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## *Table of Contents*

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<b>The Theological Symposia of Concordia Theological Seminary</b> .....	243
<b>Demagoguery or Democracy? The Saxon Emigration and American Culture</b> Lawrence R. Rast Jr. ....	247
<b>A Critique of the Fourfold Pattern</b> David P. Scaer .....	269
<b>Theology and the Great Tradition of English Bibles</b> Cameron A. MacKenzie .....	281
<b>Theological Observer</b> .....	301
<i>L'osservatore Romana</i>	
Regensburg Redivivus?	
On Being "Catholic" – Nothing New	

**Book Reviews** ..... 313

*Jesus and the Angels: Angelology and the Christology of the  
Apocalypse of John.* By Peter Carrell  
..... Charles A. Gieschen

*Martin Luther: Exploring His Life and Times, 1483-1546.*  
By Helmar Junghans .... Lawrence R. Rast Jr.

*Where in the World is God?.* By Harold L. Senkbeil  
..... James G. Bushur

**Indices for Volume 63** ..... 318

# Demagoguery or Democracy? The Saxon Emigration and American Culture

Lawrence R. Rast Jr.

Lutheranism in America faced tremendous challenges in the first half of the nineteenth century. Already a numerical minority among American Christians, it entered the new century facing a developing religious culture with which it found itself frequently at odds. As the Baptists and Methodists rose and conquered the American religious landscape during the period between the Revolution and 1820, American Lutherans found themselves confronted with a series of choices, not least among which was how they would order their doings as churches or synods.

In 1857-1858, Wilhelm Sihler, first president of Concordia Theological Seminary in Fort Wayne, Indiana, would advise pastors on how and how *not* to organize their congregations and reach a consensus on mission and ministry: “. . . not with the help of oratory or by organizing a party or by emphasizing the authority of your office not by forcing completed constitutions on congregations, but by discussing individual needs of the congregation and thus letting the constitution gradually grow out of the congregation.”<sup>1</sup>

Some might consider Sihler's advice a formula for demagoguery, literally seeking to influence people by pandering to their prejudices and passions. It is not—a demagogue specifically uses oratory to create factions and parties among his hearers to serve his own ambitions. Others

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<sup>1</sup>Wilhelm Sihler, “Von Spaltungen in hiesigen lutherischen Gemeinden,” *Lehre und Wehre* 3 & 4 (1857-1858). Cited in Carl S. Mundinger, *Government in the Missouri Synod: The Genesis of Decentralized Government in the Missouri Synod* (Saint Louis: Concordia Publishing House, 1947), 218.

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might call it democracy in action, because Sihler is not calling for the formation of parties. Still others might just call it common sense.

Whatever interpretation one adopts, it is well known and documented that strong democratizing tendencies were at work in American politics in the early national period.<sup>2</sup> In the early years immediately following the revolution against England, a second revolution changed the shape of American life—the radical democratization of American politics. The question was whether America would be a society characterized by republican virtue or by democratic individualism.

Briefly stated, republicanism, while stressing the rights of the individual, is ultimately oriented toward the community as a whole. The individual places the good of the community before his own desires should they come into conflict with one another, because that individual knows, in the end, that his service to the community will bring rewards to him and his family. Democratic individualism put the needs, wants, and desires of the individual at the heart of matters—sometimes at the expense of the community. When coupled with laissez faire economics, radical democracy provides the potential for the ultimate expression of selfishness.<sup>3</sup>

Where does the church fit into all of this? American Christianity also experienced tremendous changes in this same period. The context is critically important. The English colonizers of the United States were primarily of Reformed

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<sup>2</sup>See, for example, Jean V. Matthews, *Toward a New Society: American Thought and Culture 1800-1830*, Twayne's American Thought and Culture Series, Lewis Perry, general editor (Boston: Twayne, 1991); Sean Wilentz, *Chants Democratic: New York City & the Rise of the American Working Class, 1788-1850* (New York and Oxford: Oxford, 1984); Harry L. Watson, *Liberty and Power: The Politics of Jacksonian America*, American Century Series, Eric Foner, consulting editor (New York: Hill and Wang, 1990).

<sup>3</sup>Daniel T. Rogers, "Republicanism: The Career of a Concept," *Journal of American History* 79 (June 1992): 11-38; Christopher Laesch, *The True and Only Heaven: Progress and Its Critics* (New York and London: W. W. Norton, 1991); Louis Hartz, *The Liberal Tradition in America* (San Diego: Harcourt Brace Jovanovich, 1955).

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background – southern Anglicans, New England Puritans, and even the many pietistic sects of the middle colonies shared a tacit allegiance to Calvinistic theology and its characteristic doctrine of double predestination, if only in their rejection of it. Thus, even Jonathan Edwards, in the midst of the Great Awakening of the 1730s, gave all credit to God when he wrote his *A Faithful Narrative of the Surprising Work of God* (1737). The awakening, thought Edwards, was God's work, brought about by the Holy Spirit through biblical preaching on the topic of justification by faith. Edwards' best-known sermon, "Sinners in the Hands of an Angry God," horrifies Lutherans for its complete lack of the gospel. Yet it is the work of a consistent Calvinist. Edwards could not preach the gospel indiscriminately. If God willed to convert, he would – if he did not, he would not.

