, *Summa Theologiae: Secunda Secundae, quaestio* 120, 278. *"humani actus de quibus leges dantur in singularibus contingentibus consistunt, quae infinitis modis variari possunt, non fuit possibile aliquam regulam legis institutae quae in nullo casu deficeret. Sed legislatores attendunt ad id quod in pluribus accidit, secundum hoc legem ferentes. Quam tamen in aliquibus casibus servare est contra aequalitatem justitiae et contra commune bonum quod lex intendit.*"

54 Thomas Aquinas, *Summa Theologiae, II-II, q. 120,* 281.

55 Ibid., 282. *"Praeterea, videtur quod epikeia sit idem quod modestia. Nam ubi Apostolus Phil. Dicit, 'Modestia vestra nota sit omnibus hominibs, in Graeco habetur epikeia. Sed secundum Tullium modestia est pars temperantiae. Ergo epikeia non est pars justitiae… Responsio: ad epikeiam pertinent aliquid moderari, scilicet observantiam verborum legis. Sed modestia quae ponitur pars temperantiae moderator exteriorem hominis vitam, putat in incessu vel habitu vel aliis huiusmodi. Potest tamen esse quod nomen epikeiae apud Graecos per quamdam similitudinem transferatur ad omnes moderationes."*

56 Thomas Aquinas, *Summa Theologiae: Secunda Secundae, quaestio* 120, 282. *"Ad primum ergo dicendum quod epikeia no deserit justum simpliciter, sed justum quod est lege determinatum, nec etiam opponitur serveritati, quae sequitur veritatem legis in quibus oportet, sequi autem verba legis in quibus non oportet vitiosum est. Unde dicitur in Codice, 'Non dubium est in legem committere eum qui verba legis amplexus, contra legislatoris nititur voluntatem.'"*

57 Charles Lefebure, "Natural Equity and Canonical Equity," 132.

58 Louis B. Pascoe, *Jean Gerson: Principles of Church Reform* (Brill Archive, 1973) 66. Louis Pascoe has written the most authoritative study on Gerson, especially with reference to *epieikeia.* I am following him closely here.

59 Posthumus Meyjes, *Jean Gerson, Apostle of Unity,* 243.

60 Pascoe, *Jean Gerson: Principles of Church Reform,* 5.

61 Posthumus Meyjes, *Jean Gerson, Apostle of Unity,* 244.

62 Pascoe, *Principles of Church Reform,* 67.

63 Jean Gerson, *De Auferibilitate Sponsi ab Ecclesiae,* quoted in *Opera Omnia,* vol. II (Hildesheim; New York, NY: Olms, 1987) 215. *"Sed regulae generales bene suscipiunt exceptiones, sicut in grammaticalibus, ita et in moralibus; praesertim ubi Canones particulares incidunt modis varabiles infinitis; ad quas exceptiones ordinata est Lex superior interpres aliarum, quam Aristoteles vocat epykeiam v. Ethicorum…Haec autem lex semper habet locum in interpretatione legum aliarum particularium, ubi dificere cernitur ratio et finis institutionis ipsarum. Finis autem legum omnium, nedum humanaurm sed divinarum, est dilectio quae unitatem operatur."*

64 Gerson, *De auferibilitate sponsi ab Ecclesiae*, quoted in Pascoe, *Principles of Church Reform*, 76.

65 John L. Farthing, *Thomas Aquinas and Gabriel Biel: Interpretations of St. Thomas Aquinas in German Nominalism on the Eve of the Reformation* (Duke Monographs in Medieval and Renaissance Studies 9; Durham, N.C: Duke University Press, 1988) 74, 93.

66 Gabriel Biel, dist. 16. q 3. n 6, sect. K 4-10, quoted in *Collectorium Circa Quattuor Libros Sententiarum* (Tübingen: Mohr, 1973) 397. *"Nec obstat quod dicit Gerson in De vita anima elect. 4 circa principium coroll. 1: 'Nulla transgression legis naturalis aut humanae ut naturalis vel humana est de facto mortale peccatum', quia loquitur de lege pure humana, ut scilicet nihil participat de lege divina, propter quod addit 'ut humana'. Nunc autem leges positivae ecclesiae et potestatum superiorum quatenus iustae sunt, participant aliquid cum lege divina, quae praecipit oboediendum fore ecclesiae et praelatis, ut ex allegatis patet."*

67 Ibid., sect. I 39-45, quoted in *Collectorium Circa Quattuor Libros Sententiarum* (Tübingen: Mohr, 1973) 397. "*Dicitur autem lex iusta secundum beatum Thomam prima secundae q. 96 art. 4 ex fine, ex auctore et ex forma. 'Ex fine, quando ordinatur ad bonum commune; ex auctore, quando non excedit potestatem ferentis; ex forma, quando secundum proportionem imponuntur subditis onera in ordine ad bonum commune.*"

68 Gabriel Biel, dist. 16. q 3. n 6,., sect. L 1-10. –*"Dicitur etiam 'obligant secundum mentem praecipientis', quia, ut dicit beatus Thomas, ubi supra art. 6, 'omnis lex ordinatur ad commune hominum salutem, et intantum obtinet vim et rationem legis.' Si vero ab illo 'deficit, virtutem obligandi non habet. Contingit autem multotiens quod aliquid conservari communi saluti est utile ut in pluribus, quod tamen in aliquibus casibus est maxime novicum. Quia igitur legislator non potest omnes singulares casus intueri, proponit legem secundum ea, quae ut in pluribus accident, ferens intentionem suam ad commune utilitatem. Unde si emergit casus, in quo observatione talis sit damnosa communi saluti, non est observanda.' "*

69 Posthumus Meyjes, *Jean Gerson, Apostle of Unity,* 243.

70 Meyjes, *Gerson, Apostle of Unity,* 243-245.

71 Martin Luther, *D. Martin Luthers Werke; kritische Gesamtausgabe* (Weimar, H. Böhlau, 1883-) 502,27-33. Hereinafter cited as WA. The translations from WA are my own. Here 42:502,27-33.*"Sed videamus etiam legem charitatis et concordiae: Abram erat avunculus Lothi, aetate maior et propter promissionem dignior. Erat denique sacerdos et Propheta Domini, neque ei quidquam ad dignitatem et auctoritatem deerat: Et tamen his omnibus neglectis cedit de suo iure, et se avunculo facit aequalem, qui aetate, dignitate, authoritate, officio longe erat inferior. Hoc an non est, quod Christus iubet, qui maior est, sit ut minor [Joh. 13, 15 ff.] et ut servus aliorum? Iohannis 13."* (cf LW 2:336-337).

72 WA 42:502,34-503,2. "*Poterat enim Abram vincere authoritate et iure, ac dicere: Ego sum senior, mihi data est promissio et haereditas huius tocius terrae: tibi non est data: Etsi autem uterque nunc peregrini sumus, tamen propter promissionem possum mihi vindicare, quam partem ego volo: Tu igitur cum tuis alium tibi locum quaeras: Ego cum meis hic durabimus. Sic summo iure poterat dicere Abram ad nepotem, et manere in suo loco. Vere enim ius habuit, hoc ut faceret: sed cedit de iure suo, et nobis proponit utilissimum ad servandam concordiam exemplum, dum vitat dictum illud: Summum ius summa iniuria."* (cf LW 2:337).

73 WA 42:504,1-6. "*Ad hanc moderationem requiruntur Heroici et singulares viri. Sicut enim videmus, non ipsi legum Doctores disputant secundum charitatem, sed ubique urgent summum ius et apices legum, ut loquuntur. Indigni igitur sunt, qui ad hanc piam cognitionem veniant. In Ecclesia autem docentur animi, ne stricte urgeamus ius nostrum, sed ut moderemur leges secundum id, quod videtur expedire Reipublicae."* (cf LW 2:338).

