

January 11, 2001

Dear Student of Lutheran History:

Thank you for your interest in the English translation of Dr. Carl Eduard Vehse's, *The Stephanite Emigration to America*.

The book is no longer in publication, so I am including this letter for you and other students of Lutheran history.

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I hope this work will be interesting and enlightening for you.

Sincerely,

A handwritten signature in black ink that reads "Marion R. Winkler". The signature is written in a cursive style with a large initial 'M' and 'W'.

Marion R. Winkler

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THE
STEPHANITE EMIGRATION
TO
AMERICA

With Documentation

By
Dr. Carl Eduard Vehse
Dresden
1840

Translated by
Rudolph Fiehler

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To his cordially beloved friends

Heinrich Ferdinand Fischer
And
Gustav Jaekel

In memory of inseparable fellowship
In St. Louis

As well as to
All, who are still faithfully minded
toward the Lutheran Church

Respectfully dedicated

By

The Author

FOREWORD

Conrad Bergendoff, a noted contemporary Lutheran Historian, in his 1956 Knubel-Miller Lectures on "The Doctrine of the Church in American Lutheranism!" said that Dr. Carl Eduard Vehse's book "Die Stephan'sche Auswanderung nach Amerika" "is probably the most remarkable book by a Lutheran layman in America."

Because of its reference by many historians, I had developed a compelling desire to see this book made available. After more than two years effort, thanks to Christian News for printing an appeal, a competent and willing translator was found.

Vehse was a lawyer, 36 years of age, perhaps the best educated of the group. He had been Curator of the Saxon State Archives. He was in this country less than a year, arriving in St. Louis 19 February 1839 and departing 16 December of the same year. More than any other man, he was responsible for the great heritage of congregational government we now enjoy in the Missouri Synod.

This gem of history, apropos to the life of the church today, has been translated by Dr. Rudolph Fiehler, a layman, a descendant of the Saxons, who lived in Perry County, is a graduate of Concordia at River Forest and of Valparaiso University, has a Ph.D. from the University of Texas, has taught German, is a linguist, has many years of editorial experience and has a strong interest in the history of the Saxon emigration.

The translator would note: "...that the German 'Gemeinde' in Matthew 18 is here given as 'congregation,' in line with the preference of English dissenters at the time of the Reformation. 'Amt' has connotations of dignity and officialdom not found in either English 'office' or 'function.' The mildly pejorative tone of 'die Herrn Geistlichen' is only mildly suggested in 'the reverend clergy.' In general, the aim has been to preserve the flavor and tone of the original."

This translation contains referencing parenthetical notes inserted in the text which indicate the start of each page of Vehse's original book so that students of history may easily compare the translation with the original. Facsimile copies of the rare original Vehse book, in paperback or hardbinding, may be obtained by ordering item OP66553 from Xerox University Microfilms, 300 North Zeeb Road, Ann Arbor, Michigan 48104.

Marion R. Winkler

THE STEPHANITE EMIGRATION TO AMERICA

"All is lost, save the good cause of the Lutheran Church."

The story of Stephan, which in spite of many difficulties culminated in the achievement of an emigration project and which ended with his deposition on 30 May of last year, is certainly most extraordinary. The tale might be very instructive, if it could be recorded by an unbiased and well-instructed person. Though I might presume to meet the first of these requirements, I should still be lacking in the second; I am still in the dark concerning much about the personal life of this unfortunate man as well as concerning his most successful enterprise, the emigration.

Stephan is a psychological enigma; whatever might be urged in his defense, so much remains--the more abandoned he was, the more clever he was. Certainly, he did not possess either a precise general or classically-oriented education. But he was one of those through whom, in the tradition of the Lutheran Church in Silesia, which thrived until the end of the last century, the true teachings of this Church were transmitted. In the library of St. Elisabeth's church in Breslau, to which he had access in his youth through old Scheibel, he had absorbed a not inconsiderable knowledge of literature and history which, with his excellent memory, he continually enlarged in later years. He was notably competent in church history, which he knew well and was well able to interpret. Also, (Vehse p 2) his extended and intimate acquaintance with all manner of persons from highest rank down to the humblest had given him a body of interesting information about persons and events, so that he had an exceptional and sure understanding of human nature, and he had cultivated such perceptive tact in dealing with various characters that the dominance he gained over others was at first hardly noticed. Of the thirst for power which appeared after his departure from Dresden I at first perceived only traces, which he himself quickly erased; I can vouch that he was able to grapple me to himself through a most cordial relationship. His outstanding abilities as pulpit orator have been acknowledged by his bitterest foes; I must still say that in my entire life I have not heard anything grander than his presentations in the instructional sessions on Sunday afternoons. I cannot but add in this connection the apt judgment of a friend:

“On the one side, such discernment, such correct appreciation of the times in which we live, such high intelligence, such grandeur of the Word and of the Name of God in his sermons, such power to arouse, to comfort, to fire the faith--but on the other side; I could not find the image of God in his person.”

Indeed, on the other side, he was nothing else than a spiritual deceiver!

In fact, one cannot sufficiently wonder about the craft and cunning as well as the unparalleled success of this man in dissembling under close scrutiny of friends and enemies over so many years and further to withstand the intensive investigations of the authorities. One hardly knows whether one should wonder more about the patience of God which permitted him for so long to carry on his secret misdoings, or about the power of the omnipotent arm under which this sinner succumbed just as he seemed at the point of achieving his dark purposes. The appearance of sanctity, under which our eyes saw him (Vehse p 3) undeservedly persecuted, could not more fully have dropped away from him.

God himself would judge; he alone helped us. The people were all deceived by Stephan, so that his opponents could find no cause against him and his friends followed him unsuspectingly. From the people no help was to be expected; the net of deceit which he cast over his congregation was so finely and tightly woven, and the aides to his domination to whom he had unfolded his hierarchial plans were so attracted and bound to him, that only the mighty Hand from above could have destroyed the enchantment in which all were involved.

Stephan's plan of emigration stemmed from earlier years. He himself has said that already since 1811, a year after he was called from Bohemia to Dresden, he had contemplated such a plan. At that time his intentions were directed toward Australia, but he later persuaded himself that it would be neither expeditious nor wise to submit himself to the discretion of Englishmen, as many are naively doing. Shortly after the great alterations in Saxony, in 1830, he referred to Dr. Kurz, a pastor in Baltimore and a member of the Lutheran General Synod, for information on conditions of life and of the Church in the United States of North America. This informant recommended that a settlement be established in the State of Missouri, a state which indeed he himself had not visited, and of which he knew only through acquaintances and through a book by the physician, Duden, from Bonn.

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 concerns itself not at all about the church, (Vehse p 4) 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.

From the admittedly fragmentary disclosures that have come to my knowledge of the earlier life of this now unmasked deceiver it appears that about 10 years ago, that is at the time when he wrote to Dr. Kurz, his disgraceful conversations in the vineyard with married as well as unmarried women had their consequences. It is understandable that domestic discontent, along with the new life style which he pursued in secret and only with utmost caution, evoked in him the desire to withdraw to a free country where everyone might do as he wishes so long as he does not disturb others in person and property.

At this point in time he gradually drew to himself other persons--clergy, candidates, and laymen--to whom he subtly and craftily disclosed his plan: "To find an asylum for the Lutheran Church in the United States."

Continually hounded and hemmed in by the police, who pursued his nocturnal exploits without being able to prove anything against him in continued investigations, he stubbornly persisted in his nightly promenades, defending them in the face of kindly admonitions to desist on grounds of health, until he finally demanded outright emigration.

It would be a mistake to suppose, however, that he openly and unequivocally declared an intention to leave immediately; on the contrary, he pretended to be undecided, even after the encounter at the vineyard in the Hofloesnitz, in consequence of which he had been suspended (Vehse p 5) from office, in November, 1837. He carried his dissembling so far as to give the impression, even months after this occurrence, that he still had not resolved the matter in his own mind, so that it appeared he was submitting himself entirely to the will of God, and that

he would await final assurance in order to be certain that he might leave.

This masterly dissembled pose and attitude of mind deceived many, convincing them of the honesty of his intentions.

Only toward the end of winter, in the first months of 1838, did he definitely declare that the break must be made within the year. At that time he confided to me: "God may yet have a great purpose for me, wherefore I have here had to undergo shame and humiliation. Whom God would make great he first humbles, so that he may not afterward be proud."

Stephan having declared that the time was come to break away, an advisory committee was established, which forthwith drew up ordinances of emigration. These are printed in Appendix A. Now began the payments in Dresden as well as in Leipzig into the credit fund provided for in the ordinances. Two members of the committee in the summer of 1838 journeyed to Bremen and concluded a contract with the ship brokers.

Three circumstances, which arose already in Europe, contributed particularly to bring about the misfortunes the company experienced in America. These were stages by which Stephan came to sole authority, which actually was his principal aim.

First was his determination to include forthwith so many unpropertied persons, who might better have followed after the colony was consolidated. All objections to this idea, based on considerations that the sums available were hardly appropriate to the number of persons to be taken along, were shattered by his (Vehse p 6) determined declaration: "that one must have pity on the deserving poor; they may not be left behind."

What he had in mind in taking along so many people appeared through later developments in America; these people were blindly devoted to him and entirely dependent on him, for it was through him alone that they had been taken along; on them he might depend in every eventuality, by the labor of their hands he might sustain himself. He called these people "his pearls."

A second basis for Stephan's later misused power was cessation of activity by the advisory committee after imposition of house arrest on Stephan in October, 1838. From this time on all decisions emanated from him and his juridical assistants; it seemed too tedious to hold consultation, and business affairs

became more pressing as the time for the break-away approached. Thus the weightiest decisions, which needed to be made just as we were ending our stay in Saxony, were made solely according to his views and those of his advisors. Among these were the immediate arrangements in America, the choice of participating persons (with inclusion of a disreputable physician of a respectable family who already in New Orleans deserted the company with a considerable sum from the communal funds) and the matter of the "stolen children" who eagerly went along but on whose behalf there was much general public indignation. Members of the committee were alienated by continued special direction in conduct of affairs and gradually withdrew from governance of matters which Stephan finally took in his own hands.

But the principal matter that supported Stephan's hierarchial dictatorship was that disposition of all funds in the treasury finally fell altogether into his hands alone.

The first accountings which I made of the contributions were based on the unencumbered payments of the contributors. (Vehse p 7) These accounts, at the instance of Stephan, were changed to assign everything to "Stephan's sole disposition until the Credit Fund Arrangement becomes active," and the contributors unsuspectingly accepted the alteration. But the Credit Fund Arrangement, according to which chosen deputies were to administer the moneys, was never activated. --This fact spoiled everything, for thereby Stephan at once received control over the entire resources of about 125,000 thaler paid in as time went on.

On the night of 27 to 28 October, as Stephan toward midnight took leave in the house of a friend who presented him with a splendid fur-coat for travel, he spoke these memorable words: "Now look, how the pastor of St. Miserabilis may yet become a formidable creature" --These lightly spoken words have been frightfully fulfilled.

The capital sins, in which he had already earlier indulged and into which he fell ever deeper, were disdainfulness, a thirst for power, hypocrisy, and lying. He began his extravagances already during the land journey in the luxurious carriage purchased out of funds "at his sole disposition" and drawn by three, and from Leipzig on, by four select post horses. With him was his companion, a candidate, and a porter (a most upright person, whose faithfulness he badly rewarded). The sum expended for this journey was so considerable that already on board ship it occasioned questionings, which were however put down by his authority.

In Bremen the "Poems of Exile" came to light; never had toadying to a person been carried so far as in these verses. Sad to say, they were the keynote of the essential cult, the idolatry of Stephan, which quickly developed at sea and on the Mississippi, and in St. Louis came to disgraceful culmination.

(Vehse p 8) The entire situation which we encountered in Bremen was so strange and unexpected that numbers of persons, suspecting misfortune, wished to return to their homes. It was not as if poor exiles were leaving, it was rather as if a triumph were in progress.

As Stephan arrived by steamer in Bremen harbor on the evening of 14 November and found himself without formal escort to accompany him to the hotel accommodations reserved for him, he complained bitterly over lack of respect for his person and issued a sort of order of the day to the effect that in the future more regard should be shown for "his office."

Toward 10 o'clock in the morning, on Sunday, 18 November, Stephan appeared on the new Bremen three-master Olbers, which had been designated for his person and "the general staff" for the voyage to America. Here also his first pronouncement was a stern one. He demanded rudely that certain children forthwith withdraw into cabins below "so that the labors of the deck hands would not be disturbed."

In the great storm which struck us already on the following day in the North Sea, again in the English Channel, and especially from 23 to 29 November in the Bay of Biscay, the Spanish Sea, which even ordinarily is dangerous because of high waves, and so strongly that all portholes of the ship had to be nailed shut, the water nevertheless coming into cabins and mess-hall, so that several dozens of chickens were destroyed under the masses of water--this storm which also destroyed the Amalia, apparently through collision with another larger ship, so that it went to the bottom--Stephan showed himself to be hardly so calm and firm in his faith as might have been expected from the outward disposition he usually assumed. He quaked. Those who observed him near at hand in his cabin, assert specifically that one evening, when the captain as a precaution had the lamps extinguished, (Vehse p 9) he swayed back and forth on his sofa crying out "Darkness! Darkness!"

Seasickness, which he flattered himself to be able to avoid, as is sometimes the case with the very young and the very old,

came upon him in such fearful intensity that for days on end he gave off nothing but black gall.

After this great danger had passed through God's wonderful and gracious presence, Stephan renewed his extravagances. He ordered that certain refreshments, reserved by the captain for the cabins, were to be for his "personal use" only. For lack of it, the passengers in the cabins languished. It suited his convenience during the 64-day voyage to preach only very seldom, partly because of ennui, partly to withdraw himself. Preaching was by his vicar, or not at all; "for the people were not worthy." It was notable that his sermons, since he left Dresden, had become weak and arid and became progressively weaker and more arid, especially in St. Louis, so that at last they made no impression on me at all.