Human nature is like a drunken peasant, Luther is reported to have said. Having fallen off the horse on one side, he gets back up and promptly falls off the other. Using Luther's analogy, the chief dipsomaniac of American Christianity and the Reformed tradition generally was Charles Grandison Finney (1792-1875). He helped institutionalize the theological shift from Calvinism to radical Arminianism. No longer did preachers see awakenings as being totally dependent on the will and grace of God; the new preachers believed in their methods. The correct use of the proper methods would necessarily bring about regeneration, which Finney defined as "a radical change of character." Finney and his followers strove to drive their hearers to the point of spiritual despair, and then to place the resolution of the matter into the arena of the hearer's free will – "God has voted for your salvation; the devil has voted against you; now you must break the tie; you must decide. The choice is yours!"

Couple this theological shift with the political and economic developments we have already noted, and the ingredients are all present for a second American revolution. American theology of the Arminian stripe, linked with market capitalism, linked with popular political democracy equals America. The emphasis is on the individual who seeks to serve his personal, individual desires. The only way to keep the all-consuming

desires of the individual from destroying the social fabric is through an elaborate series of checks and balances.

This process of democratization, along with its attendant system of checks and balances, is the subject of Nathan Hatch's enormously influential study, *The Democratization of American Christianity*.<sup>4</sup> It was in the churches, argues Hatch, that the people forged their fundamental ideas about the nature of individual responsibility. The preachers of the day stimulated this defining process by seizing the opportunity to lead. They expressed their leadership primarily by organizing religious movements "from the ground up." They did so by using vernacular sermons based on the life experiences of their hearers, popular literature and music, protracted meetings, and, most importantly, new ideologies that both denied the hierarchical structure of elitist religions and promised to exalt those of lower status to at least an equal level with their supposed superiors.

The leaders were accepted because they challenged the people to take their personal destiny into their own hands, to oppose centralized authority and hierarchical conceptions of society. They empowered the people by giving them a sense of self-trust. As the people learned to trust their religious impulses, they in turn spoke out boldly in defense of their experiences. Common people exhibited a new confidence in the validity of their personal religious experience, and when they began to demand that religion offer an avenue to express this new found individualism, the American church was revolutionized.

According to Hatch, freedom from the domination of the hierarchical clergy required three steps. First, the new preachers refused to defer to the seminary-trained theologians. Second, they empowered the laity by taking seriously their religious practices, affirming and validating the people's experiences. Finally, they exuded enthusiasm about the potential for their movements, and the people caught the vision. "They dreamed

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<sup>4</sup>Nathan Hatch, *The Democratization of American Christianity* (New Haven: Yale University Press, 1989).

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that a new age of religious and social harmony would naturally spring up out of their efforts to overthrow coercive and authoritarian structures."<sup>5</sup>

In this context, Lutherans faced a series of choices that crystalized around, among other issues, the doctrines of church and ministry. What shape would the church take in democratic America? What authority do general, national bodies have over and against particular, local congregations? What is the relationship of the priesthood of all believers to the Office of the Holy Ministry? What is the ministry of the laity, or does it even have one?

These were the questions that faced Lutherans in America. This paper examines the Saxon immigrants who later formed the Missouri Synod, and discusses the influence that American political culture may have had on the structures they developed. We will find that the Saxons addressed these questions and fashioned a doctrine of the ministry that worked well within the democratizing context. Carl Vehse especially provided the direction that enabled the Saxons ultimately to confound the attempt to establish an episcopal form of church polity, and he did so by specifically appealing to democratic sentiments of independence as expressed in the American context. Coming out of a disastrous experiment with episcopacy, the people who formed Missouri were not about to allow a return to that form of polity. In fact, for a brief period they teetered on the edge of a pastorless anarchy. The question in both cases is simply this: was American democratic culture crucially important for the development of their thought and practice? I believe it was. Suffice it to say at least that America's democratic setting gave Lutherans in general, and Missouri in particular, the freedom to erect institutions that embodied their answers these questions.

### **The Saxon Emigration and Episcopacy**

The story of the Saxon immigration has been told often and well. Still, a brief rehearsal of its main features, chronology, and

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<sup>5</sup>Hatch, *Democratization*, 10-11.

especially the documents and thought relating to Martin Stephan and the episcopacy will help provide a context to my comments and interpretation of the story.<sup>6</sup>

Lutherans in Prussia, Franconia, and Saxony, Germany faced difficult times in the early 1800s—conditions totally different from the freedom America offered. The various area governments established what was allowable in terms of both doctrine and practice, belief and worship. Confessional Lutherans were not free to believe and practice the truth as they had learned it from the Scriptures and the Lutheran Confessions; the state defined the limits of their freedom.