74 WA 42:504,7-14. "*Exemplum addam. Carthusiani habent legem, ne per omnem vitam gustent carnem, Si igitur valetudinarius aliquis, cuius vel complexio, ut Medici vocant, vel usus vitae piscium perpetuum esum ferre non posset, et ideo periclitaretur de vita, sine epiika seu dispensatione hanc legem urgent Monachi, et ne quidem si vitam miseri hominis una buccella carnis servare possent, id facerent. Hoc quidem est sine dispensatione urgere legem, et oblivisci, quod omnium legum finis sit dilectio: Igitur Gerson et alii hanc severitatem merito improbarunt."* (cf LW 2:338-339).

75 WA 42:504,23-29. *"Religio igitur monachorum talis est, quae Epiikian nullam, moderationem nullam novit: Igitur iniquissima et iniustissima est: non enim respicit finem [Kol. 2, 23] legis, non spectat charitatem: Sicut Paulus dicit, coll[o]ssenses 2: 'non parcit corpori.' Ergo hoc quoque verum est, quod Terentius dicit: Summum ius esse summam iniuriam. Non enim vult Deus occidi corpora, parci vult corporibus: imo etiam ali et foveri, ut sufficere possint vocationi et officiis, quae debentur proximo."* (cf LW 2:339). N.b.**:** While Luther attributes the quote to Terence here, he quotes Cicero in other places. That is because Cicero's use of the proverb in *De Officiis* itself quotes a play which Cicero attributes to Terence. Hence, the phrase belongs to both authors.

76 Emphasis added. WA 42:505,4-21. *"Imperator, dicunt, est lex viva et animata. Theologi autem dicunt, legem esse consilium boni viri. Nam posita lege relinquitur prudentia, quae eam moderetur in certis casibus. Impossibile enim est Legislatorem videre omnes particulares et universales casus, qui possunt incidere: Sunt enim infiniti. Posita igitur lege, secundum Theologos, necessario includitur consilium boni viri gubernantis legem in futuris casibus, ne sit noxia: sed ut semper retineatur finis legis, ut prosit et tranquillitatem servet. Si enim lex contra charitatem est, non est lex: sed charitas est domina et magistra legis, ac iubet tacere legem, ut quae non ius, sed iniuriam in certis casibus doceat, si quis eam sine moderatione velit sequi…. Discite igitur, quod pax et charitas sit moderatrix et dispensatrix omnium virtutum et legum: Sicut Aristoteles in quinto Ethicorum praeclare de Epiikia disputat."* (cf LW 2:340).

77 WA 42:503-506. (LW 2:338-342).

78 WA 42:506,3-9. "*Recte igitur, sancte quoque et pie facit Abraham, cedens de suo iure, et de conservanda concordia cogitans. Sic Paulus monet Ephesios 4: [Eph. 4,32] 'Invicem condonantes, si quis adversus fratrem habet aliquid', et Philippenses [Phil. 4, 5] 4:'Vestra epiikia nota sit omnibus hominibus.' Significat autem epiikia proprie cedere de suo iure, et condonare aliquid studio retinendae concordiae: Hac per omnem vitam opus est. Summum enim ius summa est discordia."* (cf LW 2:341).

79 Emphasis added. WA 20:145,20-30. *"Est commendatio huius sapientiae iam dictae, aequitatis scilicet. Non viribus servantur res sed prudentia aguntur omnia et proficiunt in regno, legibus, administrationibus, artibus. Sic et nos conditi sumus homines, ut agamus ratione et plus ea valemus quam omnes bestiae viribus. Sic homo ratione domat ferocem equum et immanem leonem. Igitur ut maxime sint leges positae, sint politiae bene ordinatae ac constitutae, nisi tamen accedat prudentia, saepe pessime agitur. Sapiens enim cum condit leges, impossibile est, quod possit conditiones et circumstantias omnes videre. Quare multa relinquuntur legum administratoribus. Sic et iurisperiti quoque Imperatorem vivam legem vocant: Quia eo loco constitutus est, ut moderetur leges tanquam auriga currum et omnia accommodet pro locis, temporibus, personis &c.."* (cf LW 15:125).

80 Emphasis added. WA 20:146,12-22. *"quasi dicat: Quid conaris omnia ad amussim exigere ad leges? Nunquam fiet, ut omnia rectissime fiant. Si vis vivere in politia, oportet te multa dissimulare, multa ferre, multa ignorare, ut saltem aliquid iusticiae conserves. Intuere te ipsum et videbis, quam saepe ipse iniuste facias et hoc agas, quod merito multis displiceat. Ideo non sis nimis iustus, quia et ipse peccas et in multis offendis. Sic et Christus Matt. 7. [Matth. 7, 3] dicit 'Festucam in oculo proximi vides et trabem, quae in oculo tuo est, non consideras', quanquam ibi de coelesti iusticia loquitur. Si nos ipsos domi inspiceremus, tum sine dubio inveniremus eos defectus, qui alios iure offendant. Ea res nos certe commonere deberet, ne essemus tam severi iudices aliorum neque nimium iusti alienae iusticiae exactores."* (LW 15:126).

81 WA 25:59,5-25. *"Iuristae Equitatem, quando propter casum intervenientem molliunt rigorem legis. Eth. 5. Aristoteles:…Si est stultus, perrumpit non servans epiikian, non mollit legis rigorem,* ***das heist*** *equitas in legibus Moralibus. Carthusianus habet legem, ne edant carnem. Ibi prudens moderator debet dicere: ibi regula est deserenda. Regula est lata pro praefractis, non infirmis. [Phil. 4, 5] Aliud exemplum: 'Gaudete in domino, Epiikes' i. e. estote epiikes. [2,2] Ex collatione locorum sumenda vocis significatio, 2. Cor. X Et Supra 2. Sapientia, eius virtus est ea, quod Christianus sit lenis, flexilis, mollis ad cedendum malis, infirmis et omnibus casibus infortunii. Summa summarum: quandoque nos Christiani versamur in mundo, in regno diaboli, necesse est constitui, constituta impie exequi, sic animari et cantare: Mitte vadere,* ***das ich mich nicht zu tod greme****, ut novi regentes, oportet te multa dissimulare, nescire, non videre, quae necessaria est virtus. Qui nescit dissimulare, nescit imperare, nescit etiam cum hominibus vivere: Fridericus Imperator 3., qui non habet epiikian. Est vicina virtus mansuetudini, lenitati, tamen non ea in hoc sita, ut multa dissimulemus sive frater nobis iniuriam vel aliam, ut non discruciem me sed interpreter in bonam."* (cf LW 29:75).

82 H. G. Haile, "Algorithm and Epikeia: Martin Luther's Experience with Law," *Soundings: An Interdisciplinary Journal* 61/ 4 (Winter 1978) 505.

83 WA 44:706-708. (LW 8:174-176).

84 WA 44:702,24-703,1. *"Similia exempla supra quoque habuimus Abrahae et Sarae, Isaac et Rebeccae, ubi coniuges summo amore et mutua reverentia coniunctissimi sibi invicem adversantur…Nostri Reges, Principes et Episcopi saepe ob levissimas offensas movent funesta bella… Hic summi viri disputant de causa maxima, et habent utrinque argumenta gravissima. Abraham, Isaac, Ioseph nituntur lege Dei, quae est summa sapientia, coniuncta cum iure naturali. Sic enim colligunt: Ismael, Esau, Manasse est primogenitus. igitur debetur illi duplex portio haereditatis."* (cf LW 8:169).

85 Emphasis added. WA 44:703,30-704,10. "*Referenda autem haec sunt ad duo genera doctrinae, quae traduntur in Theologia Christiana et Iure, nimirum ad gratiam promissionis et legem. Doctrina legis retineri debet, quia necessaria est ad conservationem disciplinae, ideo strictissime est tenenda… Non enim abiicienda est lex propter promissionem gratiae, sed est docenda, ut retineatur disciplina et doctrina de bonis operibus …Sed ab hac lege exemptus est Deus, nec debet ei subiici, ut faciat secundum legem. Quia Dominus eius est, qui potest dispensare et aliter agere, quam lex imperat. Aliud est regnum gratiae, et aliud legis. Lex cohibet peccatum, ostendit virgam, et denunciat iram Dei et poenas delinquentibus. Hoc proprium officium legis est, pertinens ad malos, contumaces et securos coercendos."* (cf LW 8:170-171).