On 17 December, 1838, we reached the East Passage and on Christmas Eve the tropical zone; then began the quiet, enjoyable cruise in the calm West Indian Sea, along the enticingly beautiful shores of the big islands San Domingo and Cuba. Stephan used this peaceful time of full sunshine under Southern skies to further two schemes in preparation for his obscure master plan.

The first was the removal of his juridical assistant, whom he saw as a threat to himself, together with other leaders, both spiritual and secular; the second was his elevation to Bishop.

Only after the first of these purposes was effected through pretensions that he had more "paternity" than his would-be critics, did he proceed to the second.

On 14 January, 1839, our first day in the Gulf of Mexico, and six days before our arrival in New Orleans, (Vehse p 10) he instructed his vicar to prepare a document by which in the name of his colleagues--the clergy who had preceded him in the ships Republic, Copernicus, and Johann Georg, and the candidates on the Olbers--the office of bishop was conferred upon him. In the evening of this day before mess I stood with Stephan at the helm of the ship, where he said these words: "It must be that I reach American soil as Bishop. You know that I have no other intention; I shall not mince words. All would go lamely if I did not do so!" After the meal there was a sermon about the need for having a bishop and for instituting episcopal ordinances, and also about the servitude of the Lutheran Church in Germany. The people hardly knew what was going on and what was happening to them. On the following day came the choice of the

12 deputies who by "petition of the clergy and candidates about the Bishop" were to assist him. In the afternoon the document was delivered by the deputies and Stephan explained: "Now everything will go actively and bravely forward. It is only to be asked that there be no uneasiness because of recalcitrance and stupidity on part of the people which might make this holy office more difficult."

On 20 January, 1839, on a bright, warm, sunny day we voyaged past cotton and tobacco plantations on the shores of the Mississippi, representing our fondest expectations of America, to the great trade center of New Orleans, into a forest of a half-thousand large seagoing ships and steamboats which there lay at anchor.

Here Stephan sampled all the pleasures of this rich seaport, compensating himself for his earlier self-denial. Besides liquors, all sorts of tropical fruits--bananas, coconuts, oranges--and oysters were provided.

On 26 January we exchanged the modest accommodations of our German ship for the splendors of the steamboat Selma, one of the mightiest of those American floating palaces, of which 500 course up and down the Mississippi (Vehse p 11) and over against which European river boats are merely as the dot over the letter i.

Here, "because there would be none on the steamboat," a second expensive sofa was purchased (the first had been bought in Bremen) from the general treasury. We left New Orleans on 31 January.

The journey up the Mississippi was considerably delayed because of low water, and particularly the bar at the Ohio River made for difficulties. We consumed three weeks before we got to St. Louis, a tour of about 1300 English miles, which however some incredibly fast American steamboats usually make in eight days, and indeed have already achieved in only five days. During this time Stephan implemented two further steps in his arcane master plan. For one, he imperiously put to silence the treasurer of the society, who had come from Leipzig, and who had tried respectfully to resist the Bishop because of the endless extra expenses (also on the Mississippi journey, although the American cuisine is splendid enough) and then by insistent persuasion had this treasurer sign over to him the sum of 1500 dollars. This sum had already been assigned to Stephan in Dresden as "Regent of the Church," but only as an allowance for himself and his

family, which he at the time still believed he could bring with him; of this he had used only a little because he had drawn on the credit fund for expenses he anticipated in connection with his legal involvements.

Demands for personal services, largely unreasonable, had come to a considerable pitch. But Stephan was still not satisfied and therefore had the "Pledge of Obedience of the Steamer Selma" signed by all adults--both men and women--and subscribed to as an oath. This document is reproduced in Appendix B. But before the signing he made hortatory sermons. One of these, in the main stateroom of the steamboat, (Vehse p 12) where various adult members of the group were assembled, included a demand that those who did not want to follow should leave forthwith, because "the clergy would maintain Stephan with their own hands," a suggestion so terrifying that the people, long after the speech was over, stood thunderstruck but still seemed to wish to hear more. The dead silence was finally broken by a casual bystander who said indignantly, "You can go, it's all over!" That remark provoked some involuntary laughter and somewhat impaired the illusion of Stephan's leadership.

Along with Holy Writ, the symbolic books and the constitution of the Lutheran Church, the Pledge of Obedience also comprehended Stephan's "Ordinances Spiritual and Communal." When I, before adding my signature, took note of this, he had me come to his cabin on the boat and gave me most specific assurance: "It is of course understood that as soon as we get to St. Louis, I shall relinquish control of the treasury and all incidentals; you will then choose your own deputies and take the whole business in hand!" With every colonial venture some sort of dictatorial control is necessary in the beginning; that is understood, and so I took my leave and allowed myself to be deceived. All subscribed, except one, Mr. Fischer.

We arrived in St. Louis on 19 February, shortly after noon, in the pleasantest kind of weather. Here we met the passengers of the three boats that had preceded us, and also the German population of the city, who had awaited us and looked at us with large eyes. The boat was forthwith full of a mass of people, as seems usual in America. But the Bishop remained in the ladies' stateroom until towards evening, when in the dusk he rode to the north end of town, toward Belle Fontaine, beyond the so-called Indian Hill, reputedly a large, long, one-time grave mound of indigenous Indians, to quarters which had been engaged by one of the clergy who had preceded him and which at the expense of

the people had been splendidly decorated in the American style and provided with carpets.

Stephan's first concern was to have in hand the documents of approval for his choice as Bishop and the Pledge of Obedience from the other clergy, the candidates, and the 12 deputies on the other three ships. The clergy, already in Europe acquainted with his hierarchial plans, fell in wholly with his leadership, as did also the laity; in the sermons delivered concerning the choice of the Bishop, it was explained: "The Church depends on two eyes, the eyes of the Bishop Stephan." In the public prayers in Christ Church, which Bishop Kemper and the deacons of the English Episcopal Church in St. Louis made available to us, the protection of God for further support of Stephan and "the project of emigration committed to him by God" was specifically prayed for.

To this, the kiss of the hand was introduced; in musical soirees, which the Bishop occasionally arranged, and to which he admitted the clergy, the candidates, the teachers--and one single layman, his secretary--this curiosity was accepted.

For the choice of the 12 deputies from the other three ships, who now had to explain their assent to the naming of a Bishop and the unconditional Pledge of Obedience, there had been time and room enough; for the election of deputies to administer secular affairs and specifically the credit fund, (among whom I was not included,) Stephan gave out that there was no suitable place in St. Louis to assemble the congregation--"wherefore the election was passed over and Stephan as hierarchial dictator retained everything in his own hands until, as he said, "land were purchased and they might meet on their own grounds, undisturbed."

The manner in which he conducted affairs was that he instructed his secretary to prepare records of those transactions of which he was informed. On the basis of these records, (Vehae p 14) when they called for expenditures, the cashier made payment. For the more significant postings, involving payments to himself, or the other clergy, candidates, and teachers, the entries were countersigned by one or more of the principal contributors to the Credit Fund. Stephan for instance accepted 500 piasters which he received during the course of his stay in St. Louis with these words in the record: "I rejoice that the Altar is again being properly honored. The blessings of God will follow you." For the other clergy, who each received 100 piasters, and to the teachers, who I believe received 30 piasters, he let be recorded: "Though this be little, in time, when things prosper, there will be more."

In St. Louis, Stephan conducted "his house" as he termed his quarters, in veritable revelry. It was told me by a very worthy woman, whom out of decency he had taken into his dwelling, but who could not endure living there and left, that delicacies of all sorts were continually on the table, but that whenever I came by--which did not happen often in St. Louis, since I was in disgrace--everything quickly disappeared into wall-closets, so that I, who was not trusted, might not see. The disfavor in which I found myself derived from the time on the steamboat, where I had not shown myself to be sufficiently conformable; it intensified in St. Louis, where several times I expressed myself aloud concerning Stephan's ever more reprehensible conduct, specifically about two violations of our symbolic confessions.

Here in St. Louis Stephan also authorized purchase from the general fund of a second lighter carriage, of a kind very expensive in America, for his personal use, since the one which he had brought from Europe, and which he had declined to sell in Bremen, was found to be heavy and unsuitable.

Highly proper Americans, who are particularly sensitive about relations with the women-folk, were mightily offended (Vehse p 15) because of the Bishop's "house" into which gradually more and more young maids were introduced.

In St. Louis, where Stephan remained two months, to the end of April, there was continued preparation of ecclesiastical ornament for the Bishop and his spiritual helpers, which had been begun already in Leipzig. 1-fasses of stuffs in wool, silks, satins, and gold embroidery, along with other materials for churchly apparel were purchased and given over to women-folk who had moved into the house under pretext of "working under his supervision," along with a tailor who had come with us from Leipzig.

Pending completion of these cloths, for which the designs had already been made in the Catholic Church in Dresden by a young craftsman, and which were to be used for the first time at the dedication of the cathedral church of the still to be purchased colony, the clergy in St. Louis had gotten along with a so-called alb, of fine white stuff worn over their black clerical robe, as do the English clergy in reading the pericopes and as the Catholics do when hearing confession--the Bishop distinguished himself through broad lacework worn under the alb.

Besides these garments, the bishop's mitre, the episcopal shepherd's crook, and a bishop's cross were ordered made, the last hanging from a chain of pure gold so heavy that even the goldsmith hesitated until the Bishop assured him: "he must have Just such a chain and if necessary he would purchase one with his own money." Staff and chain were ready, and I myself saw them later; the first was most artistically carved in wood and was gilded, the other, I would say, was inappropriately heavy.

About this time a second Catholic church was dedicated in St. Lou ' is; at this ceremony, which was conducted under open skies by the Catholic bishop Rosati in full regalia, (Vehse p 16) clergy and candidates were urged to observe closely, so that whatever might be appropriate could be used in the dedication of our own church.

One of the candidates, whom Stephan had instructed to deal with his secretary and with me concerning expenditures for the church-government out of the treasury, let these words fall: "His Highness does not exactly wish to meet these expenses out of the treasury through an episcopal order." It was being gradually insinuated that such commands by the bishop's authority might be acceptable.

Expenditures for church furnishings, including library, organ, sanctuary, and so on, according to the reported accounts of the treasurer, amounted to 8000 Prussian thaler-- those for his person and house amounted to 4000 thaler. All this in seven months, of which three were spent on the sea and on the Mississippi, where there were no actual expenses.

On 20 April, accompanied by some of his house and of the company, Stephan traveled on the steamboat United States to Perry County, to the property which had been purchased, about 100 English miles below St. Louis. The deference which he demanded and his insistence during this one-day voyage on having soup, which is not the fashion in America, along with baked wares and the like, was so extraordinary that the captain of the boat, when we later wished to travel with him for the deposition of Stephan, turned away our group by demanding excessive fare for passage.

Stephan had previously--without consulting anyone in our group, instructed our **American agent, Mr. Bimpage**, a connoisseur of wines, to send ahead a considerable quantity of the finest and most expensive wines to the episcopal interim-dwelling, a simple structure of boards at the landing place of the property.

The St. Louis merchants who undertook delivery had wondered about the unusually strong requirements of the Bishop.

(Vehse p 17) Hardly a week had passed after Stephan left St. Louis, when on the Sunday before Ascension, shortly after the early service conducted by Pastor Loeber, this pastor was apprised of the first revelations concerning misconduct by one of the young girls to whom Stephan had made overtures, and shortly thereafter, still on the same day, by yet another young girl, entirely without knowledge of the first. Their assertions were followed on subsequent days by others. It is impossible here to bring these revelations to open knowledge--for many reasons which will doubtless be respected. I have read the protocols of the statements of these persons, some to be blamed, others blameless, which were expressly supported by oath, and I would say with certainty that it was unheard of how this abandoned man misused the Holy Name and the Holy Word of God, usually in reference to his having to care not only for the souls, but also for the physical well being of those for whom he was responsible "since the physicians were so incapable," and to satisfy his disgraceful desires. Suffice it to say that he projected his misdeeds already aboard ship, in the cabin he shared with his son, and thus under his very eyes. On the steamboat Selma this son said to a friend: "My father will come to a bad end, as you will soon find out."

For a week the clergy kept these awful discoveries secret, but then divulged them to Stephan's secretary and to me. At first we intended to transport him to St. Louis and to let the secular authorities take over. But three prominent residents of St. Louis, among them the principal magistrate of the city, Dr. Lane, with whom I discussed the matter, advised that we avoid the scandal that would ensue, which would inevitably result in a lynching of the abandoned man (his execution by the people without judicial process) and that we instead convey him out (Vehse p 18) of our colony to Illinois or to some other place.

Before this happened, the youngest of the clergy traveled to Perry County ostensibly with instructions to tell Stephan that the entire company was strongly determined to come to the colony and was not willing, as Stephan wished, first to have a smaller number come. But his secret mission was to make known the disturbing discoveries and to win over the persons nearest to Stephan, namely the three trustees through whom the land had been conveyed as well as 100 New Yorkers who in the meantime had come by way of Lake Erie and the Ohio River. Stephan

evidenced an ever stronger determination and an increasing intransigence. His pride occasioned him to ordain that an episcopal palace of 70 feet frontage was to be constructed forthwith, even before dwellings were built for the common people. I saw the plan suggested by a carpenter in St. Louis; it included a porch in American style with an open colonnade all around and was quite stately. Besides, he rebuffed a suggestion that certain blockhouses already standing on the best part of the land purchased for his private possession be given over to poorer people who still had nowhere to live, with the words: "No, the people would misuse it."

Notwithstanding that mortal sins were laid against Stephan, he was allowed to preach, even on Pentecost!

Although he noticed that something extraordinary was afoot and spoke of a conspiracy against him, he persisted in his delusion.

Upon return of the delegated clergyman, removal of the company from St. Louis in order to bring about deposition of Stephan was decided upon. The move was made on the two steamboats Prairie and Toledo. It was 29 May when the first of these boats landed at the mouth of the (Vehse p 19) Obrazo, on the northern boundary of the colony, about four o'clock in the morning.