Two movements of thought defined their experience: Rationalism and Pietism. Rationalism placed human reason above God's word and argued that those portions of the Scripture that proclaimed Jesus' miracles or stressed God's intervention in ordinary life had to be legends made up by the human writers of the Bible. Human reason became the final judge of what was true and what was false. Unfortunately, God's inerrant and infallible word was no longer the final source of authority, and the Lutheran Confessions were scorned. Pietism grew out of Lutheranism. It criticized Confessional Lutheranism for what it argued was its "overemphasis" on doctrine at the expense of the Christian life. Pietists believed that it was more important what one did than what one confessed. "Deeds, not creeds" became one of the catch-phrases of groups influenced by Pietism. Further, it downplayed the differences of doctrine and practice between the Lutherans and the Reformed.

The dominance of Pietism and Rationalism made life very difficult for confessional Lutherans. Pietists and Rationalists were not willing simply to allow the Lutherans to worship in peace according to their theological convictions. They

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<sup>6</sup>The standard histories that detail the events are Walter Baepler, *A Century of Grace* (Saint Louis: Concordia Publishing House, 1947); W. G. Polack, *The Building of a Great Church* (Saint Louis: Concordia Publishing House, 1941); and, especially, Walter Forster, *Zion on the Mississippi* (Saint Louis: Concordia Publishing House, 1953).

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demanded compromise. As early as 1798 Friedrich Wilhelm III of Prussia began to move toward a union of Lutherans and Reformed. On September 27, 1817 he pronounced that there would be only one evangelical Christian congregation at his court—Lutherans and Reformed would no longer be allowed to have separate gatherings. Not yet satisfied, though, in 1830 he issued the ultimatum that the name “Evangelical” replace the specific names “Lutheran” and “Reformed.” Finally, Friedrich Wilhelm mandated the use of a common worship service for all of Prussia in 1834.

In Saxony a group of theological students gathered around leadership of the great evangelical preacher, Martin Stephan of Dresden. Stephan had calmed the pietistic fears of these young men, including several who later were instrumental players in the founding of the Lutheran Church—Missouri Synod: Otto Herman Walther, C. F. W. Walther, Theodore Büniger, E. G. W. Keyl, and others. Their problem was a common one. Having read their Bibles well, they were quite aware that God wanted them to live good lives. Their dilemma was that they knew they did not live the life that the law demanded. Worse yet, their association with one another provided no comfort in their distress. C. F. W. Walter himself describes the reading practices of the group: “The less a book invited to faith and the more legalistically it insisted upon contrite brokenness of heart and upon foregoing complete mortification of the old man, the better a book we held it to be. Even such writings we usually read only so far as they described the griefs and exercises of repentance; when a description of faith and comfort for the penitent followed we usually closed the book, for, so we thought, this is as yet nothing for us.”<sup>7</sup> There was no comfort—there was no hope. Finally, in absolute desperation, they wrote Pastor Martin Stephan who proclaimed the gospel of God’s free grace and favor to these pathetic, self-absorbed pietists, and the gospel set them free! They now rejoiced in the assurance that they were saved by Christ, not by their own works.

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<sup>7</sup>Walter cited in D. H. Steffens, *Doctor Carl Ferdinand Wilhelm Walther* (Philadelphia: Lutheran Publication Society, 1917), 42.

But all was not well in Dresden. The state interfered with Pastor Stephan's preaching and teaching. It is true that Stephan did at times flaunt the authority of the civil government and scandalize the populace. He met with members of his congregation at odd hours, sometimes meeting with married and unmarried women at late hours.<sup>8</sup> Stephan and his devoted followers interpreted the government's interference as outright "persecution of the gospel," and, when they could no longer abide it, they formed a *Gesellschaft* (emigration company), which handled the arrangements for the move of over 700 Germans to Saint Louis, Missouri, and, eventually, Perry County, Missouri.<sup>9</sup>

One of the chief concerns of the *Gesellschaft* was the structure of the new colony—its polity—along with the needs of their pastor. "It was determined that the ecclesiastical structure of the colony would be strictly hierarchical. . . . Power was to be divided between the clergy and a privileged wealthy class of laymen, with the balance of power lying predominantly with the clergy. Within this ministerium, the final authority was to rest with 'the primate' or 'first divine,' Martin Stephan."<sup>10</sup>

When the *Gesellschaft* left Germany for the United States in November 1838, it appeared to many of the emigrants, at least as they later reflected upon the events, that Stephan's character changed. Some noted that he became surly and aloof. Further, he began to press for a recognition of his office as bishop of the soon to be planted colony. O. H. Walther drew up a statement of investiture through which Stephan would receive de facto rule of the colony both in its spiritual and temporal affairs. On January 14, 1839, on board the *Olbers*, "Stephan's Investiture," as the document came to be called, outlined the absolute obedience of the people to their bishop.

Your Reverence has, according to the gracious council of God, remained standing as the last, unshakable pillar on

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<sup>8</sup>His indiscretions in this regard eventually led to criminal charges being filed against him. See Mundinger, *Government*, 76-77.

<sup>9</sup>Forster, *Zion*, 113-170.

<sup>10</sup>John C. Wohlrahe Jr., "The Americanization of Walther's Doctrine of the Church," *Concordia Theological Quarterly* (January 1988): 4.