86 Emphasis added. WA 44:704,13-17. *"Et apud Iureconsultos insignis doctrina est de ἐπιείκεια, et in omni gubernatione politica et oeconomica diligenter observanda. Patrifamilias utroque opus est in oeconomica lege et ἐπιείκεια. Aristoteles etiam in quinto et praeclarissimo Ethicorum Libro pulcherrimum locum habet de ἐπιείκεια."* (cf LW 8:171).

87 WA 44:704,36-39. *"Ibi sic statuit: Ego sum viva lex in domo meo, et habeo in manu ἐπιείκεια et ius moderandi aut mitigandi. Cesset igitur rigor mandati, quod antea dederam. Ibi perfringit legem ἐπιείκεια, propter casum subitum et improvisum."* (cf LW 8:172).

88 Emphasis added. WA 44:706,8-16. "*Primo igitur differentia personarum observanda, postea officia aut ordo singularum consideranda sunt. Si Carthusianus opus habet balneo, utatur sane, si non potest vesci oleribus aut piscibus, comedat carnes, aut econtra. Et haec pulcherrime tractantur apud Aristotelem de proportione Geometrica et ἐπιείκεια. Haec enim est pars gratiae, quam oportet locum habere in magistratu, in oeconomia et politia. Quando uxor est infirma, ibi legem abiicio, donec convaluerit. Lex debet servari, ita tamen, ut magistratus habeat in manu proportionem Geometricam, seu mediocritatem et ἐπιείκειαν."* (cf LW 8:174).

89 WA 44:706,23-29. "*Ideo inquit: 'Ah, mi pater, quid agis? non agnoscis filios, longe erras. Ego singulari studio ordinavi, ut Ephraim esset ad sinistram, alter ad dextram, et servaretur lex de primogenitis, nec mutaretur ius divinum… Transfer igitur, mi pater, dextram a capite Ephraim in caput Manasses, quia causa iustissima est ac fundata lege Dei."* (cf LW 8:174).

90 WA 44:706,18-20,31-32. "*Ad hunc modum Ioseph et pater dissident. Ioseph habet optimam causam, et pro se legis sententiam, quia primogenitura divinitus mandata et honorata est… Ac si aliter egisset Ioseph, fecisset iniuste, decebat enim ipsum servare legem, et persequi ius primogeniturae."* (cf LW 8:174-175).

91 WA 44:706,34-39. *"Sed respondet Iacob: Intelligo, mi fili te primogeniturae ius defendere secundum legem, quam vis servari et ornari, et ego quoque eam firmam et immotam esse cupio. Verum iam non est tempus, neque locus legi, sed benedictioni divinae, quae non subdita est legibus, aut iuri nostro, aut sapientiae nostrae. Non igitur improbat sententiam Ioseph, sed relinquit eam in medio, non tollit legem, sed agit negocium promissionis."* (cf LW 8:175).

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BOOK REVIEWS

Before Nature: A Christian Spirituality

H. Paul Santmire (Minneapolis, MN: Fortress, 2014)
Reviewed by Gilson A. C. Waldkoenig

When theologians teaching at Lutheran colleges, universities and seminaries held a conference in 2012 to assess and discuss ecological theology, they called upon H. Paul Santmire to review the emergence of ecological theology among Lutherans. Lutheran churches made the first public theological statements on ecology in 1970 and 1972. One of their theologians, Joseph Sittler, beginning in 1954, was the pioneer of earth-regarding theology. Santmire was a young theologian working alongside Sittler for the 1972 ecology statement by the Lutheran Church in America, having completed *Brother Earth: Nature, God and Ecology in a Time of Crisis* in 1970. By 1985 Santmire published his most important work, *The Travail of Nature: The Ambiguous Ecological Promise of Christian Theology*. With *Nature Reborn: The Ecological and Cosmic Promise of Christian Theology* in 2000, and *Ritualizing Nature: Renewing Christian Liturgy in a Time of Crisis* in 2008, Santmire finished his eco-theological corpus – except for a book that "has the feel of my last": *Before Nature: A Christian Spirituality*.

Adapting the Jesus Prayer from Orthodox spirituality, Santmire offers a Trinity Prayer for daily practice that dwells within and upon the connections of Christian faith to the natural world. Santmire offers specific guidance for praying the Trinity Prayer in Chapter Two, Chapter Ten and the Epilogue of *Before Nature*. The Prologue and Chapter One introduce his personal connections to nature and Christianity, and his purposes for the book. Chapters Three, Four and Five frame the ambiguities and tensions of praying within the human condition, including doubt, a Christian sense of sin, and noetic limitations. The rest of the chapters discuss aspects of Trinitarian theology in relationship to creation and redemption, including interesting summaries of Santmire's appropriations of Paul Tillich and

Gordon Kaufman, his teachers, and other favorite theologians: Elizabeth Johnson, Jurgen Moltmann, Martin Luther and others.

An accomplished preacher and teacher, Santmire fills the entire book with colorful imagery and stories to which almost anyone could relate. Yet in the discursive Chapters Six through Nine his review of significant theological issues could keep a discussion group of pastors or seminarians busy for a season. Theologians may spy unfinished and open issues that ecological theologians – not only Santmire – face. But it is interesting to see how Santmire makes associations between doctrines, biblical texts, liturgy and ethics in order to interpret his overall amazement and appreciation of nature and God.

The book therefore is like a walk or tour with Santmire along which he introduces theological observations and religious associations. For instance, he invites readers to a hand-mown field he loves, stops to tell a story, and shares his sense of how holy is the world. Or, readers ascend with Santmire in a tower above a prolific canopy over a cemetery. From that perch Santmire recommends incarnational theology and spirituality to defy any spiritual ascent toward disembodiment. One of Santmire's strongest sections is on the incarnational theology of Martin Luther (pp 135-143). Theologically-informed readers could use *Before Nature* to approach a string of conversation-starters about Trinitarian analogies; perception of the Trinity in God's created world; and related theological issues. Others, however, may simply find a kind voice framing Christian imagery and language with respect for the world that science and poetry also describe.

Santmire recommends his prayerful Trinitarian spirituality to all spiritual seekers in an environmentally troubled world. Early in the book Santmire makes a warm invitation to any who may be estranged or unfamiliar with organized Christianity. He suggests to church leaders that they could follow his example: to be interested in and engaged with the environmental plight of the world opens common cause with others. Like his previous works, Santmire's *Before Nature* honestly identifies neglect and culpability of Christians and Christianity toward the environmentally damaged and socially troubled world, but also details a wealth of Christian belief and practice which exhibits and enhances appreciation for nature and the here-and-now drama of God's abiding care for the world.

Gilson A. C. Waldkoenig is Professor of Church in Society in the B.B. Maurer Chair in Town and Country Ministry. He works in ecological ethics, ethnography of religion and the church in rural society. Waldkoenig collaborates in the Blessed Earth Seminary Stewardship Alliance, GreenFaith: Interfaith Partners for the Environment and Lutherans Restoring Creation.

Faith in the Face of Empire: The Bible through Palestinian Eyes

Mitri Raheb (Maryknoll, NY: Orbis Books, 2014)
Reviewed by Marty Stevens

In his latest book, Mitri Raheb once again calls attention to the plight of Palestinian Christians, sharply decreasing in number, living under Israeli 'occupation,' and caught up in the Arab intifada violence. Pastor Raheb serves as Senior Pastor of the Evangelical Lutheran Christmas Church in Bethlehem, as President of the Synod of the Evangelical Lutheran Church in Jordan and the Holy Land, and as President of Dar al-Kalima University in Bethlehem. Writing to lay people from a self-conscious Palestinian perspective, Raheb seeks to present "how the actual reading of the Bible in the Middle East today might, could, and should look" (3). The red thread throughout the nine chapters is the dominance of empire over Palestinians and what resources for resistance are provided by Christian faith.

The first four chapters set out the author's understanding of how history and the biblical story intersect in the Palestinian context. In these chapters, he lays out his foundational definitions for his point of view as a Palestinian Christian. First, 'Palestinians' are the native people of the land, those of whatever religious persuasion who have lived on the land from ancient times until today. Second, the people of the land of Palestine have been almost continuously dominated by empires, the latest of which is the modern nation of Israel, subsidized by the United States and Europe. Raheb illustrates his points by describing his father's life.