The first figure we perceived was that of Stephan's housekeeper at the watch-fire, which had been kept burning through the night in anticipation of our arrival as a signal on the shore of the Mississippi. When attempt was made to hold her, she broke away and fled into the Bishop's house. He himself stepped into the doorway.

I found myself a few steps from him in the half-light of dawn. He said imperiously to me: "Step aside, do not come nearer!" Being thus addressed, I could not resist provoking him from his as yet unchallenged delusion that he still was in authority. In my excitement these words escaped me: "Sir, withdraw. You have nothing more to say here." He stepped back.

It was now determined that the Bishop should remain alone in his house together with his housekeeper. He remained indoors through the day without allowing himself to be seen.

In full daylight I took to horse in order to inspect the colony, which Stephan had described as "more beautiful than the

land of Palestine," in its length and breadth; it was one of those bright sunny days which occur much more often in America than in our own damp, cool North.

Not until five o'clock in the afternoon did the Toledo arrive with the rest of the company; only 200 had remained in St. Louis.

Although it was quite superfluous to deal further with Stephan, who could only be dismissed and conveyed elsewhere, the clergy deliberated at length how the deposition was to be accomplished, and so they asked the aid of Stephan's juridical assistant. Meanwhile I stood at the single window of the interim dwelling and distinctly heard the Bishop say these words to his trusted companion: "I must in any event assure myself in advance of a firm position." Evidently he was thinking of a (Vehse p 20) formal release, apparently with some compensation.

Only toward evening did the two eldest of the clergy in official capacity enter the house of the Bishop, briefly informing him of the charges that had been placed against him and inviting him to a conciliar assembly for the next morning. Being thus addressed, he made impudent retort and ridiculed the council, which he said did not concern him, and appealed instead to the congregation. In self-vindication he produced and read a letter from one of the girls with whom he had had dealings and whom he had dismissed after she accused him, in which she, impelled by false conscience, asked that he again receive her into his good graces. Thereupon the two clergy withdrew; no one, not even the staunchest of the group, trusted themselves to watch over him in his house through the night, so incredibly great was their respect for "the office."

The announced assembly was held on the following morning, and Stephan was deposed on grounds that he had denounced the council. The formal act of deposition was read to him by our agent, Mr. Bimpage. Through all these proceedings he continued to behave impudently and even when I said to him, "Mr. Stephan, you are now immediately to remove yourself," he gave no indication that he would comply. An exchange of words ensued between us in consequence of which the room gradually became filled with people from the company. Several, notably the elder of the New York group, apostrophized him very harshly, but he continued to resist until finally repeated blows of a horsewhip on the outside of the house were heard. It came down to my being alone with him and his pleading insistently that I protect him from lithe common rabble outside." I offered my help in coming to

terms with the company, and he willingly accepted. Negotiations were now begun on the basis that his various (Vehse p 21) effects were to be given over to the general treasury which he had so badly misused, against which he was to receive a money payment of 100 piasters and a respectable outfitting of linens, clothes, and household articles.

He now pleaded that as an old man he would be unable to labor, although at other times he had denied us access to him, declaring that he did not need us, since he could sustain himself by keeping bees. As he did not cease to complain, I reminded him of having repeatedly made such representations. To this he said: "In Illinois there are no bees."

Hereupon his effects were searched; among other things was found a purse with a respectable sum of money, such as would not have been expected from a man who had always posed as being poor, along with all sorts of curiosities.

With some difficulty he was brought to unclothe himself altogether, as was expressly demanded, and I was at the point of breaking off these dealings, which were not really official anyway. But he pleaded with me insistently to remain; he wanted to have dealings only with me. --In one of his stockings were found seven gold pieces-- (Not 100, as was reported in *Anzeiger des Westens*.) He explained that he had "expected therewith to pay his attorney, a Mr. Sullivan in St. Louis."

Thereupon our authorized spokesman laid before him the document with the cessio bonorum, and since it was now too late in the day to convey him across the Mississippi on the ferry as agreed, he spent the night alone in a tent set up near the landing place.

In the morning we found him with his Bible open before him.

The ferry was ready at half-past ten o'clock --his only request was that "the people might withdraw so that he would not meet anyone." I shall never forget his deeply moved expression as I brought him to the ferry. (Vehse p 22) He left with obvious worry on his face, with stooped posture, a cap on his gray head, supporting himself by his right hand on a walking stick, carrying another under his left arm, continually complaining of having been unjustly dealt with, toward the Mississippi --to occupy a room rented for him on an isolated farm on the Illinois shore beyond a rock formation that because of its form

is called the devil's bake oven! I cannot deny that this parting roused painful, uncontrollable feelings in me as I recalled all the good, besides much that was bad, for which I am indebted to him.

In the cane he carried under his left arm, he apparently made away with another 700 piasters which he is supposed to have shown to his host on arrival in order to assure himself of a hospitable reception. It has become known that he once had such a hollowed-out walking-stick made in the mountains, of which he boasted that therein "spies might carry their dispatches." A further 400 piasters in Missouri bank notes missing from the credit fund were apparently taken along either by him or his housekeeper, although her belongings also were thoroughly searched, so that if indeed she did make off with them, she must have buried them at the time.

I shall not try to justify the manner and form of the deposition with respect to its appropriateness for a Christian congregation. It can be excused only because of Stephan's low conduct at the time, the extraordinary furor roused by the revelations about him, and the confusion of mind which these occasioned. That it was basically wrong is shown in the Appendix.

Since that time, against his express promise; Stephan has several times crossed on the ferry to appear on the grounds of the colony, but was always turned away; he has also oftentimes (Vehse p 23), written letters, suggesting new negotiations, which have been left unanswered. One of the clergy visited him when he let it be known that he lay at death's door. His housekeeper, who was to be brought back to her father in St. Louis, followed him after a short time, as she could not be brought to an act of repentance through the ministrations of the clergy. He sought to bring suit for damages amounting to 3000 dollars against the company, and did not, as the *Anzeiger des Westens* has it, win his suit, but was denied proceedings. In the summer of last year he was ill of a fever but was restored to health in a nearby town. After that, until the time I left, he remained isolated, without any contact with the colony; nobody would have anything to do with him. Although unacquainted with the English language, he is reported to have made friends among Americans in the neighborhood; one person told of having seen him chopping wood in front of his house.

When we laid the case of the absent Bishop before a representative of the deacons of the Episcopal church in St. Louis, I mentioned that it was a catastrophic misfortune for us, and he countered very rightly: "Not only for you, Sir, it's a misfortune for us all, for all Christianity!" He distinctly indicated that the clergy of all confessions would suffer thereby.

For this once so richly blessed but now deeply fallen man, who gave immeasurable offense to both hemispheres, it can only be hoped that he may receive the grace of God in Christ Jesus, which still remains immeasurable, through sincere repentance in dust and ashes, as did King Manasseh. --His judgment before the holy and righteous God would be a terrible one! --To the grace and mercy of Almighty God I commend also him; he may yet find it, if he has not alienated himself through that terrible sin "which may not be forgiven," as God alone knows.

(Vehse p 24) Already before Stephan's downfall, he had in two instances clearly and evidently acted contrary to the symbolic confessions of our Evangelical-Lutheran church, and notwithstanding most specific representations against him, had been defended by others of the clergy.

First, he invoked the gross secular ban against that member of the company who declined to subscribe to the Pledge of Obedience on the steamboat Selma, in forbidding "that this person should not even live in our colony as a renter, let alone possess land of his own." And further, he ordered obedience to himself as Bishop in spiritual "and communal" affairs (both present and future).

After his downfall, nothing could have been more revealing, than that first of all a thorough review needed to be undertaken of the entire course and manner in which he had led the congregation. It was obvious that though Stephan may have known the truth, so far as the interpretation and application were concerned, masses of error and false purposes that he introduced would be revealed. "For if the devil, as Luther says, intrudes by only a finger's breadth, he destroys utterly and completely."

To such necessary revision others of the clergy who took his place were at first inclined. But when lay members of the congregation, voluntarily coming forward, actually took part in discussion, desiring to participate in the general conduct of affairs, the clergy became of another mind and opposition developed. They explained: "Not everything about Stephan was

wrong; in many matters he acted rightly; it is regrettable that the clerical office is so slightly honored, a misfortune that there is no one who has such authority as Stephan had - a second Stephan is needed."

This opposition into which the clergy lapsed occasioned me and my friends Fischer and Jaekel to put together a written "Protestation," which (Vehse p 25) in September and October of last year came to the attention of the clergy. Their final reply was dated 20 November. It is evasive. I left St. Louis 16 December.

On my return voyage from New Orleans to Europe on the Bremen ship Joh. Georg (Captain H. Hohorst), a most capable navigator, I had, in spite of all, such pleasant passage that I felt moved to add to this writing, especially from Luther's works, which I had taken along to read, whereby this writing took on its latter form. The additions are indicated with asterisks.

I considered at length whether it were advisable to put this writing and accompanying brochures into print at all, thereby to bring to public knowledge the major harm which the congregation has suffered and still suffers.

Persuasive reasons moved me to publication.

For one, it is urgently necessary that the members of the congregation themselves quietly and thoroughly evaluate the situation in which they find themselves and come to precise understanding of the hierarchial schemes that were in store for them and which our writing now exposes. Such is only then possible if the account is printed and circulates among them in numerous copies instead of being found only in a single handwritten copy. Reading or hearing only once effects little; each individual must for himself deliberately consider this unparalleled deception from all sides.

Further, I know that there are still many souls in Germany, and especially in Saxony, in Altenburg, in Prussia, in Wurttemberg and Baden who have been in communication with Stephan or with members of his congregation and now concern themselves about the question of emigration and make it a matter of conscience whether they shall go or stay. To these, above all, a proper evaluation of the question should be presented, and especially to those who because of intriguing accounts of what has happened

are impelled (Vehse p 26) to further, more mature, consideration of their decision.¹

(1) Unfortunately, Gruber's company of 150 persons from Altenburg which landed in Perry County on 13 December of last year--in severest winter, without being able to find shelter--could not be dissuaded from coming by unfavorable information that came to them out of Saxony. May further emigration from Altenburg not be undertaken without repeated, mature consideration of such a step, so decisive for the future of so many persons!

Those, however, who see the Stephanite catastrophe as fresh evidence that religion amounts to nothing to begin with, and particularly thus regard the clergy and old Lutheranism--these assertive minds who disregard all except the offense that has been given and therefore condemn the whole matter--these are called on to take heed to themselves and not throw out the baby with the bath. The testimony which we shall adduce may persuade them that true Lutheranism is no mere charlatanism but rather is sound doctrine, with spirit, power, and vitality.

Furthermore we feel strongly bound to vindicate the honor of the government of Saxony--which it may not need--by specifically detailing our side of those issues which were so unfairly condemned by Stephan, who was nevertheless dealt with most tolerantly. This is discussed further in the Protestation.

Further, it is to be hoped that truthful presentation of the situation that has been described, and will be treated further in this writing, will contribute to general understanding, and particularly will help to set aside the scandal that has arisen out of rumors and reports. It is finally to be revealed what is true and what is false.²

(2) The tract: Public Opinion and Pastor Stephan, includes much that is true and commendable so far as it concerns Stephan's good qualities. Portrayal of his bad (Vehse p 27) side is far less detailed and exhaustive, so that objection may rightly be made that it in fact constitutes an apology. Concern for truth and also for the brethren demands that it be taken as warning to test other deceivers and thus to avoid them. Thereby we by no means exclude the hope

that God in his infinite mercy may have pity on Stephan, for I myself have long since forgiven him for having brought me and so many others into misfortune.

With public offenses the Christian congregation indeed has a duty to pronounce public judgment. We--I speak as a member of the congregation--have therefore publicly impugned Stephan of the sins of which he was openly guilty--haughtiness, lust for power, hypocrisy, and deceit. It is still necessary to present evidence of these sins so that no one may be blind to that which is indeed black while a thousandfold contradictions, true and false, are publicly bruited about. Let the world be titillated in its self-conceit by these revelations and triumph in its self-righteousness! The matter still remains serious for all serious-minded people, instructive for all time!

Finally, publication of this writing should be of service to other German Lutheran congregations situated here and there in the United States, having removed thence particularly in the past ten years chiefly from Prussia and latterly from Silesia. It should give these congregations and their clergy a point of reference concerning their situation according to the ordinances of God and thereby point the way in which they may become self sufficient. Unfortunately, many of these German Lutherans, already in the second generation, among whom the English language already prevails, fall into the hands of the English Methodists or the Calvinistic Episcopalians or indeed attach themselves to the General Synod in Baltimore, which has no truly Lutheran confession with regard Co the Holy Supper. This is certainly most unfortunate for persons who have emigrated for the cause of the Lutheran Confession.

To represent the relationship of (Vehse p 28) clergy to their congregations according to divine ordinance, as they are set forth in the Bible and in the confessional writings of our church, is the principal subject of our protestation. It defines the bounds within which the three estates of the preaching office, the government, and the congregation are to move. And in this respect it is a contribution to Protestant church polity.

Most particularly, this writing is concerned with the rights of congregations. The evidences which we adduce are many; to recall them to mind was most necessary in our own congregation, and they should be most seriously considered wherever the Lutheran Church has its being.

Thereupon this writing moves on to a more profound treatment of the essence and concept of the church, expresses itself concerning the proper manner and arrangement for constituting the church and concerning the proper conduct of the office of preaching and the care of souls: it unmask fully and in detail the entire mass of hierarchial schemes and errors of Stephan, and concludes with the principal question: whether the emigration may be termed God-pleasing--something that the clergy in Perry County still defended up to the time of my departure.

This question is decisively answered in the negative, and the testimony of Luther is offered, that such a forsaking of residence and calling is to be permitted to the preachers as well as to common Christians only when they are driven out by force. Specifically, there is a letter from Luther to the well known Silesian nobleman Caspar of Schwenkfeld, from which it may be concluded that when the governing authority tolerates false teachers who go against their oath or otherwise promotes false teaching, the false teachers are to be avoided and not to be listened to, but otherwise one should adhere to God's Word and to one's own church.