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the ruins of the now devastated Lutheran Church in Germany, to which all those have clung in the name of the Lord who have still earnestly cared for the right way to salvation, the true Church, and its holy Confessions. Among these there were also five servants of God's Word, by whom you were loved and honored as a spiritual father, and approached for counsel and judgment in all important matters which pertained to their own welfare or that of their congregations. Accordingly, you have already for a long time occupied the position of a bishop and performed episcopal functions among us. However, this has become even more apparent since the plan, considered according to God's Word, of transplanting the Lutheran Church from Germany to the United States has been put into execution. You have been recognized by all individual congregations and congregation members as the father of all, as highest shepherd of souls, and as leader; without the name of bishop you have exercised the office of bishop with paternal kindness, firmness, justice, care, and wisdom. Now that you are about to step on the soil of America, it becomes urgently necessary that this inner, tacit choice receive external and public expression. We have been instructed by you in many things, and from this instruction an abiding conviction has resulted in us that an episcopal form of polity, in accord with the Word of God, with the old Apostolic Church, and with our Symbolical Writings, is indispensable. Such a form of polity, in which a greater or smaller number of clergymen are subordinated to a bishop in the government of the Church and form a council with him and under his leadership, is therefore our joint, fervent, and earnest desire. It is also our abiding conviction that the real purpose of emigration, as it is expressed in Par. 2 of our Emigration Code, can be attained only under a free episcopal form of polity.

In consequence of all this, therefore, we approach you with the reverent, urgent plea: Accept, Reverend Father, also for the future office of bishop among us, bestowed upon you by God, and grant that we may now already express with

this name our unqualified confidence in your fatherly love and pastoral faithfulness toward us, and the assurance of our sincere, complete, and childlike obedience toward you.<sup>11</sup>

Apparently, though, things did not go as smoothly for Stephan as he would have liked. It seems as though a goodly portion of the emigrants grumbled about the power granted to the bishop and the power and authority he held over their entire lives. Stephan continued to complain that he was not receiving the honor due him as bishop. Among those who were most unhappy with Stephan and who were openly criticizing him was O. H. Walther. On February 16, 1839, Stephan managed to extract reaffirmation of his authority from the clergy and laity. A significant part of this "Pledge" is a confession of sin/promise to do better statement by O. H. Walther.<sup>12</sup> In this "Pledge of Subjection to Stephan," the Saxon emigrants make two critically important points. First, they state again that episcopal polity is scriptural, apostolic, and confessional. It is the proper form of church polity.

We reaffirm with sincere hearts that we are determined to adhere steadfastly and firmly to God's Word and the old-Lutheran confession of faith. We further declare that we are determined to hold fast with heart and soul, to keep most faithfully, and to live, suffer, and die under the episcopal method of church polity, the introduction of which among us a beginning has already been made and which, when established according to the Word of God, has been used by the Apostolic Church, has been recognized by the true Church at all times, has been retained by the Lutheran Church of Sweden until this very day, and is in accord with the Symbolical Writings of the Lutheran Church.<sup>13</sup>

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<sup>11</sup>Forster, *Zion*, 288-289.

<sup>12</sup>His personal confession of sin against and pledge of obedience to Stephan forms the last section of the "Plan of Subjection." See Forster, *Zion*, 295-296.

<sup>13</sup>Forster, *Zion*, 294.

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Second, they explicitly give Stephan authority over their spiritual and temporal lives, explaining that his rule in both spheres is necessary as the means by which they shall achieve eternal life.

Further, we solemnly pledge ourselves, as we have already promised by signing the Emigration Code, par. 3, to submit with Christian willingness and sincerity to the ordinances, decrees, and measures of His Reverence in respect to both ecclesiastical and community affairs, and not to regard them as an irksome yoke, but as the means of promoting our temporal and eternal welfare.<sup>14</sup>

One might think that Stephan had built an impregnable fortress around himself with these total submissions to his authority. However, his world was about to collapse. Shortly after Pastor G. H. Löber preached a sermon in which he commented on the sixth commandment, several women of the *Gesellschaft* confessed to sexual indiscretions of various sorts. All involved Bishop Stephan. The Saxon pastors, faced with allegations of the sort that lead to the removal of clergy from office, deliberated on how they would proceed. Apparently the evidence of his crimes was solid and compelling. Having considered the matter for almost a week, they opened the matter up to Carl Vehse, a leading layman, who urged immediate action. The pastors agreed. As the episcopal council of the colony, they would confront Stephan with his sin, and, if necessary, depose him.

On Monday, May 27, as they prepared to leave Saint Louis for Perry County and the confrontation with Stephan, the pastors delivered a document titled "Explanation" to the office of the *Anzeiger des Westens*, one of the main German newspapers in Saint Louis. When it appeared on June 1, 1839, it had more the sound of a confession than a mere explanation.

Only a few weeks ago we, the undersigned, felt constrained openly to reject the many evil rumors from Germany which had been directed against our erstwhile

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<sup>14</sup>Forster, *Zion*, 294.