> My father was born in 1905 in Bethlehem as an Ottoman citizen with Ottoman identification papers. As a teenager…almost overnight, he became a citizen of Mandate Palestine with a Palestinian passport issued by the British Mandate government. In 1949…he became suddenly a citizen of the Hashemite Kingdom of Jordan. And when he died in 1975, he died under Israeli occupation with an ID card issued by Israel. But he was the same person throughout those geo-political vicissitudes and had no choice but to adjust to changing political and imperial realities. (11-12)

In chapter five Raheb describes seven aspects of imperial policies discernible across empires and specifically attributable to the latest empire to occupy Palestine, the modern nation of Israel. These common attributes are: control of movement, control of resources, settlements, state terror, exile, control of the capital, and imperial theology. Whether readers will agree with his characterization of the modern nation of Israel as imperial occupier, this chapter contains valuable data and perspective concerning the everyday plight of Palestinians.

In the next chapter, the author highlights "four existential questions that the people of the land must consciously and continually ask" (67). The four questions are: Where are you, God?; Who is my neighbor?; What is the way to liberation?; When will we have a state? As a Bible teacher, I regularly present these same questions as those that arise out of the situation of the biblical people of Israel – and that is precisely Raheb's point. In an ironic reversal, he sees the biblical Israel reincarnated in the Palestinian people and the biblical imperial domination by Assyria, Babylon, Persia, Greece, and Rome reincarnated in the modern nation of Israel.

Raheb acknowledges that most Western readers will be unsettled by his perspective. He provides some interesting discussion of how the modern nation of Israel has intentionally branded itself as continuous with the biblical Israel and how Western Christians have seen the Palestinians (intentionally or not) as the biblical Canaanites, assigning divine will to their removal from the land. He asserts, "This is precisely the crux of the problem: the natives of the land have been made strangers in order to make room for an invented people to occupy the land" (38). By using the word "invented" to refer to those who settled the modern nation of Israel, Raheb provocatively reminds us that there is rarely a straight line from the Bible to modern geo-political realities. The modern nation of Israel is not the biblical Israel; the Palestinians are not the biblical Canaanites; Iraq is not the biblical Babylon. How we interpret the Bible always carries a particular perspective and usually a specific agenda.

The final three chapters suggest resources from Christian faith to address imperial oppression and the resultant feelings of victimhood and hopelessness. "Faith embodies the view that we can imagine something that was not, until the present, part of our history" (127). Raheb calls for imagination and hope that will bring true freedom and the flourishing of all people in the Middle East region.

On the same day that I finished reading this book, the lead story on the nightly news was the increasing violence between Israel and Gaza. At a news conference, Israeli Prime Minister Benjamin Netanyahu announced, "No international pressure will prevent us from acting with all our power" (July 11, 2014). I heard those words with new ears after reading Mitri Raheb's book.

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Pastrix: The Cranky, Beautiful Faith of a Sinner & Saint

Nadia Bolz-Weber (Nashville: Jericho Books, 2013)
Reviewed by Lauren Muratore, Neill Morgan, Ann Mallet and Ursula Shreffler

These mini reviews come to us from writers who have used a much-noticed book, Pastrix, *in their own congregations. Ann Mallet is a laywoman who worships in a Lutheran congregation in Cambridge, Vermont. Neill Morgan is the recently-retired pastor of a Presbyterian church in Sherman, Texas. Ursula Schreffler is pastor of Zion Lutheran Church in Hershey, Pennsylvania. Lauren Muratore is Director of Admissions and Assistant Dean of the Chapel at Gettysburg Seminary. They provide takes on a book that is both a prophetic call for renewal of the church's message, and a re-invention of the pastoral personality. Responses to this best-selling book can't miss the re-invention, or the assertion of a very large and boisterous personality into the pastoral role. There is new wine, here in this tale and a not so subtle message that churches need to discard their old wine-skins, too. –Book Review Editor*

Lauren Muratore

Pastrix is, by form, a memoir. It is also, in essence, an un-prettied up, unapologetic, utterly honest practical theological reflection on the realities of life, faith, and ministry. What you've heard is true – in *Pastrix* Nadia curses, tells what my grandmother would call "colorful" stories, and pulls absolutely no punches, leaving her readers, at times, breathless. I loved it. The truth, of course, is that Nadia won't endear herself to all. I'm fairly well convinced that's not her goal, though, and this, too, I find refreshing.

Nadia writes sincerely and with a prophetic voice that will necessarily make some uncomfortable, even as it clearly proclaims gospel to others. However, regardless of your threshold for "edgy," my experience is that Nadia's authenticity and articulate storytelling are worthy of our attention and respect. Her ability to nimbly and concretely connect real life with religious life, her wise and creative relationship with scripture, and her passion for both tradition and innovation are exactly what the church needs right now. All of it. Not just the tatted-up crowd.

Pastrix is a beautifully woven story of one saint-sinner, the saint-sinners she abides with, and the God who abides with us all. It's a memoir, sure, but it's also great preaching – full of grace, and good coffee for those inside or outside the institutional church who find themselves a bit tired of business as usual. Now, even if that's not you, it's certainly someone you know, making *Pastrix* one of the most relevant reads in the spirituality section of your local bookstore. I highly recommend checking it out.

Neill S. Morgan

Translating the Gospel into the language of one's parishioners, whatever the context, presents the parish pastor with a daunting daily challenge. In *Pastrix*, Nadia Bolz-Weber tells the story of her struggle to find not just words, but just the right emotional tone to convey the shocking, scandalous, offensive, and wondrous grace of Jesus to a congregation of saints and sinners deeply aware of their brokenness. Middle-class, suburban, mainline Protestants might mistake her theological reflection for the profane exclamations of the captain of a pirate ship, but within the context of her congregation, the House for All Sinners and Saints, Nadia Bolz-Weber proclaims the Gospel of Jesus Christ in bold and clear translation.

Were I to lead a study of this book with the over-eighty church ladies, I would be sure to come equipped with a supply of smelling salts in my communion kit for those few whose impaired sense of humor or heightened sense of decorum would lead them to faint on the floor should they hear their pastor read aloud one of his favorite passages, such as:

> You hear a lot of nonsense in hospitals and funeral homes. God had a plan, we just don't know what it is. Maybe God took your daughter because He needs another angel in heaven. But when I've experienced loss and felt so much pain that it feels like nothing else ever existed, the last thing I need is a well-meaning but vapid person saying that when God closes a door he opens a window. It makes me want to ask where exactly that window is so I can push him the f--- out of it. (83)

Once the eyebrows have been untangled from wigs, and the faint of heart have revived, even the shocked may also be awed by a starkly honest tale of grace and redemption – a prodigal daughter who returns to Jesus with a congregation of sinners and ragtag saints she picked up along the highways and byways at brothels, gay bars, dens of iniquity, and a pig sty, trailing behind.

A pastor with Nadia Bolz-Weber's larger-than-life presence (if you only read one book this year by a six-foot-tall woman recovering from addic-

tion, fundamentalism, and Grave's disease, former Church of Christ now Lutheran pastor with a tattoo of Mary Magdalene, well…) has to struggle with the challenge to become transparent that others may see Jesus more clearly. She is an operatic figure turned loose on the world, and yet, somehow, she pulls the rug out from under her own grand personality to show us the radical grace of Jesus Christ.

Bolz-Weber's confessional honesty, along with her self-described "misanthropic personality" provide a deep well of illustrative material for her theological proclamation of grace for all. Her prose dances with the rhythms of her former life as a stand-up comic, but her days of using comedy to distract herself and others from the darkness have passed. Her comedy now serves as a vehicle of the grace to which she, and all of us, cling. Her raw accounts of failure in every attempt to chart her own path of salvation will lead honest parish pastors to recognize ourselves, our self-deceiving fantasies of self-reliance and success through sheer competence, hard work, and charisma, and follow her into deep darkness where she points to the light of resurrection that no darkness can overcome.