Having herewith defined the purpose and content of our Protestation, it remains for me to append a few other matters.

(Vehse p 29) Principally, I would plead with those who through overblown stories written by members of the Stephanite emigration have allowed themselves to be misled into deciding to follow them, that they reconsider conscientiously whether they would thereby be doing the will of God, whether they have God's command, or indeed his permission to desert their calling, their rulers, their relatives and friends. We ourselves left the Fatherland only because we believed ourselves to be following the will of God, but now the deception has been revealed!

It is indeed a grievous misfortune to have to live without regular preachers who remain true to the Word of God, and as ever, no concession may be made in doctrine to false teachers, since there is still only-one truth. But one may be saved and live the full Christian life even without regular preachers, if one may not have them. "The kingdom of God (the essential, true, invisible Church) is within you," says Our Lord, and "Where two or three are gathered in my name, there am I amidst and among them." The household church remains; every house-father is preacher in his own house when the visible church fails. And not the visible church, but rather faith brings salvation--the true faith,

which is evidenced by works. Least of all is there salvation in mouthings of Christianity; "You are my friends if you do as I command." Keeping of the Commandments also belongs to the Christian life, and the highest commandment is love. Along with faith there must be love, bidding peaceful and amicable relations with all people.

Thus, I submit that everyone ought well to ask himself whether, if he undertakes to emigrate for any reason other than religious, as may be actually the case with some individuals for whom religious liberty is associated with improvement of their physical condition. In this connection I would add only a few words.

North America is a land thoroughly different from Europe; here nearly everything is different. It offers (Vehse p 30) great advantages, as I have myself observed and also learned from my inquiries, but also entails great disadvantages. North America is a thoroughly industrial state; only the industrialist, the speculator, actually prospers. Every American is a born businessman. As American writers themselves concede, this fact has great influence--and not of the best--on the manner and way in which practical affairs of the state are conducted, involving much that is attractive, and which is indeed the freest in all the world.

He who has learned to love Germany with its beauties of nature, the amenities of its culture, the fullness and variety of the arts and sciences, and its agreeable, active domesticity, will hardly be happy in America, where nature and ways of life still have a somewhat primitive--I should say earthy--physiognomy. The poetic, the romantic, to which the German is by nature inclined, is here altogether lacking; here one finds simple, flat prose, and the American writes in a matter-of-fact explicit style. He is a Philistine, but a very pretentious and pompous, very clever, very enterprising Philistine. There is hardly a more enterprising nation in the world. All activity is directed toward gain; thus one says significantly, "make money."

Concerning the western regions, of which the hub is St. Louis (a city now of 20,000 inhabitants, about a fourth of them Germans, but soon to have 200,000) it is to be noted that the climate is even less agreeable for emigrants than in other sections of the United States, if not more dangerous. No other state in the union, as American geographers themselves attest, has so capricious a climate as Missouri, where the temperature in one and the same day may change from hot to cold, according to the direction of the wind from south and east or from north

and west. This naturally engenders sicknesses, and the physicians (Vehse p 31) have all they can do. One of the best German physicians in St. Louis, Dr. Gempp, a most worthy man, has often assured me that he can catch his breath really only in the winter months. In his own home, where I was received with great hospitality for several weeks, I was myself witness to the press of patients. Not a few of those who emigrated with Stephan's company, young as well as elderly, among them strong men like the former magistrate in Seidnitz, Gube (who might of course also have died in Saxony) are already in the sleep of death. The heat of summer with its nightly plague, the abominable mosquitos, is as extreme as is the cold of winter, which in the year 1839 commenced with great severity at the beginning of November, so that on the 6th we already had snow and soon thereafter could use sleds. There is no real spring, as there is in Germany, and only a brief autumn. But in these two seasons I experienced pleasant, temperate days in St. Louis. The trees become green earlier than in Europe; already on the 1st of April the peach trees were in bloom and toward the end of the month the acacias were in full blossom. But in the winter--contrary to the observations of Duden--the trees upstream from New Orleans to St. Louis appear not as green, but as ash-gray. I have already mentioned that in general there are many days of cloudless, clear skies.

As concerns making a living, in North America the three chief pursuits are those of farmer, merchant, and tradesman. Farm life in the country is altogether different from agriculture in Germany, and in the beginning very difficult, though it may in the course of years lead to a better existence than the landsman in Germany has. City life is on as grand a scale as anywhere on earth, for the American is rich, and there is considerable luxury and pomp already in St. Louis, to say nothing of New Orleans and the other large cities. The merchant, if he wishes to remain upright in his dealings will hardly care for the American way of doing business; the unreliability (Vehse p 32) of the people, the many banks, and the prevalence of paper money as practically the only medium of exchange, are great hindrances. Capable persons, who assuredly do not need to fear the admittedly fierce competition of the-Americans, can soon become rich if they are lucky, and there are indeed some rich German merchants. Best situated, as I have observed, are the craftsmen who work with wood and leather, such as shoemakers, carpenters, wagon-makers, also furriers, butchers, and bakers. Thus, for example, craftsmen in these occupations from among our company who have remained in St. Louis and have adapted

themselves to exacting American standards are doing quite well, so far as making a living is concerned. Physicians and apothecaries can quickly and easily achieve a good income; the doctor in America is likely also to be pharmacist.

Daily wages for labor are indeed much higher than in Germany, but one should not let himself be misled thereby, as many persons have been. It is only periodic and work is often halted, for example in the building of roads. In bad weather, when the American considers it a disgrace to labor out in the open, work stops entirely. People who depend on the farmers are often denied their agreed-upon wages and recovery through legal action is very difficult.

Besides, the necessities of life (which in general have an inferior, earthier taste than in Germany) meats, as well as vegetables and fruits, with the exception of apples, are relatively high-priced and particularly potatoes, so that money is also worth far less. The smallest coin in St. Louis and the entire west is the picayune, of 6-1/4 cents, a silver piece worth about two Saxon groschen; what it buys can be bought for a fourth as much in Germany. Lesser money, copper coins--cents, are not found in the West, only in the East. Clothing is extraordinarily expensive in St. Louis; a respectable (Vehse p 33) cloth coat costs 30, a hat 7-1/2, and a pair of shoes 15 thalers according to our money.

All these observations are merely suggestive--and much might be added, for example, about the general uncleanness in America, very offensive to Germans, and many other details which are likewise not attractive. This much is certain: America is no paradise, as has been believed and falsely asserted, but emigration thence has become epidemic in Europe. I close these observations about conditions in America by remarking that I found very few among the many Germans with whom I had contact in St. Louis who did not cherish the secret desire to return once more to their beautiful fatherland; most of them expressed such a wish openly, especially the women folk. Many are deterred from returning only by circumstances and need. I have been assured that Duden, the well-known eulogist of the American West who prompted thousands to emigrate, would not meet with the friendliest of receptions if he were to return to St. Louis. I shall now return to our own company, particularly in relation to the attitudes of my friends which occasioned this Protestation.

We who were in fortunate circumstances in our homeland could not but know from the beginning that we would face an invidious change in our way of life. But we compacted with our friends to share this change because we believed we would thereby testify to our faith and manifest our love and gratitude toward the supposedly unjustly persecuted Stephan by helping him to the best of our ability. Our hopes were for a quiet, peaceful life in a Christian community with our brethren in the faith, whom we knew to be true, upright people.

And it might all have turned out well! --Our group, which had within itself all necessary intellectual and physical capacities that might be needed for establishment of a successful colony --clergymen, physicians, jurists, scholars, artists, merchants, farmers, and craftsmen--might, since it was to remain essentially German in spirit, (Vehse p 34) have become an attractive focus for the many, largely well-educated, Germans who from year to year continue to stream toward the American West and who seek an agreeable, sociable existence such as is not otherwise offered in the American way of life.

The need for such an adequate focal center for the German population of those regions is evidenced by the flowering of Herman, on the Missouri River, an establishment founded especially to be a meeting-place for the German elite.

The hospitable reception we had from the Americans, repeatedly expressed in the St. Louis English daily newspapers, sometimes in poetic effusions, was favorable for our solving of the problems which we should have been able to overcome. Also the German people of St. Louis were mostly favorably inclined, and the polemics of the city's German weekly paper, *Anzeiger des Westens*, were not directed against our association as such, but rather against the influence of the clergy, against the domination by priests, to which the evil reputation of Stephan (the soot, as he called it, which was borne after him from the Fatherland) and the incivilities of certain of the clergy contributed.

The association, when the flagship *Olbers* arrived in New Orleans, had about 30,000 Spanish dollars (about 45,000 Prussian --the sea voyage had cost 60,000) left from the 125,000 that had been brought together in its treasury, actually sufficient capital to establish a fairly respectable existence.

The first great mistake, which occurred before the deposition of Stephan, and for which he was mainly, though not solely,

to blame, was according to my opinion and those of many who are better instructed than I, the failure to purchase the so-called Gratiot lands on the Merrimac River, 12-15 English or 2-3 German (Vehse p 35) miles below St. Louis. This land, 15,000 acres in extent, belonged to the French Gratiot family, who already in the previous century had settled in St. Louis in 1764, along with another family grown opulent, the Chouteaus. It was offered to us for sale on the most advantageous terms, payment to be made after a specified time--through mediation of the aforementioned Dr. Gempp. This tract had the advantage, which cannot be too highly valued in America, of being situated close to a large city, where from day to day marketable goods could have been disposed of. It was a most healthful locality. The land had a good stand of timber, so that trucking of wood to St. Louis, where as I departed, firewood brought five Spanish dollars a cord, might have saved the company from privation during the first winter. There were also salt and sulphur springs, which Dr. Gempp said might have been developed into health spas.

But Stephan was minded toward the wilderness! And so it happened that for several critical weeks the association remained feeding upon itself in St. Louis. Only toward the end of May, when things were already tending toward Stephan's deposition, could the move be made to land which had meanwhile been purchased in Perry County, 105 English miles removed from St. Louis, much less wholesome than the tract on the Merrimac, comprising only four to five thousand acres of second-class land for which more than 10,000 dollars had to be paid, and where isolation from the large city and consequent difficulties of bringing products to market will be felt for a long time.

But also here in this isolated colony--even after Stephan's deposition--all might have turned out agreeably if matters had not turned out as they did, that is, if the false rule of the clergy, which as I should have liked to believe, ought to have been set aside by those of the clergy who replaced Stephan, but who seemed (Vehse p 36) fascinated by its essentials, had been forthwith frankly and fully recognized as wrong, so that there would have been no hindrance to a reasonable and orderly establishment of a system of governance for the temporal affairs of the colony through free, unhampered expression of opinion by the members. Various German families, of whom I shall mention only that of Dr. Gempp, were minded to take up residence in the newly established colony, which was to be named Wittenberg. Enlistment of so competent a physician would have been of great advantage for the colony, where many severe sicknesses and deaths

afterward occurred; his example would have influenced many other Germans to join the settlement, and the credit of the colony would have been better maintained. Credit was particularly needed for another important undertaking, the establishment of a college, a German-English instructional and cultural institution of the future, which would be brought first into existence and then to flower, an undertaking which according to announcements in *Anzeiger des Westens* was actually projected by the clergy, but which because of a lack of credit and because the time was not ripe, had not been successful up to the time of my departure from St. Louis.

One could not but be amazed when it became apparent how even after Stephan's deposition efforts from all sides were still directed toward placing all final decisions in the hands of the clergy, to relate all matters to clerical control, and everywhere to introduce prior considerations and opinions related to the care of souls. Whoever did not accommodate himself to this system was not respected; he was avoided as one who did not love the "Church."

And yet under cover of the broad mantle of this system and under its protection there arose an oppressive temporal despotism which moved us to take our leave of the so-called management commission set up immediately after Stephan's deposition (Vehse p 37) after some three weeks. My resignation is dated 22 June, 1839 and is reproduced in Appendix D.

It was natural that the firm and determined opposition which we made against this equally firmly and determinedly implemented system should have given rise to an unbelievable confusion. No one knew how to put himself to rights. Very tellingly, one of the carpenters who had been brought into the colony from St. Louis to erect dwellings wrote home: "Confusion, on the 1st of June."

The uproar ended with our withdrawal from the colony to St. Louis at the beginning of July.

I concede that it was not altogether against my expectation that the clergy dealt with us as they did. We had, in full confidence, while they were still in St. Louis, shortly before the fall of Stephan, given them frank declaration that we would tolerate no priestly rule among us. We just did not know any better at the time. So far as we are concerned, I must say that in Germany the clergy had shown a most respectful attitude toward

us. While Stephan's rule continued in St. Louis, we had lived together as good friends and we had the greatest confidence that this friendly relationship would continue. But after Stephan's deposition they assumed another attitude toward us.

The principal error in which they persisted was that they conceived of their office as being of Old Testament dispensation and sought to exert it against us with levitical rigor.

What heartaches have not been imposed through such a harsh and severe regime upon so many poor folk who have suffered in silence, and to some degree to this day still submit and remain quiet!

We also suffered much heartache! But no one who does not fully know the peculiar situation in which we found ourselves when we came into opposition with the clergy can fully appreciate how dreary those times were for us, when the evening darkened as we hoped for the morning. (Vehse p 38) We were firmly persuaded that the entire system under which we suffered was basically false and strove to search out statements by which alerted Christians had given testimony against this system.

Here also God graciously helped us richly to find what we sought. Yes, we gladly forgive everything that was onerously and heavily laid upon us.