Bishop Stephan also at this place. Unfortunately, however, during the past few weeks we have made the discovery that we were the dupes of a deceit so shameful as to fill our hearts with horror and revulsion. Stephan was indeed guilty of the secret sins of immorality, unfaithfulness, and hypocrisy, and it was just to us that the unsolicited confessions were made which exposed him; we have immediately made the necessary communications regarding these confessions to others.

Since we have in the past defended this man through ignorance and in voluntary allegiance to him, therefore, now that God through His gracious providence has opened our eyes, we publicly renounce the reprobate.<sup>15</sup>

The story of the actual deposition of Martin Stephan is recorded by Carl Vehse in his *Stephanite Emigration to America*.<sup>16</sup> In summary, Stephan refused to meet with the council—despised them in fact. For their part, some of the deponents refused to stay too close to Stephan for too long, lest he capture them again with his deceptive words. In the end, though they charged Stephan with sexual immorality and financial malfeasance, the actual basis for the deposition of their bishop was for an entirely different reason.

After you, Martin Stephan, erstwhile Bishop of the evangelical Lutheran congregation which immigrated to North America from Saxony, have been accused before the subscribed Council of the sins of fornication and adultery, committed repeatedly, and of prodigal maladministration of the property of others, also because you have become guilty of false doctrine, but on the other hand have not recognized the Council legitimately placed over you, have thereby not only evaded the investigation pertaining [to these charges] and yourself forfeited the right of defense, but have also, by rejection of the Council,

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<sup>15</sup>Forster, *Zion*, 413.

<sup>16</sup>Carl Eduard Vehse, *Die Stephan'sche Auswanderung nach Amerika: mit Actenstücken* (Dresden: Verlagsexpedition des Dresdner Wochenblattes, 1840).

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rejected the Word of God, the church, the office [of the ministry], and all divine order: we hereby declare by virtue of our office

That you have forfeited not only your investiture with this spiritual office, but also the rights and privileges of a member of the Christian Church, in the name of God the Father, the Son, and the Holy Ghost. Amen.

Enacted in Perry County, at the mouth of the Brazo, May 30, 1839.<sup>17</sup>

The document is fascinating for both what it says and does not say. First, Stephan is accused of immorality and financial malfeasance. However, he is removed for false doctrine. And the nature of that false doctrine is rejection of the episcopal council (mainly clergy) “legitimately placed over” Stephan; the same body that had “invested” him. What we have here is a form of Lutheran “conciliarism”! Put another way, the Saxon clergy had no intention of displacing the hierarchy. They proposed to replace Stephan’s monarchy with a predominantly clerical oligarchy—a consistory of sorts.

This exploration and review of the literature of the disaffected Saxons shows, on the one hand, just how far they had initially entrusted themselves to Stephan. On the other hand, it suggests to the contemporary reader how pronounced the emigrants’ dismay and anger at Stephan’s betrayal must have been. His treachery certainly colored their later actions.

### **The Saxon Emigration and American Democracy**

The power vacuum left by Stephan’s removal demanded to be filled. The first option, adopted by the clergy, was simply to replace the monarchy with an oligarchy. Now the clergy council would fill the place formally inhabited by the bishop. Fully committed still to the episcopacy, they saw no need to modify the form of polity in substance, only in the style of its administration.

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<sup>17</sup>Forster, *Zion*, 418.

Others in the community, however, had differing ideas about the colony's future direction, particularly Vehse. Vehse had been a close confidant of Stephan in Dresden, where Vehse served as state archivist. One of the most highly educated of the laymen in the *Gesellschaft*, Vehse was quick to offer a different vision of the manner in which the colony should proceed. Where the clergy advocated a mildly modified status quo, Vehse insisted on an outright revolution. He submitted "Zeugnisse über das Predigamt," a set of six propositions, to O. H. Walther on August 5, 1839.<sup>18</sup> In these he maintained the supremacy of the spiritual priesthood over the preaching office and argued that "the office of the ministry is only a public service and, only when it is committed to an individual by a congregation is it valid."<sup>19</sup> Episcopal polity, he argued, was the cause of the Stephan debacle—it placed absolute power in the hands of sinful men and encouraged them to indulge their desires. Stephan was only one such case of many. And if allowed to perpetuate itself, the same would happen again and again. Who would be the losers in this new papacy? The faithful people of God, who would suffer under the tyrannical whims of their leaders.

Vehse, along with H. F. Fischer and B. Jäkel, submitted an expanded version of their position in the form of a "Public Protestation against the False, Medieval-Papal and Sectarian Stephanistic System of Church Polity" on September 23, 1839.<sup>20</sup> Turning the existing system on its head, Vehse argued that Scripture and the Confessions demand a congregational form of church government.

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<sup>18</sup>Munding, *Government*, 96-97.

<sup>19</sup>Wohlrabe, "Americanization," 5. Vehse, *Emigration*, 114: "The office of the ministry is conferred by the congregation; the parson receives it from them, Col. 4:17. The ministers are not organs of the spiritual body in the sense that the body would die if they were cut off; the body lives on also when a preacher is lacking, for Christ is the only head of the church, and all life comes from Him."