Ursula E. Schreffler

My favorite scene in *Pastrix* begins with Pr. Nadia lamenting, "This neighborhood is way too nice; it's attracting the wrong element." A large article and picture in the *Denver Post* put House for All Sinners and Saints (HFASS) on the church map of Denver. While most congregations would embrace visitors and new worshippers, Pr. Nadia's edgy, hipster congregation felt threatened when suburban soccer moms and dads began showing up. In their experience of meeting "the other," those scary traditional soccer moms, Pr. Nadia and her congregation learned how God's radical hospitality is meant for all.

This was a unique perspective for me to read because we (mainline Christians/traditional Lutherans) don't normally see artsy, urban hipsters in our congregations, and we certainly don't feel like we are the ones who should be feared. I appreciate the honest manner in which Pr. Nadia writes. She makes no apologies for her brash language and bold attitude. She is honest about her own personal brokenness, and yet she embraces the forgiveness that is found in the worshipping community and its sacraments. She is a role model of sorts for me. Her ministry embodies the sinner/saint dichotomy that we preach and her humanity as a pastor inspires me to preach the gospel. So far, only a few of my parishioners have read the book, but those that have enjoyed Pr. Nadia's writing style and her honesty.

Ann Mallett

Our Sunday morning Adult Forum group had just finished viewing Krista Tippett's interview with Pr. Bolz-Weber. After the expected, "She certainly has lots of tattoos," our sharp, 91 year-old member pipes up, "But her theology is so Lutheran!"

I'd more or less forgotten about the Adult Forum conversation until a friend gave me a copy of *Pastrix.* Not an avid non-fiction reader, I decided I should at least give the book a try and discovered it was not hard to keep reading to the end. Is it her stories? Is it her humor? Is it her coarse language? Is it her "so Lutheran" theology? Maybe the short chapters? I'm not really sure. I just know I liked the book. Some worry that Bolz-Weber might become a celebrity pastor or flame out from exhaustion. As a lifelong Lutheran, I admire the depth of her hard-won faith and wish that my childhood friends who have given up the Lutheran church for Unitarianism would know her. And I wonder, does our church sign that proclaims "Welcoming All" really mean it?

Do You Want it Good, or Do You Want it Sunday?

Katy Giebenhain

In the British Library I expected to experience, at the very least, a mini-epiphany. From the illuminated Luttrell Psalter (early 1300's) to a Kufic Qur'an to a Shakespeare folio, Leonardo da Vinci sketches, historic maps or a hand-copied poem by Silvia Plath there is much to behold in the Sir John Ritblat Treasures Gallery. More than 200 pieces are on display for the public.

So why did I leave the building thinking about the cover of a book in the gift shop? After the stunning original specimens of music, faith, literature, law and print history (and the Magna Carta for goodness sake), what stayed with me long after leaving was: *Do You Want it Good, or do You Want it Tuesday?* This book by Ruth Artmonsky is about the work and processes of a printing company in Ipswich. The moment I saw the title, I thought about sermon writing on deadline. The wild variation in responsibilities and expectations on those who preach today means the writing part can be cut short.

Poetry writing and sermon writing also share a tendency to teach us in the process of our sorting out what it is we need to express. There is often a shift. We discover that it was *something else* about that Corinthians text which is pertinent right now, or that a poem which started as a sestina on one topic might evolve into a much stronger, quirkier poem about something else entirely.

Find the Hot Spot, Use the Hot Spot

Likewise, I was taken by surprise when, after watching the movie *Chef,* what mainly stayed with me after a very enjoyable film was not the film itself but a bonus scene following the credits. In this clip, the actor John Favreau

(playing the main character, chef Carl Casper) is being taught how to make a grilled cheese sandwich by chef Roy Choi.

An aproned-up Favreau, standing near a griddle asks the renowned Choi what he's looking for.

Choi answers: "Heat. Heat … right here is the hot spot, so you're controlling it all the time."

Every move reinforces the focus of his explanation. Choi makes a surgery comparison while referring to how he holds a spatula, then shows how your entire body changes position, and how you can see the sandwich "evolve."

It is 80 seconds of choreography and craftsmanship.

"…you're not too busy with it." He explains to Favreau. "You're precise, but then sometimes you step back. Nothing else exists. This is the only thing that exists in the world right now. If you f--- this up, everything sucks in the world."[1]

Choi captures the intensity of writing sermons and writing poems. Poets and preachers often overdo it. A sermon can also be *underdone* and spilling out all over the place. Even the most excellent ingredients (great sources and resources) are not enough on their own. Do you build sermons with the attention of Roy Choi? Do you find the heat?

There is even something Lutheran about this clip. Martin Luther's motivation to translate the Bible into German for ordinary people in his day had to do with access. A grilled cheese sandwich is as ordinary as you can get. But the way it is executed? The way it is assembled and grilled? That's the opportunity each Sunday. Make it accessible yet transformative. We are hungry for it. We want it good.

Notes

[1] *Chef*, directed by John Favreau (Los Angeles: Open Road Films, 2014).

We Welcome our Poets

This issue includes poems by Kathryn Stripling Byer (North Carolina), Larry Pike (Kentucky), Rafey Habib (New Jersey), Brian Johnstone (Scotland), William Hathaway (Pennsylvania) Gerry LaFemina (Maryland), Liz Dolan (Delaware) and Kelly Cherry (Virginia). Book recommendations are for *St. Peter's B-List: Contemporary Poems Inspired by the Saints* edited by Mary Ann B. Miller, *Without Angles* by Marjorie Stelmach and *I am the Beggar of the World: Landays from Contemporary Afghanistan* translated by Eliza Griswold.

Book Recommendations

Without Angels

The angel references in Marjorie Stelmach's newest book are not what we're used to. In these poems, imagination and faith and the language of science go for walks together. Would you expect to find terms like "Ockham's Razor," "flawed photons," or "pewter bead of mercury" in a collection called *Without Angels?* Watch how she opens "Stay":

A storm of gnats caught golden
in the lowering sun
    rises from the grasses
and floats, a trembling globe,
into its own absence.
        Might I as easily disappear
through a hole in space no larger than
this willingness?

As if a passing angel sensed in me
a leaning
    verging on assent –
a lightness an angel might interpret
as a lack of faithfulness
            to earth – (33)

In this intricate collection, poems feel both three dimensional and tangibly mysterious. The poem "Traits of the Angels," for example, lists descriptions of traits from their "speed" to "taste" to "areas of expertise." (11)

She continues shaping these poems in the human proximity to the presence of angels. The questions and thoughts of human beings trying to make sense of what unfolds around them are important here. Grief, personality, Bible stories and the physical world are found throughout the collection. From men at Christ's tomb to a maid at a casino hotel in the desert there is a quality of examination and thoroughness here. The perspectives are so interesting that it is a rich and revealing rather than a complicated examination.

Visit Woodstock, N.Y.-based Mayapple Press at www.mayapplepress.com.

St. Peter's B-List

The anthology *St. Peter's B-List: Contemporary Poems Inspired by the Saints* edited by Mary Ann B. Miller includes a useful appendix of the saints referenced. The title poem by Jake Oresick imagines the nightlife in heaven. Do we imagine we'd be on any other list than the B list?

In her selections, Miller wants to remind readers "of the continually repeated presence of the divine in the human world." (xx) She has chosen contemporary voices rather than 'historical poems' as if voiced from the saints themselves. "The great number of these figures and the wide variety of social, regional, and occupational circumstances from which they speak is reminiscent of the 'communion of saints' and the litany that springs from trying to convey the individuality of these people who lived in particular times and places in the form of a necessarily limited list." (xx)

A few poems I'd like to lift up are Dana Gioia's "The Angel with the Broken Wing," Martín Espada's "The Saint Vincent de Paul Food Pantry Stomp/Madison, Wisconsin, 1980," Mary Karr's "Limbo: Altered States," "Elegy for the Saint of Letting Small Fish Go" by Eliot Khalil Wilson, "Blue Willow Plate" by Victoria Edwards Tester and "All Hallows Eve" by Joseph Bathanti.