I am seized with deep sorrow, now that I am nearly 10,000 English miles removed from them, that I had to part so soon from those with whom I once had such friendly relations, especially the eldest³ of them--who in Germany was a model of modesty and

(3) All who knew Pastor P. Loeber in Germany may not agree with me that he was one of the most excellent personalities. In Altenburg, his homeland, he was everywhere honored; every detraction must be silenced in view of his work and his family life in Eichenberg. All hearts, not only those in our congregation, were drawn to him in America; his facial expression and his general appearance, so like those of Saint John on the celebrated canvases of Duerer, the dignity of his demeanor, his soft and pleasant voice, and his unobtrusive manner were impressive. I recall his sermons with a thankful inner emotion; especially an unforgettable one based on the words: "Simon, lovest thou me?" which he delivered in Christ Church in St. Louis on Second Easter Day.

loving consideration, notwithstanding his great abilities and many-sided erudition--and from the whole congregation among which I became attached to so many true, honest people! I pray God, that he may remove from them all those errors in which they yet persist and allow everything to turn to their good, that clergy and congregation may together attain to that one goal to which they are called in Christ Jesus, our Lord!--

I can most definitely say that in publicizing the present writing I am not trying to plead my own cause. I am doing so only after (Vehse p 39) earnest self-examination on the high seas, where I was entirely in the hands of God, in order to serve my neighbor, as I have indicated.

Not that I again wish to come to honor--my own good name does not matter so much that I should publish a book; for I here admit my own culpability--my responsibility for identifying the good cause of the Lutheran Church with the person of Stephan, for not recognizing the fearful consequences that because of him would be blamed on the Church, for not more seriously questioning the emigration project, and for allowing myself to be deceived. But this cause shall again come to honor, the good cause of the Lutheran Church, so badly compromised by the Stephanite emigration that it would be no wonder if everybody were to turn away from the dark teachings of rigid Lutheranism, and no wonder also if governments proscribed it de facto because of mischief done in its name.

In closing, I must commend the writings of Luther, the first and greatest teacher of our church, as well as his polemics against the papacy, his interpretations of Holy Writ, and his letters, to all who cherish the true Christian belief, to all confessors of the Lutheran church who in these last disturbed times seek a firm foothold against the lies of false teachers and against spiritual tyrants such as Stephan, of whom there will be others yet to come, as Scripture prophesies.

These writings, after the Bible, should be valued before all other books for edification!

Luther is wonderfully rich in all respects. In his personal greatness, in his mighty fight against the papacy, where he first stood quite alone with God against the whole world, in his immeasurable labors by which he transformed the sense and spirit of (Vehse p 40) Christianity in life and culture, in his wide flung acquaintance with people of all ranks--the nobility as

well as the common folk, both scholarly and simple Christians --in the wisdom of experience which he received and reproduced in his writings, and in his correspondence with people who sought his advice, he is a veritable treasure house of the noblest and dearest truths concerning Christianity, church and state, art and learning, and human life in general.

Immediately after Luther we place Arndt, the most significant figure of the 17th century, as Luther was of the 16th. Arndt, especially in his "True Christianity" unifies everything that profound, intellectual, and impassioned mystics have written, omitting the errors into which they fell now and again and also the obscurity and unintelligibility of some of them. Certainly, Arndt is one of the noblest, tenderest blossoms to bloom in the wonderland of Christian mysticism!

Luther is to be compared to a great, precious country, which embraces everything that might delight and satisfy the human heart, a country that comprehends stately governmental edifices and useful commercial structures, beautiful gardens and fruitful fields, bright meadows and shady forests, majestic hills that reach to the clouds and gentle, smiling vales, clear springs and babbling brooks--in short, everything appropriate to the adornment of life and true, lasting benefits and needs. In the rich, broad expanse of this country one may encounter the liveliest, most active, most manifold relations with people, with world history, with humanity--while in remoter areas one observes an unfolding of the spirit, of deep contemplation of divine revelation, of a devotional approach to God.

Arndt, on the other hand, is a singular, isolated castle, (Vehse p 41) situated on a mountain that reaches to the clear, blue heavens--but so beautiful, so quiet, so selectly removed from all pressures and woes of the world, with entrancing views of starry skies above and the blossoming earth beneath, that because of it one forgets everything else. It is the dwelling of the "blessed in hope." Everything which you here encounter leads and directs you back into your own self, and to the deep, blessed life in God, who became man in his infinite mercy and died on the cross for mankind, so that he might draw everyone to himself.

As varied as Luther, but also as modest in stature as Arndt, though not so powerful as the first and not as ethereal as the latter, is Spener, the most significant figure of the Lutheran Church in the 18th century, leader of those last, truly zealous

messengers of the Gospel, the Pietists, and author of those glorious theological meditations" that again give light and instruction in all aspects of the Christian life.

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! They have helped us from the error of our ways!

In the rich treasure house of literature of the Lutheran Church are many other books, written in the peace and quiet of the Church by faithful witnesses to the truth, in contemplation of the quiet, humble progress of the Christian soul under guidance of these trusty leaders. Among these writings, I have especially in mind those of the winsome Scriver, particularly his "Soul's Treasury," portraying such a soul in soft colors but without the salt of manly virtue, which our Lord would have in us for our peace: "Have salt within you and be at peace with one another." Such inwardly-directed writings--which I might say have a feminine character and appeal to quiet, simple folk, (Vehse p 42) may actually be to the harm of souls in times like the present, when Christianity sinks to ruin and when, as prophesied in Scripture, temptations will abound. Exclusive reading of such devotional writings, as Stephan particularly recommended, lulls the spirit, and that is the condition of soul which deceivers most easily exploit in order to implement their dark schemes.

But there are also other books written by proud clerics of our church, that nourish and sustain the falsehood which Luther and Spener so expressly opposed--the error of a particular "honor in office," the fruits of which are arrogance of station and tyranny over consciences. These are the writings of many of the so-called orthodoxists. Thus, through Neumeister of Hamburg, the New York congregation was persuaded to follow the error of Stephanism. These writings, though not altogether erroneous, are to be read with caution. --The Pietists, in their controversies with those orthodox authorities which Stephan in later years ever more loudly invoked against followers of Spener, were right in almost everything!

Written on board the Johann Georg, in the North Sea, off England 21 February, 1840.

PUBLIC PROTESTATION
against the
False, Medieval-Papal and Sectarian
Stephanistic System of Church Polity

Cover Letter to the Protestation

To the Pastors Loeber, Keyl, Buerger, and the Brothers Walther

We hereby deliver to you a public protestation, in which we have assembled, first, the testimonies of the Evangelical Lutheran Church concerning the proper, free constitution of that church, grounded in God's Word, as it might be reestablished here in this land of civil and religious liberty, and secondly, have made affirmation that we will not assent to any wrongful, unfree order that has no basis in God's Word.

We are somewhat disheartened by the course of negotiations which have been carried on from the time immediately after the deposition of Stephan to the present day, as well as by the refusal to admit proceedings after our presentation of the six theses concerning the office of the ministry, but we nevertheless still take courage to lay upon your hearts the urgent plea to give as thorough consideration as possible to this our more comprehensive representation of the state of affairs and not to misinterpret our intentions.

(Vehse p 46) Perhaps we have thus far failed to make a thoroughgoing representation of the state of affairs in order to explain to you the strong misgivings with which we have regarded all public and secretive goings-on from the time of the deposition of Stephan to the present day.

Be once more assured, that our concern has been and still is only for the good cause itself, and that we would have put aside all personalities, had we not reason to fear that without such personal references we could not be convincing and persuasive⁴. There is still much, very much, that we have passed over

(4) Also in these personal references I have felt it proper to omit those which have no general interest. The reverend clergy may accept this as consideration, not as retraction.

and about which we have been silent. Very possibly we may have erred in rebus et phrasibus, in fact and in manner of speech, but here also we maintain, "if we are in error, let it be proved against us."

We deliver this writing to you with a double plea: first, that you follow the ordinance of God and lay it, along with this accompanying letter, before the congregation, which alone may properly decide, --and then to be fully mindful that the chief purpose of our entire emigration project was to provide full freedom, here on this free soil, for our Evangelical Lutheran Church from all oppression. Concern is here not about intermediates (adiaphora) or human institutions, which without reference to conscience, may be ordered thus or so. For arrangements concerning intermediate matters would be governed by that temporal authority which is the province of the congregation, as our symbolic writings assert, in the Book of Concord, Article X, and as Luther writes to the Elector of Saxony, Jena edition. V, p. 54b. Concern is rather chiefly for the ordinances of God, which may not be broken, and especially for the proper application of the text, "tell it to the congregation." For this text confers patent rights upon the congregation which may not be taken away (Vehse p 47) any more than the clergy may be deprived of theirs--for example, of absolution.

Certain it is, that only one of two parties may be in the right, and in this regard we would call to mind the words of the faithful, straightforward Seckendorf, in his Christian State, p. 712: "Patchwork and plaster will not suffice; rather one must mutually and honestly resolve clearly to define questions and the issues, and then deliberate whether one or other of the various opinions is certainly to be condemned; for Christians must maintain as true and incontrovertible that the truth of the saving Gospel has the integrity of a chain or of a ring so that there may be no gap, break, or disjunction in it." And shortly before, p. 709, he says: "If a person is reminded of an error and shown the truth, or if a shortcoming in his duty is laid open to him, he loses nothing, but rather wins, be he who he may. He overcomes the greatest of evils--errors and lies, and therewith the father of lies, the devil, who is the idol of the world; he ought

to be profoundly grateful to him who makes him mindful of truth, and regard him as an instrument and messenger of God, though perhaps it be a person of little importance and perhaps not without faults. A person lost in a forest, though he be a king, is glad to be directed to the right path by a humble peasant, and considers that no disgrace."

St. Louis 23 September 1839

Preface to the Congregation

We protest in this writing against the false teaching of Stephan regarding church government, that is, concerning the way and manner in which he has dealt with and governed his congregation, as alien to the Word of God.

(Vehse p 48) Stephan was a very dangerous deceiver; he would have ruined not only the bodily welfare of members of his congregation but also the salvation of their souls. Had his plan been fully effectuated, he would undoubtedly have led us into a new papacy and would have made us to be a sect disdained of God and men. These plans were already far advanced when he was removed by the hand of God; we had actually wandered out of the Evangelical Lutheran Church when God halted him⁵.

- (5) Already in Europe a seal had been engraved with the inscription: "Apostolic-Lutheran Episcopal Church at Stephansburg." This was to be used in the new church; it is still now to be found in the Perry County colony.

Whoever loves this Evangelical Lutheran Church must concern him self to understand exactly what Stephan purposed among us in ravishing this true church, so that similar dangers may be avoided in other instances. It is not enough to know that Stephan was a deceiver; we must also know the nature of the deception itself and the means employed, as well as the points of doctrine that Stephan gradually interpolated in order to deceive us and to establish his godless plan of priest-rule, state-church, and papacy.

It is love for this precious Evangelical Lutheran church, in which we intend to remain, that has impelled us to pursue

this matter thoroughly and to search out Stephan's plan and establish its falsity, as well as contrariwise to draw together what constitutes proper church polity and the right relationship between clergy and congregation.

Without proper guidance in this regard we should be in constant danger of being again misled.

Having come to our basic tenet that Stephan misused the ministry in order to elevate the status of the clergy and to make himself a pope, and therefore protesting against excesses in exercise of the clerical office, (Vehse p 49) we would still earnestly reject any allegation that we intend to attack the ministry itself. We protest only against improper use of that office, not against its proper exercise. We are not wild enthusiasts who would deny the validity of the office. We desire only that the office of the ministry not be used autocratically, as with Stephan, but in accordance with the rights of congregations, according to God's ordinances.

We ask the congregation to mark well what is here set forth. "God wishes," says Luther, "to have informed and intelligent Christians who know right teaching and who can distinguish it from the false."

We shall therefore first set forth the right teaching concerning the relation of the clergy to the congregations, and then the false Stephanite teaching.

The congregation may prove all and hold fast to that which is good. For our part we shall gladly and willingly abjure anything of what we say if it be shown to be false according to Holy Scripture and the symbolic books.

Overview of the Protestation

Chapter I

Statements concerning the rights of the congregations over against the clergy in religious and churchly affairs.

1. Extent of these rights.
First right: Preparation, calling, ordination, and removal of ministers.

2. Second right: Supervision, judgment, and correction of preachers.
3. Third right: Supervision, judgment, and correction of members of the congregation.
4. Fourth right: Supervision and amendment of doctrine.
5. Fifth right: Final decision in all religious and ecclesiastical matters.
6. Sixth right: Final decision in all controversies which may be referred to the congregation. (Vehse p 50)
7. Seventh right: The right to be represented in church councils on an equal footing with the clergy.
8. Eighth right: Exercise of the Office of the Keys in vital and controversial cases, especially when the ban is involved.
9. Ninth right: Authority also to regulate the adiaphora (middle things), to establish a liturgy and ceremonies, and to administer church affairs.
10. Tenth right: The congregations, as congregations, are in honor to be preferred before the clergy.
11. Out of disregard for these rights the papacy arose.
12. In the Protestant church also, the rights of congregations have been disregarded.
13. Complaints on part of the Protestant clergy that their office does not receive due honor and preference are invalid.
14. The rights of the congregation are given by God, and the congregations are not to be persuaded to surrender them to the clergy.
15. The doctrine of the universal priesthood of all believers must be maintained as a bulwark against reassertion of papal authority.

Chapter II

Positions against the false Stephanite system, in which the rights of congregations are disregarded and suppressed.

I. Statements concerning the church.

1. What actually constitutes the church?
2. Spiritual and temporal are distinctions of function, not of estate. There is properly no estate of the clergy.
3. Not blind followership, but personal conviction, personal understanding and personal dedication is the duty of those who profess themselves for the evangelical-Lutheran church.
4. The only foundation of the church is the promise of Christ, Matth. 18, "where two or three are assembled in my name, there am I in the midst of them."

5. Also small, outwardly isolated congregations, as of a household, belong to the church.
6. The marks of the true church are not only the outward signs --pure word and sacrament--but also the inward--the Holy Spirit, faith, and love.
7. The church is not bound by locality, time, personage, or anything external, but only to confession of Christ and faith in him. (Vehse p 51)
8. The true church, which we confess as the invisible church, is not to be superstitiously identified with the visible church.
9. The mark of a false church is not only falsity in teaching and sacrament, but also a prevalence of ungodly living.
10. A continual hammering away on having the true church to oneself is suspect.
11. Continual passing of judgment over people concerning doctrine must be suspect, and when it devolves on the clergy to an over-exaltation of their office, one falls into bondage, fear of men, and hypocrisy.