<sup>20</sup>This "Protestation" and other significant materials were later published by Vehse as *Die Stephanische Auswanderung Amerika*, noted above. The version here cited is Carl Eduard Vehse, *The Stephanite Emigration to America*, translated by Rudolph Fiehler (Tucson, Arizona: Marion Winkler, 1975).

Vehse divides the work into three chapters. In the first, he outlines "the rights of congregations over against the clergy in religious and churchly affairs." Significant among these rights are the tenth: "congregations, as congregations, are in honor to be preferred before the clergy"; and the fifteenth: "the doctrine of the universal priesthood of all believers must be maintained as a bulwark against reassertion of papal authority."<sup>21</sup> The second chapter is divided into six sections in which Vehse collects statements from Luther, Spener, and other authorities on the church, polity, *Ecclesia representiva* (the church represented by the clergy), hierarchicalism, the Office of the Ministry, and the ministry of souls (its scope and limitations, that is, private confession).<sup>22</sup> He rounds out the work with statements from Luther concerning the legitimacy of the emigration.<sup>23</sup>

The real work gets done in the first part of the first chapter. By framing the discussion in terms of the "the rights of congregations over against the clergy," Vehse immediately sets the two in an adversarial relationship. That the congregations are the higher or superior of the two is reflected in the fact that "congregations, as congregations, are in honor to be preferred before the clergy." Finally, he plays his most overtly political card by arguing that "the doctrine of the universal priesthood of all believers must be maintained as a bulwark against reassertion of papal authority." The language of a bulwark brings to mind the American system of checks and balances. The meaning for Vehse is clear—left to their own the clergy will always retreat to tyranny and papacy. Only the priests, the congregations, can check this from becoming a reality.

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<sup>21</sup>Vehse, *Emigration*, 36, 37.

<sup>22</sup>Vehse, *Emigration*, 37-40.

<sup>23</sup>Vehse, *Emigration*, 40. Vehse had a twofold purpose in the document: first to advocate a congregational form of polity; and second, to convince the people that the emigration had been sinful and that all the participants should now return to Germany. This leads to an interesting question that demands an answer. Simply put, if the Scripture demands congregational polity how did Vehse expect to establish this polity in the hierarchical, consistorial state church of Germany? Vehse's actions upon his return to Germany certainly need to be examined carefully.

The language of American democracy permeates the document. And yet, most Missouri Synod interpreters argue that the short time of the Saxon presence in the United States precludes any direct influence of American thought. A careful reading of Vehse shows otherwise. Carl Vehse was remarkably well informed as to the character of America. Clearly, the Saxons were absorbed by polity on the trip over, as their attempts to establish episcopacy show. It is absurd to argue that once the controversy with Stephan broke out that they would have failed to investigate other forms of polity, particularly the congregational polity that prevailed in so much of American Christianity. The examples lay all about them. Vehse himself wove together American and European themes as he discussed the polity churches should have:

It is to be recognized that where the church has its natural freedom, that is, where the government does not concern itself about it, as in the United States, the general outward church polity, the *potestas ecclesiastica* and the *jus circa sacra*, belongs to the congregation, . . . Such authority cannot in the least pertain to the clergy, since their kingdom is inward and not of this world.<sup>24</sup>

He also says:

After all has been said, it is still a big lie to say that since the Reformation the clergy have been deprived of their rights – it is congregations that have lost their rights. The matter of concern here and now, since the church enjoys freedom in the United States, is not for rehabilitation of the clergy but rather for restoration to the congregations of their ancient rights so that the clear ordinance of God may be kept.<sup>25</sup>

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<sup>24</sup>Vehse, *Emigration*, 54.

<sup>25</sup>Vehse, *Emigration*, 56. Vehse considers the question as to why Stephan chose freedom-loving America, when he was an autocrat (3): "It might be wondered that the spiritual despot Stephan chose to emigrate to the United States of North America, the freest land of the earth. But anyone who knows his deep disinclination against all intrusion of secular authority in churchly affairs will find it understandable that he chose precisely this nation, which

Noteworthy also is the fact that the preferred paper of the Saxons, the *Anzeiger des Westens*, was committed to the democratic party. C. F. W. Walther was a regular reader, and Munding claims that the paper was "read almost exclusively in his congregation, since the Republican *Westliche Post* was under the ban because of its anti-church attitude." Indeed, Walther himself was a member of the democratic party.<sup>26</sup>

All of this is to say, simply, that if there was a demagogue among the Saxons, it was Vehse. His partisan rhetoric inflamed the passions of the Saxon immigrants and had as its goal to turn them against their pastors. He fostered an environment of party spirit that very nearly destroyed the Saxon community. The nature of his agitation was in the realm of polity, that is to say, he was politically motivated, all of his theological claims to the contrary. He set himself up as a leader of the disaffected, and insisted that nothing good could come out of the emigration — all should follow him back to Germany.