Despite the connections to saints past, we're standing firmly in the present day when reading these poems. In "Being Called Back" Kelli Russell Agodon begins

> In case of accidents, call a priest,
> or so reads the back of
> my Saint Christopher medallion.
>
> And I want to engrave:
> *Or 911. Or an ambulance,*
> *but not just the priest.* (194)

Jim Daniels' in "The Maculardegeneration Boogie" shuffles images of St. Lucy (the patron saint of those with eye ailments) and the failing eyesight of a woman today, a woman who loves to cook. Like many of the poems in the book, the references to past and present enhance what we understand about human impulses.

Saints both comfort and confuse us. They inspire us and they freak us out. *St. Peter's B List* seeks comfort in the confusion of our lives and beliefs. There's a fine afterward by James Martin, S.J., too.

Visit Notre Dame, Ind.-based Ave Maria Press at www.avemariapress.com.

I am the Beggar of the World: Landays from Contemporary Afghanistan

Pashtun women wield folk poems like the translated two-line Landays in this book like razors or kisses or numbing medicine. It is tempting to think of women in Afghanistan as a passive, burqa-clad unit, rather than as individuals. This book helps to remind us of their complexity and their history.

> My darling you are just like America!
> You are guilty, I apologize. (109)

This is not a passive voice. Neither is this:

> I could have tasted death for a taste of your tongue
> watching you eat ice cream when we were young. (57)

American journalist and poet Eliza Griswold set out to uncover why a teenage girl from Helmand province committed suicide as an act of protest for being forbidden to write poems. While researching a radio community of women poets who knew the talented young Zarmina, from phone calls, Griswold ended up gathering and translating (with the aid of other translators and poets around the countryside) a number of old and new landays. She also found out about Zarmina's death. *I am the Beggar of the World* explains the role of the landay, which is thousands of years old and likely originated as a call-and-response during caravan travel. 50 photographs by Seamus Murphy are interspersed between the poems and explanations.

Landays are memorized and spoken aloud among gatherings of trusted women. Many of the poems are anonymous and very old, so they are less dangerous than new ones written or adapted today. Adaptations sometimes include substituting words like "Facebook" or "drones" or "Bollywood" for other words in traditional landays. In the wrong circumstances, even the voicing of a poem has severe consequences. This book is nearly equal parts poetry, photos and information about the project and resulting translations. They alternate throughout the book. I recommend *I am the Beggar of the World* for the poems themselves, for the perspective of the women sharing them, and for the way they remind us of the tradition of all folk poetry.

A *Poetry* Magazine Podcast www.poetryfoundation.org/features/audioitem/4436 includes bilingual readings of some of the poems along with an interview of Griswold and Murphy by Christian Wiman.

Visit Farrar, Straus and Giroux at www.fsgbooks.com. Learn more about Eliza Griswold at www.elizagriswold.com/.

A'ma*

Kathryn Stripling Byer

First thing I do
when I walk in, I reach
for the salt on my table

and say to the devil
behind me, Here's salt
in your eyes. Take this

winding sheet
you want to wrap me in,
what is it now

but a tablecloth
after my grandmother's own
heart, a flutter of white

linen settling, its wing-
span the measure of all things
I see spread before me.

Salt in Cherokee*

Kathryn Stripling Byer served as the first woman poet laureate of North Carolina. "A'ma" is reprinted with permission of the author from Coming to Rest *(Louisiana State University Press) 2006. She has published five books of poetry and several chapbooks. Her most recent collection,* Descent*, won the Roanoke-Chowan Award and the SIBA Book Award for Poetry. In 2012, along with Maya Angelou and John Lawson, she was inducted into the North Carolina Literary Hall of Fame. Byer's poetry, prose and fiction have appeared in* the Hudson Review, Poetry, The Atlantic, Georgia Review, *and elsewhere. Visit www.lsu.edu/lsupress and www.kathryn-striplingbyer.com.*

As From a Car

Brian Johnstone

The way you see this side of life is always
from a car: rained on and out of focus;
wiper blades in motion slicing images
apart; drops of scuzzy drizzle blotting out
the view. Dim light shows a line of pylons,
road signs flashing past; night a glimpse
of open ground where someone's lit a fire;
and the distances between us all are squared.

Weather beats its long tattoo on surfaces
we've manufactured, polished up
to show us as we wish to be, assured
of one thing, where we drive and when
has as little bearing on where we plan to stop
as does the glare of someone's headlights
flaring in the mirror, the white lines men
have staggered down the centre of the road.

Source

Explain this as the guidebooks do,
plant a park around its banks,
put signs up, answer all the questions,

still its mystery remains. Like breath,
the water wells out from the rock
men say is simply porous strata

carrying this river from the distance
to debouch it here below the gaze of what
has marked these depths as sacred

for who knows how many years –
the Virgin nested in the surface of the cliff
quite beyond all access now. Unlike

the wonder of this place: a thin mist
rising from the water, its surface
black and unrewarding to the gaze,

but swelling in the centre of the pool,
receiving by the minute, urging
every molecule of river water up

and on between enclosing rocks,
the tributary that it truly is. Even as,
millennia before, receiver too, men

slid its tribute deep into the reaches
of another world, that's here,
still somehow straining to be heard.

Chatillon-sur-Seine, Burgundy

Brian Johnstone is the co-founder of StAnza: Scotland's International Poetry Festival. "As from a Car" and "Source" are reprinted with permission of the author from his latest poetry collection Dry Stone Work *by Arc Publications. Previous books include* The book of Belongings *and* The Lizard Silence. *Visit www.arcpublications.co.uk. Johnstone is a widely published poet, literary event organizer and performer based in Fife, Scotland. He is the reader for the poetry and jazz improve group Trio Verso, also featuring Richard Ingham (saxes, bass clarinet) and Louise Major (bass). Visit http://brianjohnstonepoet.co.uk/.*

Turkey Vultures

Lui, naguere si beau, qu'il est comique et laid!
Baudelaire

William Hathaway

Seagulls moil together yet apart
only for fish drawn by the chum
in a trawler's rooster tail churn.
Each alone flaps forward yet nowhere,
hovering backward in and out
as if in the thrall of the speeding boat.
Each pounces on its own, each striking
a discrete plash in foaming spume.

Swifts race in ever-swifter rings
over dead smokestacks in old steel towns
before suddenly swooping all together
down the black chutes. Like bees pouring
into a hive, I read in a book
by a farmer writer and made my own
in the name of poetry. If poetry
is still a mouth, our mouths
are nests of birds. Lay up your ear
against those chimneys, the farmer said,
and you'll hear a constant fluttering –
they flap to the center of black fetid air
so as not to shit on one another.

Moloch cowbirds our mouths,
a brute will that will not share.

Turkey vultures sailing sideways
on thermals above these ridges,
wobbling wings in insouciant Vees
to punctuate eternity, also gather
in moiling swirls. But when mist

grounds these highest flyers
they appear as hideous apparitions,
hunched disheveled and lusterless
as those creatures smacked dead
they feed on, and who can gaze
without disgust at lizard heads
glaring red like raw eczema?

Who but you and I can look, then look
again to let an ungainly lurch
reach past our irascible yearn to know
and own the facts of birds,
to feel in our meat how first and last
we too stagger on strange firmament
and see limitless surrender
in black eyes forever startled wide.

William Kitchen Hathaway is an Adjunct Associate Professor in the English Department at Gettysburg College. The most recent of his nine poetry books is The Right No. *His poems have appeared in many anthologies, journals and magazines. Hathaway attended the American College in Paris, Cornell University, the University of Montana and the University of Iowa. Over the years his teaching stints have alternated between hotels, restaurants and retail work. Visit www.williamhathawaypoet.com.*

Patterning

Kelly Cherry

In constellations and the butterfly's wings
we locate patterns, for we are locators
of pattern in everything: the mind revealed
in action or a lack of action, legal
history, physics and poetry, whatever
we can think of, as patterning is how we think.

Or might it be the way that Nature thinks?