II. Statements concerning church polity.

12. The best polity of the church is that of the first two centuries of the Christian church, when particular congregations, large and small, were independently side by side.
13. Dependence or subordination of churches, one under another, is neither commanded nor apostolic. Unity among churches is a matter of a common teaching and not of having one single head.
14. An external bond of unity among individual congregations is not of necessity.
15. Councils of more than one congregation are not apostolic.
16. In general, too much importance should not be laid on the outward polity of the church.
17. The danger of deviating from God's Word.
18. Concerning outward church polity, one should come to understanding in peace and amity so that unity may be established.
19. Necessary caution against the so-called estate of the clergy, from which, as shown by the papacy, and as Protestant jurists also attest, congregations may experience great detriment.
20. Innovations in churchly matters made by the clergy alone without reference to the congregations have seldom brought about anything that is praiseworthy in the church.

III. Statements against the ecclesia repraesentiva (the church represented by the clergy).

21. Seckendorf's warning.
22. Warnings of ecclesiastical jurists.
23. The ecclesia repraesentiva leads to indifference, indolence, and even to loss and denial of faith.
24. From the ecclesia repraesentiva directly follow the compulsions of the papacy.
25. Spener's particularly pertinent warnings. (Vehse p 52)
26. Also the ecclesia repraesentiva can err.
27. It would be at least proper to draw in the temporal governing authority to the ecclesia repraesentiva.
28. The ecclesia repraesentiva loses its effectiveness if the congregations do not accept its determinations. The congregations may not be put under compulsion.
29. Specific statement of Seckendorf that where possible the entire congregation must be heard in religious and ecclesiastical matters.
30. Equally pertinent statement of Seckendorf that is misordered and directly contrary to God's Word not to take literally the words of Matth. 18:17, "Tell it to the congregation."
31. Practice of the ecclesia repraesentiva in the republican polity of formerly evangelical-Lutheran imperial free cities.

IV. Statements particularly against an episcopacy, against institution of rankings, or as also called, a hierarchy.

32. Holy Scripture and the symbolic books clearly would have all preachers have like authority.
33. Luther's opinion of the office of bishop.
34. Spener's opinion.
35. Statements of ecclesiastical jurists.
36. Even the word "bishop" appears to have given offense in the German Protestant church.
37. Institutions that run to splendor and great authority for the clergy are not Lutheran, but papistic.
38. One must insist on a status quo, that is on equality among all of the clergy, without bishops or hierarchy.

V. Statements concerning the office of the ministry.

39. About the call and office of preachers in general.
40. Warning of Seckendorf to the clergy against arrogance in office.
41. Ordination (consecration of a priest) does not make a preacher.
42. The office of preaching is not limited to place or person, but is universal.

43. The passage "Faith cometh by hearing" does not apply only to educated, ordained preachers, but also to all Christians in general.
44. In emergencies a congregation may also have uneducated preachers. Examples are Ambrose and Augustine. (Vehse p 53)
45. Such unlearned preachers, indeed even ordinary Christians, may in case of need administer the sacraments.
46. All Christians have the right to absolve in case of need.
47. Judgment of teachers indeed principally concerns their teaching, but their deeds should also be considered as fruit of their teaching, according to Christ's direction, "By their fruits you shall know them."
48. The office of the clergy is not to require unconditional obedience; otherwise it may become sheep's clothing for false prophets.

VI. Statements concerning the ministry of souls, its scope and limitations.

49. Notable statement by Spener, of how carefully the curate of souls is to conduct himself, and that any intimidation and compulsion of consciences is ungodly.
50. Statements of Luther.
51. Pastors who infringe on Christian liberty subvert the law of love, which is the supreme law of Christianity.
52. The highest adornment of a minister is compassion. Its chief concern should be tenderly to draw people to the Father through Christ.
53. The ministers are not to be followed blindly.
54. Also the ministers may err.
55. Warning of Luther against becoming involved in worldly dealings, as was done under guise of the ministry in civil and domestic affairs under the false Stephanistic system.

Chapter III

Statements from Luther and Our Private Opinion about the Legitimacy of the Emigration.

1. It is hazardous to say that the emigration was a godly act, since Luther has an entirely different opinion about the forsaking of office and locality.
2. Also ordinary Christians are to leave their locality and calling only if they are driven off.
3. In our opinion, which we would force on no one, the Stephanite emigration was not a godly work, but rather of the devil, a matter of lies and deceit.

By Way of Introduction
toward definition of viewpoints.

1. Spener, pia desideria, p. 14. "The greatest of offenses is that the offense is not recognized."
2. Seckendorf, Refutation of the tract "Mirror of Pietism," p. 50. It may be that some individuals in heat and thoughtlessness, seeing so many serious shortcomings among the clergy, and feeling estranged and alienated, will censure too sharply and too persistently, and thus need to be told to mitigate their censure. The best way to obviate invidious censure would however be that those of the clergy who are complained of because of their shortcomings would examine and better themselves, so that not so many complaints, which may perhaps not be unjustified, are brought against them.
3. Luther, Works, Jena ed. I, 244b: A Christian has so much authority, even among Christians, that without being humanly called he may and must himself rise and teach, when he sees that the teachers are remiss in that respect.

Chapter I

Statements concerning the rights of the congregations over against the clergy in religious and churchly affairs.

First preliminary observation

Most of the quotations relating hereto in the subsequent chapters are, after Luther, taken from Seckendorf, author of the renowned history of Lutheranism. This author had (Vehse p 55) special vocation for decisive opinions in constitutional questions within the church, as he himself sets forth in his "Christian State" (p. 452ff.): "I should hope to be held in esteem by the clergy because I have for so long had authority and direction of churchly matters relating to jurisdictionalia and consistorialia, and in that capacity have been so much an elder within the church that I need not tell what I have been as patron of various churches. I thus profer in good faith, for the honor, betterment, and esteem of the position of the clergy, whatever I have learned and noted by God's grace from many books and documents and from experience in ecclesiastical and consistorial matters and otherwise, having for more than

thirty years sat in councils and having had so many hundreds of workers in church and school under my supervision.

Second preliminary observation

Concerning the important subject of the rights of congregations over against the clergy, there are three writings of Dr. Luther which every evangelical Lutheran ought to read through at least once in his life so that he may not fall into peril of being persuaded to serve men rather than to serve God. These are:

1. Grounds and evidence from Scripture that a Christian assembly or congregation has the right and authority to judge all teaching, to call teachers, to ordain and remove. Addressed to the Bohemians in 1523. Luther, Works, Jena ed. II, 242bff. Amplified in the Altenburg ed. II, 494ff.
2. Address to the German nobility concerning the betterment of the state of Christianity. From the year 1519. Jena ed. I, 379; Altenburg ed. I, 480.
3. Concerning the liberty of the individual Christian, 1520. Altenburg ed. I, 358.

In these three treatises Luther shows that all Christians are priests by baptism through faith, that all (Vehse p 56) are to exercise the priestly office, not only as a right but also by God's command, lest they forfeit salvation of their souls. By these tracts, as with the trumpets of Joshua before the walls of Jericho, he destroyed the three chief ramparts of the papacy and of every form of priestly domination:

1. That the clergy are a special order and have a special excellence and holiness;
2. that they alone have the right to judge matters of doctrine; and
3. that they are not to be penalized, even if they act contrary to Scripture.

After Luther's time, this teaching was not much emphasized until again Dr. Spener in 1677, in a special tract "Concerning Ecclesiastical Papacy," again brought it fully into the light. It is unbelievable how harshly the heap of the orthodoxist clergy attacked him, because they felt themselves injured in their

supposed dignity of office. One of the heretic-makers, the Superintendent of Rostock, Dr. Fecht, went so far in a particular disputation (Rostock, 1708) as to deny salvation to Spener.

By these four tracts every Christian may thoroughly instruct himself as to evangelical liberty on the one side and as to servitude to man on the other.

1. Extent of the rights of congregations in religious and ecclesiastical matters.

First right: Preparation, calling, ordination and removal of ministers.

Principal text: Matth. 18:20, "Where two or three are gathered together in my name, there am I in the midst of them."

Seckendorf, "The Christian State," 655. "From this passage (Matth., 18:20) it follows that also such an assembly and congregation (not to say a larger one) in and of itself has power to do and order all that is required for furtherance of their public worship at which Christ (Vehse p 57) has promised to be present; it has Christ in Word and Sacrament just as others do. And of this power the essential and particular right of calling to the ministry and to the office of preaching must be a part, as being derived from the church or congregation.

1 Cor. 14. "For ye may all prophesy one by one that all may learn," item, "Wherefore bretheran, covet to prophesy and forbid not to speak with tongues. Let all things be done decently and in order."

Luther, Works. Jena ed. II, 245. "This (1 Cor. 14) should be for you not uncertain evidence that the Christian congregation has authority to preach, to order preachings, and to call to preach."

Smalkald Articles, Of the Power of Bishops. Leipzig ed., 568ff. The churches must (1) retain authority to encourage, choose, and ordain servants of the church, and this authority is a gift essentially given to the church by God and not to be taken from the church by human authority, as St. Paul testified Eph. 4, when he says: He has ascended on high and given gifts unto men—Among gifts peculiar to the church he counts pastors and teachers and such. As much is evidenced also (2) through general usage in the churches.

Luther, Altenburg ed II, 426ff. "Certain individuals are picked out from the group only so that they may conduct and administer the function which they all have, not because one has more authority than another. Therefore no one ought of himself step forward and preach to the congregation, but rather an individual out of the group is to be brought forward and ordained, who may also be removed if it is so desired."

Hereby it is to be noted that it was indeed a great error and mistake to depose Stephan through a council, particularly such as was held on 30 May of this year, where the papistical tenet was asserted that no one but the clergy could remove Stephan from his office and that the congregation was only to assent with an "Amen." (Vehse p 58) Such external matters do not have to be brought before a council. The congregation, which has the right to ordain, also has the right to remove. The ministerium has nothing at all to do or to say about it.

Luther says expressly in his tract on Councils and Churches (Jena ed. VII, 260b), "Councils are convened only to defend the old faith against innovative teachings. Deposition of bishops is not a matter of faith, but palpably an external act, which unaided reason can and should perform, so that it is not necessary to invoke the Holy Spirit thereto (as with article of faith) or to convene a council. What does the Holy Spirit have to do with the deposition of bishops or the making of patriarchs? He is otherwise occupied than with such worldly child's play and such palpably outward matters.

According to Article 14 of the Augsburg Confession, the clergy have a regular office. Was the call by which the reverend clergy on 1 June of this year commended themselves to the congregation quite in order, or was it not rather somewhat muddled? Did the congregation know its rights? Was time permitted for deliberation whether in good grace it might not have been a matter of supererogation to appoint so many of the clergy at one time? Did the congregation calmly prove these persons, in accordance with 1 Tim. 3? We bring up this point not to blame the reverend clergy--no, the congregation was also to be blamed for its ignorance. But is it not therefore urgently necessary to have the congregation brought to awareness of its rights, so that in the future all may be done decently and in order?

* Luther and Melancton held strictly and firmly that the office of the ministry was not to be striven after but was to be awaited. While Luther was at the Wartburg, he fervently hoped

that the congregation in Wittenberg, deprived of his own preaching, would prevail on Melancton, in whom dwelt the Word of God, to declare the Gospel to them, and thus wrote on the Monday after the Feast of Mary 1521, to Spalatin, court preacher to the Elector Frederick the Wise: "Do not allow (Vehse p 59) yourself to be too easily put off by his excuses, for he will suggest the nicest fig-leaves, as would also be seemly, as pretexts why he would not allow himself to be urged and called by the congregation."

And on the eve of Peter in Chains in that same year to the same point from the Wartburg: "I would certainly not commit myself to any place to which I had not been clearly called. I know that a teacher is not of God if he is self-appointed. Until now I fled from the office of teaching; let no one suppose that I shall ever be of another mind; I shall always flee it, for if I had sought it, I should never have consented to withdraw into this solitude."

And on Ascension Day of that same year again to Spalatin: "I would not that anyone be burdened because of me. My way is to dread becoming a burden even when I would perhaps not be, and it is seemly that an honest spirit should have such dread."

Finally, on 3 September, 1524 to this same Spalatin, who wished to give up his post at the court: "It is certain that your ministry is not displeasing to God nor without fruit among men if you are tempted in some measure by vexation, for if it were displeasing to God, then you would instead be most covetous of the office and contrive to secure it for yourself, as do those whose course is contrary to God's will, not being sent of God, and who speak without being commanded. Thus Satan tempts those whom he sees to be pleasing to God in order to hold them from their office by trouble and vexation, while he fires with eagerness and determination those whom he perceives to be displeasing to God."
*

2. Second right: Supervision, judgment and correction of preachers.

Chief text: Matth. 7:15, "Be on guard against false prophets."

(Vehse p 60) Luther, Works, Jena ed. II, 243b. "We see here (Matth. 7:15) that Christ gives the right of judgment not to prophets and teachers but to the learners or the sheep. Therefore all teachers should and must be subject to the judgment of their hearers with regard to their teaching."

1 John 4:1. "Try the spirits whether they are of God."

Coloss. 4:17. Here Paul would have Archippus, who had received churchly office, admonished through the congregation: "Take heed to the ministry which thou hast received in the Lord that thou fulfill it."

Smalcald Articles, Supplement, Of the Power and Primacy of the Pope, p. 560: "It is like making a god of oneself if one will accept neither the judgment of the church nor of another person."

Luther, Works, Jena ed. I, 249: "Spiritual authority is a most superabundant endowment and much too precious that even the least Christian would suffer and remain silent if it departs so much as a hairsbreadth from its proper function, let alone if it goes directly contrary, as we daily see."