In Vehse we see Hatch's democratizing principles clearly at work. Appealing to popular sentiment by rejecting hierarchical structures, Hatch's democratizers raised themselves to positions of power by a threefold process: refusal to defer to seminary-trained pastors; empowerment of the laity; and offering enthusiastically a vision of what the people could accomplish themselves. Vehse fits the mold perfectly. Capturing Hatch's first and third points, Vehse criticized the university-trained pastors and offered a contrasting vision of how the minister should carry himself. "Here in North America the posture and entire relationship of the clergy toward the laity is so lively, free, and benevolent, and yet so mannerly and respectful that the pompous isolation of the German clergy, who increasingly devote themselves to their 'refined, artistic, pulpit oratory' and

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concerns itself not at all about the church, but rather allows each individual the utmost freedom in such matters, before all others. Here he might, undisturbed by secular authority, carry through his medieval-hierarchical plan, even if the congregation with which he emigrated from Europe might have felt otherwise. Further, America offered adequate guarantees of freedom of person and property, and land was to be had for the taking."

<sup>26</sup>Munding, *Government*, 207-208. One may see especially note 18.

to learned writing for the so-called literate people, . . . suffers sadly by comparison."<sup>27</sup> Second, he empowered the laity, arguing on the basis of the doctrine of the priesthood of all believers, that they held the keys of the kingdom immediately – pastors only mediately. Thus in his forty-fourth section he argues that “in emergencies a congregation may also have uneducated preachers. Examples are Ambrose and Augustine.” Again, in the forty-fifth section he states, “Such unlearned preachers, indeed even ordinary Christians, may in case of need administer the sacraments.”<sup>28</sup> Finally, he and his co-writers outline their vision: “whereas we now entirely reject the whole Stephanite system in its entirety and its parts which . . . was entirely contrary to pure Evangelical Lutheran teaching.”<sup>29</sup>

Vehse’s understanding of Lutheran doctrine and its surest advocates is telling. He appeals first of all to Luther. His second source is Johann Arndt, proto-pietist, whom he claims is “the most significant figure” of the seventeenth century. Finally, the most significant Lutheran of the eighteenth century was Philip Jakob Spener, whom Vehse praises as a “leader of those last, truly zealous messengers of the Gospel, the Pietists.” His recommendation of these writers, two-thirds of whom are Pietists, is thoroughly effusive and unrestrained: “Whoever holds to these three sterling heroes of our church, whoever learns to know them intimately, and grows to understand them – will not go astray!” In contrast to the zealous Pietists are the “proud clerics” of the orthodox party. The contrast between

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<sup>27</sup>Vehse, *Emigration*, 136. Vehse does admit that his familiarity with the numerous denominations of America is “superficial.” However, his long discussion of the American character and geography belies his humility. One may see 23-25.

<sup>28</sup>Vehse, *Emigration*, 86. Vehse’s argument that the laity may administer the sacraments in an emergency runs directly contrary to the teaching of C. F. W. Walther. Walther writes (*The Congregation’s Right to Choose Its Pastor*, translated by Fred Kramer, edited by Wilbert Rosin [Fort Wayne: Concordia Theological Seminary, n.d.], 107: “almost all orthodox Lutheran theologians declare that no layman should administer holy communion, and we heartily agree with them, . . . The reason is that in the case of the Lord’s Supper no genuine case of necessity can arise.”

<sup>29</sup>Vehse, *Emigration*, 107.

the two groups could not be clearer. "The Pietists, in their controversies with the orthodox authorities which Stephan in later years ever more loudly invoked against the followers of Spener, were right in almost everything!"<sup>30</sup>

Vehse's rhetoric appears to have carried the day, at least initially. The Saxon clergy found themselves in an impossible position. Vehse incited the people to party spirit. C. F. W. Walther left his congregation in Perry county, likely removed because the people had lost confidence in their pastors.<sup>31</sup> Further, as Munding argues, Walther found himself compelled to address the claims of Vehse, and eventually chose to make Vehse's position the foundation of his teaching on church and ministry (office).<sup>32</sup> At this point, Munding offers a suggestive interpretation:

In this extreme exigency Walther made a virtue of necessity and adopted a realistic course. He accepted the principles of church government which his lay opponents had gathered from the writings of Luther. To these he added from Luther certain provisions which safeguarded the dignity of the ministerial office: his transfer theory, the doctrine of the divinity of the call, the absolute authority of the Word of God, and the permanence of tenure.<sup>33</sup>

Munding has it almost right. However, as demonstrated above, Walther was basing his argument at least in part on Vehse, who in turn based his argument on the writings of Luther, the Pietists, and the American setting. Over the next decade and a half, particularly in his theses for the Altenburg Debate and his *Kirche und Amt*, Walther solidified his position. He sought to avoid the extremes of both Stephan and Vehse, striving to affirm, in the wake of the two men, the autonomy of

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<sup>30</sup>Vehse, *Emigration*, 32.

<sup>31</sup>Munding, *Government*, 213.

<sup>32</sup>One may see J. F. Köstering, *Auswanderung der Sächsischen Lutherischer im Jahre 1838, zweite auflage* (Saint Louis: Druck und Verlag von A. Wiebusch u. Sohn, 1867), 42-52.

<sup>33</sup>Munding, *Government*, 213.

the local congregation, the advisory nature of Synod, and the dignity of the *Predigamt*.