I think of Esther Conwell, physicist,
who fathoms "transport charges in DNA,"
and tracks the effect of "strong fluctuations"
on "the motion of the polarons," and though
I do not understand a word of what
she does, I know that writers, also, track

fluctuations and those fluctuations
will map a metaphor or inscribe images
as vivid and vibrant with movement as Matisse
or Klee or a musical phrase by Wolfgang Mozart.
Her husband, Abraham Rothberg, as a boy
a tenor cantor, wrote a choir of books

in which he traced the fluctuations of
the heart and mind and soul and society,
the manic history of the twentieth century,
its wars and lies and convulsive politics,
but also praised the values of freedom and choice
for all. And what a pattern freedom makes,

the sky a canvas on which cumulus clouds
stacked like ziggurats collide with a blue
as high and wide as Shamayim might be, if
there were a heaven, a beach-head heaven in which
wisps of cirrus curl and float and fade
as the Righteous Dead seek a cooling shade.

Kelly Cherry's most recent books are A Kind of Dream *(linked stories) from University of Wisconsin Press and* The Life and Death of Poetry: Poems *from Louisiana State University Press. She is a former poet laureate of the Commonwealth of Virginia. Cherry is the author of twenty books of fiction (novels, short stories), poetry, and nonfiction (memoir, essay, criticism), eight chapbooks and translations of two classical plays.*

The Three Stages of Temptation

Gerry LaFemina

The moon just a flat stone
skipped across the lake. No wind
rippled its surface or set leaves into conversation
& despite this
some claimed a sense of foreboding remained in that park
where gunshots had echoed
a few days before. I'd slipped out

from that house painted with the acrylic enamel of regrets,
that street of divorced mothers
& sagging porches.
I walked past them all & strived to blend with the shadows
street lights cast
the way the tough kids taught,
but I wasn't running away for I always returned.

In the afternoons there was often a woman from the local college
reading philosophy & drinking
what I believed to be coffee from a thermos,
her bare toes tying knots in the grass. Sometimes
she'd smile at me
& pleasure shook me like finding five dollars in the gutter.
At night the only others I saw

were older teens, six-pack eager with their condoms,
impossible stories & Bic lighters.
The whole world seemed to be smouldering
& no one seemed to notice,
so I gave up science fiction & fantasy,
gave up super heroes, too
& began to read the existentialists.

What's it say that the first French word I knew was *isolement* –
such an obvious lie
though I've told it often & for years

if only for the way people responded nervously
their hands fidgeting with something just beyond their grasp.
Fifteen, I knew so much
& knew nothing both –
those forces like tectonic plates shifting.

Nobody I knew discussed their feelings:
the friars at school taught only the three stages of temptation:
suggestion, pleasure & consent, & urged us to resist.
All that year I consented to the suggestion of pleasure
for that's all there ever was – suggestion
which I now acknowledge can be
a pleasure in & of itself. Surely,

I wanted to talk with that woman with her Aristotle
not because she was pretty
but because she unfolded her blanket like a palm reader
& seemed like she might
understand something. I never even said hello.
Courage rarely found in the family pantry.
After the gun fire she didn't return, though I hoped…

Little else seemed to change:
my mother still cried herself to sleep,
the president still spoke of an evil empire
& the trees of that park still bent their heads
over that lake & sometimes
seemed to huddle together like gossips after church &
even that provided comfort

in the way rote prayers never could.
It's hard not to believe in god
when the world's heavy with so much beauty & despair
so much loneliness in the crowded city.
Yes, I chose my solitude & fought against it.
Night a dark fabric shaken above it all
little rhinestones of stars glittering

as if a swami had opened for business. For five dollars
he would've told me a future I'd never have guessed.

On Failing to Understand the Dharma yet Again

August like a small threat in a few more days.
I go to the lake with my bag full of crumbs

but the ducks are gone & the geese, too.
Even the migrations of the heart have learned

a new route. Maples & poplars move in the wind,
leaf song high above. Light like water & water

alive like light. How simple it is to love.
How difficult, too. Summer runs one finger

along the surface, a meditation of ripples.
I throw the crusts to nothing, & the nothing comes.

Gerry LaFemina directs the Frostburg Center of Creative Writing in Frostburg, Md. He is an Associate Professor of English at Frostburg State University. Recent poetry collections include Vanishing Horizon *and* Little Heretic. *A writer, teacher, editor, workshop leader and former singer for a ska band and a hardcore punk band, LaFemina's work appears in many books, anthologies, and journals. Look for his new novel* Clamor *at www.codoruspress.com. Visit www.gerrylafemina.net.*

Pogrom

Rafey Habib

It is coming again, rising
from the ashes of history
like a proud phoenix
with no lesson under its wing
except return and revenge.
It broods over the coastline,
in the black storm, gathering
its fearsome forces
all feeling, all caring eclipsed
by hard economic times,
the primordial din, the shadow
of blame looming yet again.
It is nearing, the monster
once tamed by food, by well
being. Slouching, burning
in us, being born. It will
come in the dress of national
interest, recovery, unity,
prosperity, purity of race,
religion, breed. It will
come as the face of Hate,
socket eyes, cruel laughter,
biting air. Beware.

Rafey Habib is a Professor in the English Department at University of Rutgers-Camden where he teaches Literary Theory and Criticism and Islamic Studies courses. He is the author of seven books including the collection Shades of Islam: Poems for a New Century *(visit Kube Publishing at www.kubepublishing.com)*, A History of Literary Criticism: From Plato to the Present, An Anthology of Modern Urdu Poetry in Translation *and* The Early T.S. Eliot and Western Philosophy.

In Memoriam

Larry Pike

Jim died Sunday in a distant state, following
the familiar long illness. A colleague I saw once
every year or so, shared occasional phone calls with,

copied on periodic e-mails, I called him a friend.
I didn't know he had three kids, played
college football, or enjoyed sci-fi.

He was a couple of years younger, and got
tricked by an inadequate gene, and there was
a lot about him I never knew, never

bothered to ask. It is a sorry eulogy.
What retirement plans did he have,
what did he still hope to accomplish,

was the light fragrance of time still about
his face when he last inhaled?
Would he have been interested to know

I once took flying lessons,
tried to learn to play the banjo,
wrote twenty-six pages of a novel?

Jim died Sunday in a distant, dismal place,
not far from the estate that waits for me,
a few yards of sod tamped over last light.

Larry Pike's poetry and fiction have appeared in Wind, Inkwell, Athlon: The Journal of Sport Literature, The Louisville Review, *the* MOTIF *anthologies* Writing by Ear *and* Come What May*, the chapbook* Absent Photographer, *and elsewhere. Horse Cave Theatre produced his play* Beating the Varsity *in 2000, and it was later published in* World Premieres from Horse Cave Theatre. *He is the human resources manager for a major manufacturer in Glasgow, Ky.*

Jubilation

Liz Dolan

Bless our sea-soaked town where
hoards tread our boards buff with new timbers

Bless the gulls who gorge on greasy fries
and the gorgeous girls in bikinis who abstain

Bless the bathers beaten red by surf
who loll like seals under lollipop umbrellas.

Bless the babies napping in their netting
and toddlers tumbling after puffins and piping plovers.

Bless the bronzed, eagle-eyed lifeguards
who, red-suited, ooze youth and rule from their white thrones.

Bless the stars that set the night sky on fire
under the milky blue radiance of a full moon.

Bless the fiery splendor of the sunrise
where a surprise of violet and rose burst on the horizon.

Bless the ocean's white-bearded waves that plunge and thrash,
bless its flying spray and blown spume and the peppery whiff of dune pine.

Liz Dolan's poetry manuscript, A Secret of Long Life*, nominated for the Robert McGovern Prize, is forthcoming from Cave Moon Press. Her first collection,* They Abide, *was published by March Street. She has received fellowships from the Delaware Division of the Arts, The Atlantic Center for the Arts and Martha's Vineyard. Dolan serves on the poetry board of* Philadelphia Stories.

The Tintinnabulation of the Bells

John Spangler

What does it take to make the singular 'me' become part of a 'we'?

We live in a truly noisy world and spend a lot of time trying to think creatively how to "break through" the noise to gain attention, get noticed, or get a message through. And we also discover from time to time just how the once-fresh, new sounds will blend into the background, and operate below the level of consciousness, becoming part of that "noise."