Heinrich Mueller (Preacher at Rostock, end of the 17th century), Meditations appended to his Hours of Refreshment, p. 37. "It is the duty of the individual Christian in modesty and respect to correct the preachers if their offenses are unmistakably and continually before his eyes, so that if disregarded they could cause shame, need, and misery, and even danger to body and life, so long as he is certain in his heart that such is done in faith and truly out of love, solely and alone to the glorification of God's name and the welfare of his neighbor and therefore may prosper through the grace of God, for otherwise the offense might come to be a matter of life or death for those who are lost."

3. Third right: Supervision, judgment, and correction of members of the congregation.

Principal text: Matth. 18:15. "If thy brother shall trespass against thee, go and tell him his fault between thee and him alone; (Vehse p 61) if he will not hear thee take with thee one or two more that in the mouth of two or three witnesses every word may be established. And if he shall neglect to hear them, tell it unto the church: but if he neglect to hear the church, let him be unto thee as an heathen man and a publican."

Particularly to the point here is the matter of depriving a member of the congregation of his good name, which only the entire congregation may rightly do, and not the clergy of themselves nor the supposed agents of the congregation, as was done with the undersigned in a letter to the congregation in St. Louis dated 9 September of this year, which is printed in Appendix E.

Symbolic books--Luther's Large Catechism, of the Eighth Commandment, p. 694. "No one is to be deprived of honor and reputation unless it already be publicly lost. For honor and reputation are soon gone, but not soon restored."

Other passages may be found in Spener's *Spiritual Priesthood*, pp. 59-61.

4. Fourth right: Supervision and amendment of doctrine.

Principal text: I Thess. 5. "Prove all things; hold fast to that which is good."

Luther, *Works*, Jena ed. II, 244b. "We see here (1 Thess. 5) that he would have no teaching or determination to be received as valid unless it is proved and counted as good by the congregation.... All sayings of the apostles and prophets counseling avoidance of the teachings of men have no more effect than to remove from the teachers the right and authority to judge teaching and by grave command to lay that duty on the hearers at peril to their souls. The hearers have not only right and authority to judge all that is preached to them but are also obligated under penalty of disfavor before the majesty of God to exercise such judgment....."

Luther, *Works*, Altenburg ed. II, 508. "The seventh and last duty of every Christian as priest is to take cognizance of and to judge all (Vehse p 62) teachings. Truly, this is no trifling matter, and it is something the priestly parasites and seeming Christians have arrogated to their persons, since they have foreseen that if they allowed this function to rest with the congregation, then they could hardly restrict these offices to themselves (to teach God's Word, to baptize, to consecrate the bread and wine, to bind and to loose, to offer praise and prayer and thanks). For if the right to judge doctrine were taken away from the hearers, what might not some doctor or preacher dare to attempt, though he be wickeder than the devil, if that were possible? And if judgment of teaching is granted and commanded to the teachers, what could a teacher not wrongly arrogate to himself, though he be more than an angel from heaven? For if the teachers were to judge, then St. Paul would not only be correcting Peter but would also banish angels from heaven, and popes and councils would have spoken with much greater authority and intimidation regarding the priesthood, the office of the

preaching, and other functions, such as baptizing, consecrating, ,binding of sins, praying, and judging of doctrine; indeed, if they had known that they must respect the judgment of their hearers, nothing would ever have come of the papacy, wherefore they have asserted that Judgment is given to themselves alone.

5. Fifth right: Final decision in all religious and ecclesiastical matters.

Principal text: Matth. 18:17. "Tell it to the congregation," and Acts 6:2,5-6, Acts 15 and Acts 21:18,22.

Smalcald Articles, Supplement, Of the Power and Primacy of the Pope, p. 554. Christ gives highest and final judgment to the churches, for he says Matth. 18:17 "Tell it to the congregation."

Seckendorf, *The Christian State*, 483, "Where Christ says that in controversial matters the congregation is to be heard, this is referred (Vehse p 63) by ecclesiastics wholly to individuals who are to represent and administer the church. It is granted that the Lord in this place speaks not of articles of faith but rather of settlement of disputes among Christians; he still gives to understand that referral of disputes is to proceed not from the many to one, but rather from one or two or three, and from these to the multitude or to the entire assembly. Thus it is quite preposterous to turn things around and to say that appeal should be made by the many to one individual."

Seckendorf, *The Christian State*, 669ff. "We read concerning the first Christian congregation in the city of Jerusalem how Paul and Barnabas were sent thither from Antioch to seek counsel for themselves concerning the dispute over circumcision, how they were received by the congregation and the apostles and elders and were heard. The congregation is here called 'the whole multitude,' and they are addressed in general by the apostle as 'men and brethren'; a conclusion is reached by 'the apostles and elders and the whole congregation,' and in the letter in which they transmit this conclusion to the brethren or Christians among the heathen at Antioch and Syria and Cilicia, they call themselves apostles, elders, and brethren'; they tell that they were assembled in unity. In the phrase 'it pleased the Holy Ghost and us' they comprehend everything of which they had spoken. Further, when Paul several years later again came to Jerusalem, he was first heard by James the apostle, and then came the elders and others; when these found the matter to be of importance, they

said that the multitude must be brought together. From this it clearly appears that also the holy apostles drew to themselves the congregation or the multitude, as many as would come, man for man (and at that time there were several thousand Jews and strangers in Jerusalem) in order to counsel with them, to come to conclusion and to make a decree in their name; and this concerned a vital question of religion, for there were among the congregation, and not the least, some of the sect of (Vehse p 64) the Pharisees who had accepted the faith but maintained that the heathen must be circumcised and commanded to keep the law of Moses. Thereafter, although the apostles and elders (granted that these were of the clergy and not deacons or laymen) had taken note of this saying and considered it, they referred it to the assembly or commune. Earlier another matter of dispute had come up, not over religion, but concerning orderly distribution of communal resources; also this matter the apostles did not take upon themselves to decide, even though they were all together, but rather called the assembly together, to whom they offered a proposal for designating certain receivers and administrators of support moneys, and the whole assembly thereupon approved the plan and chose deacons, who received the laying on of hands. Thus the basic rule is derived that wherever possible the whole congregation is to be heard in matters of religion and of church affairs."

6. Sixth right: Final decision in all controversies which may be referred to the congregation.

Principal text: Matth. 18:17. "Tell it to the congregation" and the two pronouncements of Seckendorf referred to above.

From the weighty witness of such a man as Seckendorf it becomes clear how right and indeed how thoroughly obligated one is to oppose any so-called arbitrator's decision by the clergy in controversies among members of the congregation or involving matters within the church.⁶ Whenever God himself clearly establishes

(6) In the matter of our withdrawal from the management committee.

an ordinance, men ought not to deviate from it under any pretext. Divine wisdom has well foreseen how the power of judging may be misused if it falls into the hands of one individual or of a few. It was just such arbitrary warrant of authority that

the bishops received (Vehse p 65) from the early Christian church. And it did not take long before on the basis of this warrant they took upon themselves formal judicial authority which finally led to establishment of the papacy by the upper hierarchy. One cannot refrain from remarking to this weighty point that where the ordinances of God are so clear, one should not have to refer to human judgment in order to come to decision. Further, one must remark how dangerous and offensive it is when support is given to such false opinions and teaching, as did the Superintendent Fecht of Rostock. This fanatical man, who in a disputation went so far in his zeal as to deny salvation to Spener, did not tremble to make light of the Holy Spirit, daring to write in his treatise on the ecclesiastical ban, "Who would be so simple as to believe that in a matter of private controversy the whole congregation, which might comprise thousands of persons, should be assembled?" He maintains, as the deceiver Stephan also gave clearly to understand, that only bishops and elders were to be recognized as comprising the congregation, though he is still willing to include as elders those who have been chosen by the laity as well as those deputized by the clergy.

7. Seventh right: The right to be represented in church councils on an equal footing with the clergy, (therefore not only, as has arbitrarily been assumed, in the capacity of deputies or in lesser number than the reverend clergy, but man for man in the general assembly).

Principal text: The above cited chapters in the Book of Acts--6, 15, 21.

Principal testimonies: The above cited passages from Seckendorf, under the fifth right.

Testimony of church jurists: Fleischer, court councilor and prof. jur. ord. at Halle, in his Church Law, 1729, (Vehse p 66) p. 231 and 233. "If the church has natural freedom, so that the government does not concern itself about it, then ecclesiastical assemblies must depend on the freely expressed will of the assembled congregation. And to the point is the precedent of the congregation at Jerusalem, whereof we read in Acts 15, so that it is inappropriate to deduce therefrom, as papists have done, that the right to name a council belongs exclusively to the pope and the other clergy. As to persons who may sit in the council, the papists would allow only the clergy, entirely excluding the laity, who are supposed blindly to accept whatever is determined in the council. Such is directly contrary not only

to sane reasoning and to Scripture but also to the practice of the early Christian church."

One must constantly be on guard to see that the councils legitimately concern themselves with matters of doctrine and not improperly with such human affairs as the governance of the church, appointment and deposition of bishops, etc.

Luther, Jena ed. VII, 260b. "The councils have no power of determination in novel, expedient, palpably external affairs, such as ' the deposition of bishops, etc. Much less may they establish new articles of faith; in general, the councils are not to make innovations and should know that they are assembled to assert and defend the traditional faith.

8. Eighth right: Exercise of the Office of the Keys in vital and controversial cases, especially when the ban is involved.

Principal text: Math. 18:17,18. "Tell it to the congregation. Verily I say unto you, whatsoever ye shall bind on earth shall be bound in heaven."

2 Cor. 2:10. "To whom ye forgive anything, I forgive also: for if I forgave anything, to whom I forgave it, for your sakes forgave I it in the person of Christ."

(Vehse p 67) Luther, Works, Altenburg ed. II, 506. "In this text, Matth. 18, the absolute right and practice are most perfectly established and confirmed that the entire congregation may bind and loose every Christian. It is as though Christ would himself forego to exercise the Office of the Keys when he is in the midst of two or three. Therefore we hold that the keys are proper to all in common whether they wish it so or not.

Luther, Jena ed. V, 235ff. "I hold it to be a devil's ban and not God's ban if persons are frivolously excluded against the ordinance of God before they have been publicly heard by the congregation.... But no one should need to fear such filthy proceedings.... The congregation must attend, if anyone is to be banned.... It is, in concerns of the soul, also to be judge. St. Paul was an apostle, yet he did not take it on himself to exclude a person who had taken his mother-in-law to himself, he wanted the assent of the congregation, 1 Cor. 5. And because the congregation did not go along with him, he let the matter go, being satisfied that the man had been sufficiently corrected by the congregation, 2 Cor. 2:6,10.

The aforementioned orthodox Superintendent Fecht is stiff and firm in insisting that the ban actually was imposed on this incestuous person. He bases his argument on 2 Cor. 2:6, saying that the words "of many" really should be "of several" according to the original Greek, and that Luther mistranslated. In this several he would find support for his contention that the church in Corinth was a representative one! See his treatise on the ban.

The church father Cyprian (died 258 A. D.) shows in his letters, 14, 31, and 34 that the right to exclude a person from the church had until his time, that is for two and a half centuries, still been conceded to the entire congregation.

Smalcald Articles, Concerning the Power of Bishops, (Vehse p 68) p. 568. The keys are given to the entire church and not to particular persons. As the text has it, "Where two or three are gathered in my name, there am I in the midst of them."

Spener, Meditations, I, Chap. II, Art. 27, Sec. 21 and 22, noted in Canstein, Life of Spener, p. 289. Here Spener notes, among other points, that the Office of the Keys pertains not to the clergy alone but to the whole church. "We are not to imagine of our all-wise Savior that he would have left it up to one man or one functionary to decide according to his own lights and authority whether either to allow or disallow the treasures of the church, since we (of the clergy) are human beings, subject to affections and weakness that are no match for the wisdom of our Lord, for otherwise his church and its members would be subjected to the cupidity or arrogance of individuals (in the clergy) and would thus be given over to dangerous subservience. It is undeniable that there have ever been occurrences both under the papacy and in our own evangelical-Lutheran church of individuals who have misused their authority out of malice, enmity, vengefulness, or misguided zeal, and thus divine wisdom foreknew that the few should not be given a power over the many that might be liable to such misuse."

It is to be understood that reference is here to the restricted ban, that is, the essentially Christian ban, whereby open and manifest sinners are excluded from the Sacrament and the community of the church until they better themselves. For that is the meaning in Article X of the Smalcald Articles, entirely rejecting the papal interdict as a wholly temporal penalty and enjoining the clergy from extending their spiritual authority to temporal matters. Here also compare Luther's instructions in the visitation

of parsons in the electorate (Vehse p 69) of Saxony, Jena ed. IV, 356b, where we read: "Those who are under the ban are indeed to be admitted to preaching services, just as Jews and heathen are also admitted."

9. Ninth right: The congregations have authority also to regulate the adiaphora (morally neutral matters), to establish a liturgy and ceremonies, and to administer church affairs.

Formula of Concord, Declaration, Article X, p. 1085. "We teach, believe, and confess that the community of God has right, power, and authority according to occasion and circumstance, to alter, change, and enlarge ceremonies, so long as frivolity and offense are avoided, and all is done in a decorous manner."

The reverend clergy in their letter to the congregation of 9 September of this year (reproduced in Appendix E) declared that "they take upon themselves nothing relating to the constitution of the church that is not based authentically and unequivocally on the confessional writings of the church." To this we would reply that the constitution of the church is not a matter of external affairs, but rather that Holy Scripture and the symbolic books are the basis of the rights of the congregation. Also, it follows from Article X of the Declaration to the Formula of Concord that determinations regarding ordinances within the church and its public worship are to be regulated not by the clergy but by the congregation, and not according to a superimposed pattern, but as may be found suitable according to time and place, though the church does well to be advised and counseled by the clergy. Traditional Lutheran church practices are to be regarded as particularities that emerged in the imperial cities and which may or may not be suitable in America. (Vehse p 70)

10. Tenth right: The congregations, as congregations, are in honor to be preferred before the clergy.

Smalcald Articles, Supplement, Of the Power and Primacy of the Pope, p. 550. "1 Cor. 3 shows that St. Paul places all servants of the church on an equality and teaches that the church is above its ministers."