The story of the Saxon immigration, the removal of Stephan, and the development of a democratic polity suggests a number of applications and conclusions. In the first place it is significant because a good deal of Missouri Synod historiography (one might say "all") has argued that the polity developed by our forebears was drawn directly from Scripture and the Confessions without any intermediary. American culture had no influence on its development whatsoever. The result is an uncritical linking of polity with ecclesiology. This joining has left us open to the radical development of democratic thought in the twentieth century—a completely different context than the one in which Walther and his colleagues found themselves. Democracy in the postmodern setting does not carry within itself the ability to resist the will of the majority—what Alexis de Tocqueville called the "tyranny of the majority."

In our time, radical congregational autonomy and rampant individualism characterizes much of Missouri. Perhaps part of the reason lies in the democratic nature of our polity. Any number of congregations and pastors push the logic of democracy beyond Walther's boundaries and insist that because Synod is only an advisory body each congregation is free—has the right—to do what is right in its own eyes. Synod then becomes a collection or aggregation of absolutely autonomous entities. The nature of democracy is compromise. Walter Forster provides an accurate and fair description of Walther's work:

What Walther actually accomplished in 1841 was, first of all, that he gave a new direction to a line of thought which had already been laid down by Vehse; that he eliminated a few of its extremes and thus developed a position far more acceptable to the reasonable elements in both major factions; and that he defended this theological standpoint and its practical application to life in the communities, with clarity and ability.<sup>34</sup>

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<sup>34</sup>Forster, *Zion*, 521.

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Consider the points that Walther brought to Vehse's system, those designed to protect the dignity of the ministerial office. First, the *Übertragungslehre* (the transfer or conferral theory of the ministry); second, the doctrine of the divinity of the call; third, the absolute authority of the Word of God; and fourth, the permanence of tenure.<sup>35</sup> Regrouping them, one, two, and four hang together, and are based on number three, the authority of the Word of God. But one need not look too far to see that the authority of the Word is under fire, even in so-called conservative congregations. Most Americans reject the inerrancy and infallibility of the Scripture. Our postmodern world argues that there are no absolutes whatsoever. Once that ground of authority is undermined, the *Übertragungslehre* ceases to be any kind of safeguard. Pragmatic logic says, "If we can give it, then we can take it back. Who is to stop us?" Finally, permanent tenure is compromised by unbiblical removals of pastors.

Ours is a day of "everyone a minister," of "divine disposal," of "contemporary worship." How well is our polity serving us at this point? Not particularly well, apparently. I submit, however, that the problem is not "Waltherianism" — the fault does not lie in Walther's doctrine of church and office as articulated in *Kirche und Amt*. The problem lies in the misinterpretation of the nature of polity.<sup>36</sup> Congregational autonomy has become an excuse for a congregation or pastor to do whatever it pleases. Synod is merely "advisory," having no

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<sup>35</sup>Munding, *Government*, 213.

<sup>36</sup>Walther clearly believed that, while the doctrine of church and ministry was clearly settled in the Scripture and Confessions, polity was an adiaphoron. "It could very well be that there are times and situations when the church would benefit by placing decisive and governing powers into the hands of individuals or representatives. For example, who would dispute that the German consistories in their own time were a blessing to the church, . . . Anyone who knows a little history could not possibly deny that the Swedish church under its *episcopal structure* was gloriously edifying. . . . However, if we take a look at the situation *here*, we would be hard pressed to find an organizational structure better than that in which congregations freely rule themselves and yet join together to form a synod. . ." C. F. W. Walther, "Synodical Address—1848," translated by Paul F. Koehneke, *Concordia Theological Monthly* 43 (July-August 1972): 435.

say whatsoever in the affairs of its radically independent local congregations. This, I would offer, may best be described not as Waltherianism, but as Vehseism—radical individualistic congregationalism. And that anti-Waltherian understanding of polity threatens to rend the very fabric of our Synod.

Some would argue that the only solution to the challenges facing American Lutheranism, and by association the Missouri Synod, is a return to an episcopal form of church government. Such appeals miss the Lutheran point that adiaphorous political forms do not carry within themselves the ability to solve the problems facing an institution. Further, such efforts at reestablishing a hierarchy ignore the simple reality that we live in a representative republic that views such polity with, at the very least, suspicion. Put another way, democracy is a fact of our American existence. It is not going away soon. Democratic forms of church polity will remain. That is simply the way things are.

But democratic polity, for all its obvious problems, is not evil per se. The baggage it carries because of and in our secular, postmodern culture may make things difficult for the church. But that is the nature of life under the cross. Whatever else we may conclude, Mundinger's ultimate assessment of Missouri polity is striking in its historical implications: "The peculiar type of decentralized government adopted by the congregations which formed the Missouri Synod was different from any polity that had ever existed or was then existing in German."<sup>37</sup> In other words, the polity developed by the Missouri Synod was uniquely American—something of which we need not be ashamed. The question, though, is how best can this polity serve the whole church, clergy and laity, without pitting one against another, so that we may move forward into a second 150 years of faithful confession linked inseparably with a vigorous mission. The time is now for us to start coming up with some answers.

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<sup>37</sup>Mundinger, *Government*, 199.