So it was a year ago when the dominant Gettysburg College vertical tower and the entire Glatfelter Hall, featuring the bell that tolls the passing of time in this town, went offline for major repairs and renovations. In our insular world, many of us scarcely noticed the absence of the bell for weeks, even months. For me, it was spring time before I realized that the bell was "offline," thanks to the warming of temperatures and the opening of windows in the evening for quiet hours when I finally became aware of the absence of tolling.

Those who have travelled in European cities know that the sound of church bells tolling creates an atmosphere, a background set of sounds that gives a context to one's sense of place. Bells are a part of the rhythm of life in such places, and at some level, we respond to the toll that calls us to worship, signals a death, celebrates peace, and tells us the time. These bells at Glatfelter Hall offer a slow beat. But it creates a beat, nevertheless.

A special segment on NPR's Morning Edition in early summer connected the underlying, resonating beat of speech making and its unconscious pull upon us. Host Renee Montagne made the point rhythmically: "A gentle rhythm can calm us. A thumping beat can get our bodies moving. And an insistent, deliberate meter can motivate us."[1]

NPR's Ari Shapiro explored the rhythm of political speech in particular, as one who had covered a lot of them. Part of the acknowledged success of a

presidential leader, any politician for that matter, lies in the ability to exploit the cadences of speech that move people to pay attention, toward a new consensus, or even better, moved to action. Former presidential speechwriter Jon Favreau explored the notable rhetorical skill of President Obama by noting how his writers counted syllables when drafting important campaign and national speeches.

The writers wanted to set up the cadences that would move listeners and elicit certain response. Remember the "yes we can" call and response of his campaigns? These rhythms become important, critical to drawing our attention and drawing us in.

In a speech designed to respond to the Iowa caucases, Favreau described its opening: "So that first sentence was, 'they said this day would never come.'" A "second sentence was 'they said our sights were set too high.'" Shapiro noted that this was eight syllables and the iambic pattern followed in step "bah dump, bah dump, bah dump, bah dump…a few more lines like that – building and building."

Until finally, the skilled rhetorician provided a new down beat: "We are one people, and our time for change has come."

Shapiro noted that "Obama's best political speeches get people on their feet, chanting a rhythmic refrain. In 2011 it was, pass this bill. A couple of years earlier it was, yes we can."

The rhetorical beat draws us like a drum beat to a dance, provides a rhythm external to our own selves and offers up an opportunity to join in step and in time.

Shapiro also mentioned composer and conductor Rob Kapilow, who believes that "rhythm can actually create community. Think about a crowd chanting in unison at a football game – or people on a dance floor moving to a pulsing beat. For a moment, Kapilow continued, "we stop being ourselves, and we all become part of a powerful group. And I think we're all looking for that opportunity to step outside of a 'me' and become a 'we.'"

On a good day, and for my best sermons, I count syllables. And I think that the rhythm of speech is a key to keeping the attention of our listeners, the community in which we are preachers, listeners, worshippers or even lurkers. Its importance may be far greater than we know.

If it is true that rhythm of speech is of vital importance to community life, is it possible for chiming bells to create community? Does the ringing of church bells make a "me" more aware of a "we?" We will soon find out. Bells have largely been missing from the Gettysburg seminary campus for most of its first 188 years.

Seminary residents have "overheard" the bell sounding from our college neighbor since it was built in 1889. After its year-long silence, Glatfelter

Hall's large bell returned to toll the hours. In the first few days of its reappearance, the bell reminded us of its absence, reminding even the unaware what they had been missing.

From Center City to Seminary Ridge

In 2009, the Seminary became aware of the availability of a peal of three bronze cast bells at the building where Emanuel Lutheran Church in center city Philadelphia had worshipped for more than a century. The congregation had moved into another church facility and since there was already a tower of city housing on the same block, Emanuel's property seemed to be a good candidate for the wrecking ball. There were concerted efforts to salvage the important furnishings, the altar and tower clock, pews and rich wood trim, and the bells before the building would be razed.

A special gift made the purchase and rescue of the bells possible in 2010. The three bells were forged (only a few blocks from the Emanuel Church) by the Joseph Bernhard Company in 1869. Each has an inscription in German, followed by Emanuel, for the congregation's name. The largest offers us "LOBET IHR VOELKER UNSERN GOTT LASSETT SEINEN RUHM WEIT ERSCHALLEN" which in English reads: "Praise our God, O you people(s), let his glory ring out widely." The middle sized bell reads KOMMET DENN ES IST ALLES BEREIT, that is, "Come for now all is ready." The smallest of the three offers the command "WEIDE MEINE LAEMMER" or "Feed my lambs."

In the end, the church building was not razed or purchased by the city, but now serves as home to a Buddhist monastery, which purchased the property.

And Emanuel's peal of bells became the largest acquisition of fine art since the Andover organ was installed in the chapel in 1979. At the turn of the year, a new group of generous, interested persons made it possible to provide the bells with a new, permanent tower, this time exposed on a

smaller 35 foot tower near the Seminary's chapel. New strikers were fitted for the bells, along with new electronic controls. The bells themselves were cleaned and polished to let their bronze shine brightly for the first time since their forging in 1869.

Mounted on July 1, the bells hang in line from the modern tower designed by A. Donald Main of MM Architects, Lancaster, Pa., and will begin to set rhythm for Seminary Ridge this fall.

They will call the community to worship, reveal to the wider community when the Lord's Prayer is spoken during worship, ring out moments of celebration and toll our sorrows. They will likely give some indication of the passing of time as well. Coincidentally, the bells form the first notes of a setting of the "Te Deum," says a certain worship professor.

What these bells will also do, is to reinforce the notion that we are more than our singular selves, and like good artwork, they remind us that there *are some important things that are larger than me worth my attention*. They offer a glimpse of the traditional patterns for church bells and yet in their exposed setting, speak a language that is both visual and auditory. In time, they will settle into our consciousness, and become familiar and expected. But for now, art is taking on a brand-new dimension in the Seminary's 189th year.

Notes

1 "Speechwriters Deliberately Use Rhythm to Help Make Their Point," by Ari Shapiro, Morning Edition, NPR, hosted by Renee Montagne (Culver City, CA: June 19, 2014).

IRAN

Beyond the Headlines

***The Iran: Beyond the Headlines* learning series includes book discussions, film screenings, and lectures designed to help us move past today's headlines and explore the history, art, culture, and everyday life of Iranians.**
Series events are scheduled for September 2014 – April 2015.
All events are free and open to the public.

SCHEDULE OF EVENTS

Lecture: *"Iranian Cinema and Factional Censorship"* by Prof. Jim Udden
Tuesday, September 16, 7 p.m. (Joseph Theatre, Breidenbaugh 201)

Book discussion: *Rooftops of Tehran* by Mahbod Seraji, introduced and facilitated by Professor Amy Evrard
Tuesday, September 30, 7 p.m. (Penn Hall, 3rd floor Lyceum)

Film screening: *A Separation* by Asghar Farhadi, introduced by Professor Jim Udden
Wednesday, October 15, 7 p.m. (College Union Building 260)

Book discussion and film screening: *Persepolis* by Marjane Satrapi
Tuesday, Nov. 18, 7 p.m. (film begins 8 p.m.) (Penn Hall, 3rd floor Lyceum)

Lecture: *"Art, Artists, and Resistance in Iran and Iranian Diaspora"* by Professor Shiva Balaghi
Thursday, December 4, 7 p.m. (College Union Building 260)

Film screening: *Offside* by Jafar Panahi, introduced by Prof. Jim Udden
Tuesday, January 20, 7 p.m. (Joseph Theatre, Breidenbaugh 201)

Book discussion: *The Septembers of Shiraz* by Dalia Sofer
Tuesday, February 10, 7 p.m. (Penn Hall, 3rd floor Lyceum)

Author visit: *The Septembers of Shiraz* author Dalia Sofer
Wednesday, February 25, 6 p.m. (College Union Building 260)

Panel presentation: "Iran's Role in Regional Politics"
Date, time, location TBD

Book discussion: *Iran Awakening* by Shirin Ibadi
Wednesday, April 15, 7 p.m. (Penn Hall, 3rd floor Lyceum)

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