Seckendorf, The Christian State, 657. "One notes that St. Paul generally addresses his letters not to the bishops but to the congregations (except when in special confidentiality he

writes to his sons in the Spirit, Timothy and Titus. Thus in Phil. 1:1 he writes "to all the saints in Christ Jesus which are in Philippi, with the bishops and deacons."

These ten rights all and sundry have been disallowed the congregations and indeed have been disputed openly and secretly, directly and indirectly. Because the congregation has neither recognized nor exercised its rights, it has been without them.

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 just as much as in those localities where the government does concern itself about the church and protects it, and that here also the church has such authority. See Walch, *Morals*, pp. 614-618. Such authority cannot in the least pertain to the clergy, since their kingdom is inward and not of this world. They are to be concerned exclusively with the Gospel and with matters of conscience, as Luther everywhere in his writings urges and emphasizes. It is by no means denied that it may be expedient and wholesome for the congregation to call upon the clergy for counsel in the exercise of its rights, but the function of the clergy can then not be regarded as other than advisory. Thus it was maintained in Nuremburg and (Vehse p 71) Hamburg, two cities that stand as models with respect to church polity (See Chapter II, Par. 31 below).

It must again come to this, that each of the estates has its own sphere--the clergy their own, the congregations and households their own, and the government its own, as the sayings have it: Obey your teachers, Tell it to the congregation, Render unto Caesar that which is Caesar's.

11. Out of disregard of these rights the papacy arose.

Seckendorf, *The Christian State*, 675ff. "The pope, the bishops, and the clergy have either quite excluded what they call the estate of the laity or have bit by bit limited-its authority.... Finally the congregations have been excluded matter-of-factly."

Spener, Lament over the Ruin of Christianity, p. 88. "Exclusion of congregations in the Roman church from all rights was not the least of causes for the rise of the papacy and the baleful exaltation of the bishops."

12. In the Protestant church also, the rights of the congregations have been disregarded.

Seckendorf, The Christian State, p. 455. "It is to be conceded that misinterpretations and disturbances have occurred also in Protestantism, and that lordship over congregations has been occasionally asserted, perhaps not so strictly and pompously as in the papacy but still not to be approved, so that misguided zealots found the more cause for breaking off from the rule of the clergy, as for an evident example, in England."

Spener, Lament over the Ruin of Christianity, p. 88 "Also among us, congregations in only a few localities (Vehse p 72) have succeeded in regaining some of the rights they should have according to God's ordinance with regard to preparation and calling of preachers, supervision and correction of fellow-members, the judgment of teaching, and exercise of the Office of the Keys in controversial and critical cases where the ban may be involved... but in general the power of determination remains with one or both of the two superior estates (the clergy and the government) with subordination of the other estate (the congregations)."

Spener, Studies in the Faith, p. 1413 (See Walch, Controversies in the Lutheran Church, II, 451). Here it is shown that the Protestant churches still have much in common with the papacy. Among other points of similarity noted by Spener are:

1) that in the papacy everything is built on the authority of the clergy and of the pope as their overlord, and though Protestants have no pope, there must be watchfulness lest esteem for teachers and individuals become more than it ought to be.

2) that in the papacy, the clergy has arrogated everything to itself and everything in the church is ordered accordingly; though this has to a degree been remedied among Protestants, so that the government again exercises its rights, the congregations, as the third estate, are permitted their rights in only a few localities, and little blessing can come when the congregations are not consulted by the other two estates.

13. Complaints on the part of the Protestant clergy that their office does not receive due honor and preference are invalid.

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 the 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 (Vehse p 73) 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.

14. The rights of the congregation are given by God, and the congregations are not to be persuaded to surrender them to the clergy.

1) Testimony of God's Word

Principal text: Eph. 4. "Christ has given gifts unto men and has set some to be teachers." (Cp. Smalcald Articles, as noted above, p. 568).

Numerous other testimonies from Holy Scripture are to be found in the already cited letter of Dr. Luther to the Bohemians, which can not be too highly recommended. In Jewry, where the common people had nothing to say, it was the Pharisees who said, John 7:49 "This people who knoweth not the law are cursed."

2) Precedent of apostolic usage until into the third century.

Three instances are recorded in the Book of Acts where the apostles held it necessary to call the congregation together for weighty consultation, and this apostolic precedent was truly and faithfully followed for centuries. In the time of the apostles and the church fathers everything was done with assent of the entire congregation. No one outside the assembly of believers was chosen to be an apostle. Without assent of the congregation not even the slightest innovations were made, and thus the eldest of the church fathers, Tertullian (d. 220) in the first chapter of his Apology refers to church discipline as a disciplinam confoederatam. So also the church father Cyprian (d. 258) testifies in his 5 letter that in his time the congregations still decided all churchly affairs. Thus a precedent of nearly 300 years speaks for the rights of these (Vehse p 74) congregations. Only in the third century did the bishops begin to displace the congregations in exercise of their rights and to presume sovereignty over the consciences of others.

3) Statement from symbolic writings.

Smalcald Articles, Concerning Power of the Bishops, p. 568. The power of the church to prepare, call, and ordain ministers and the exercise of the Office of the Keys may not be taken away by any temporal authority. It is a gift of God, not to particular persons, but to the church.

4) Statements of Luther and Spener.

Luther, Works, Jena ed., II, 243. "In cases of judgment concerning doctrine, or in the ordaining or removing of teachers and ministers of souls, the congregations are not to follow human ordinances; they must therein be governed by Scripture and the Word of God."

Spener, *pia desideria*, p. 107. "Luther showed that all Christians are called as priests to the spiritual office (from which are derived all rights of the congregations noted above) and that they are not only warranted but also bound to accept that office if they would be Christians."

15. The doctrine of the universal priesthood of all believers must be maintained as a bulwark against reassertion of papal authority.

Spener, Preface to Seidel's *Lutherus redivivus*, Sec. 31, 32. "The universal priesthood is a precious treasure of the whole church, and just as Luther thereby dealt a stunning blow to the papacy, so it is still, if rightly maintained, a mighty defense against reassertion of papal power." (Vehse p. 75)

Chapter II

Positions against the false Stephanistic system, in which the rights of congregations are disregarded and suppressed.

I. Statements concerning the church.

1. What actually constitutes the church?

Puffendorf, *de habitu religionis*, Sec. 23. "In the Christian church there is a division only between teachers and hearers."

Seckendorf, *The Christian State*, 481. "The clerical estate does not exclusively comprise the church; rather the church consists of clergy and hearers alike, as God's Word teaches clearly and distinctly. Christ identifies his church not with himself or with Peter, but with all that are his; he would build his church upon the rock, namely himself, and the gates of hell shall not prevail against it. This identity the clergy may not appropriate to themselves, for the church which our Lord established, and which he would uphold, is the congregation of believers, who are members of Christ as the head.

2. Spiritual and temporal are distinctions of function, not of estate. There is properly no estate of the clergy.

Luther, *Works*, Jena ed. I, 320. "Human distinctions have made popes, bishops, priests, and cloisterers to be the spiritual estate, and nobles, lords craftsmen, and tillers of the soil to be the temporal estate. All of this is indeed a fine system of double-talk; yet let no one be intimidated thereby, for all Christians are (Vehse p 76) truly of the spiritual estate, and there is no difference among them except that of function.

Luther, *Altenburg ed.* II, 426ff. "It is to an outward distinction of office only to which teachers are called by the congregation; before God there is no difference."

Spener, *pia desideria*, p. 106. "The clergy have haughtily arrogated to themselves alone the designation of the spiritual estate, which is really common to all Christians."

3. Not blind followership, but personal conviction, personal understanding, and personal dedication is the duty of those who profess themselves for the evangelical-Lutheran church.

Spener, *Agreement with the Augsburg Confession*, p. 73.
"No one may base his faith solely on the authority of the church, in which teaching we differ from the papacy, but each must live his own faith."

Seckendorf, *The Christian State*, p. 464. "Though not all have the same measure of understanding, no person may rely solely on the learning of another, and therein we find the highest virtue and excellence of the New Testament, extolled by Christ himself, John 6:45, 'It is written in the prophets' (Isiah 54:13) 'And they shall all be taught of God.'"

Seckendorf, *The Christian State*, p. 685, "In the Protestant church one does not blindly go according to the leadership of parsons or teachers but follows one's own understanding and heart."

4. The only foundation of the church is the promise of Christ, *matth. 18* "Where two or three are gathered in my name, there am I in the midst of them."

Luther, *Jena ed. VIII, 251b*, "Here we read that even only two or three gathered together in the name of Christ have (Vehse p 77) authority in everything, as St. Paul and the apostles also teach. For the Lord himself is present, and he says, *John 14*, 'He that loves me will keep my word and be loved of my Father and we will come to him and make our dwelling with him.'"

Seckendorf, *The Christian State*, p. 655: "It is best to hold to the foundation which Christ himself laid in his promise: Where two or three are gathered in his name, there will he be in their midst, *Matth. 18:20*. From this it follows that also a very small assembly or congregation has authority in and of itself to do and to order everything that may be needed for exercise of public worship to which Christ has promised his gracious presence. Such a congregation, having inner communion and agreement in confession with other Christians, may because of necessity or obligation differ outwardly from others, but will still have Christ and his Word and Sacrament with them as do the others.¹¹⁷

(7) Not therefore only where teachers are faithful, as Stephan said in order to attract people to himself, but rather where there are true Christians--just the reverse. True Christians have the ministry and the Gospel and the Sacrament always everywhere among them. This text is prime testimony against the legitimacy of the Stephanistic emigration.

Seckendorf, *The Christian State*, p. 484. "The church, as the community of saints, is not based on the adherence of its members to the parson, but rather on the bond of union between its members and with Christ as the head, as well as with all other believers, whether they be outwardly known as such or not, and this bond remains even when there is no parson or priest with the congregation. 'Let us speak the truth in love,' says St. Paul to all Christians in the city of Ephesus, 'that we may grow up into him in all things, (Vehse p 78) which is the head, even Christ' (not to the apostles as intermediaries with Christ). St. Paul identifies himself with the congregation and says, 'Let us grow.' *Eph. 4:15-16*."

These two tenets, that the church is everywhere where two or three are gathered in Christ's name and that Christ is the only head of the church, ought to be taken well to heart by every evangelical-Lutheran Christian and well kept in mind as reassurance against the false Stephanistic teaching regarding the church, through which so many weak consciences have been intimidated.

5. Also small, outwardly isolated congregations, as of a household, belong to the church.

Seckendorf, *The Christian State*, p. 482. "Also to be recognized as churches and participants in the communion of Christ are congregations assembled in a private home. 'Salute Nymphas and the Church (*ecclesiam*) which is in his house,' Paul writes Coloss. 4:15. This serves to dampen the haughty presumption evidenced on all sides by the clergy."

Seckendorf, *The Christian State*, p. 666. "The few disciples at Ephesus, twelve in number, at first adherents of Apollo, whom Paul had baptized (Acts 19:17) were still a Christian congregation, and even if their number had never increased, this little commune would have had all the rights enjoyed by those later larger congregations, concerning whose elders Paul wrote that the Holy Spirit had ordained them to be bishops to feed the church of God (Acts 20:17,28).

In three other passages in the Bible there is mention also of household congregations: Rom. 16:3,5, 1 Cor. 16:19 and Philemon 2. "Greet Priscilla and Aquila, my helpers in Christ Jesus." "Aquila and Priscilla salute you much in the Lord with the church that is in their house." "Paul unto Philemon ... and to the church in their house."

6. The marks of the true church are not only the outward signs--pure Word and sacrament--but also the inward--the Holy Spirit, faith and love.

Apology to the Augsburg Confession, Article VII, Of the Church, p. 243ff. "If one would state specifically what the church is, one would have to say that the church is the body of Christ, and that it has community not only in outward signs, but much more in treasures of the heart--the Holy Spirit and faith.... The kingdom of Christ is spiritual, and the true church is the kingdom of Christ. The true kingdom of Christ, the true heap of Christ's people are and always will remain those whom God's Spirit has enlightened, strengthened, and ruled, though

indeed it may not yet be manifest to the world while it remains hidden under the cross. And to the point are also the parables of Christ when he clearly says in Matth. 13 that the good seed are the children of the kingdom, the tares are the children of the devil, the field is the world (verse 38) and not the church.... And we do not speak of a poeticized church that exists nowhere in reality, but say and know truly that this church, wherein the saints abide, is truly and actually upon the earth, namely that there are children of God now and again in all the world, in all kingdoms, islands, territories, cities, from the rising to the setting of the sun, who rightly know Christ, and we say that this true church has the external marks of the preaching of the Gospel and use of the sacraments Thus we say and conclude on the basis of Holy Scripture that the true Christian church is the whole number of those, now and again in the world, who truly believe the Gospel of Christ and who have the Holy Spirit. Yet we are mindful that so long as life on earth shall last, there will be hypocrites and evildoers among the saints, being also counted members of the church according to outward evidences."

Arndt, Meditations on German Theology, Appendix, Of True Christianity, p. 874. "One allows (Vehse p 80) the Word and Sacrament to be marks of the church, though these may also bedeck false Christians who make much of Word and sacrament, but not by so much as a hair for personal betterment; therefore one must add also another distinguishing mark, namely love, which is nothing else than the exalted life in Christ. 'By this,' says the Lord, 'shall all men know that ye are my disciples, if ye have love one to another.' John 13:35 ...Where is Christ except where one finds not only his Word and teaching, but also his life? Had one as strongly impressed the life of Christ on the people as one has contended for niceties of doctrine, then things would have gone better in all church affairs.... They who teach others must accept the life of Christ for themselves, lest while showing others the way of life they themselves do not follow it.... If we do not walk the way of Christ, then true teaching will never be maintained among us."

7. The church is not bound by locality, time, personage or anything external, but only to confession of Christ and faith in him.

Luther, Prayer Book, on the day of Saints Peter-and Paul. "He who would truly discern and not err must learn from Christ that the church is nowhere else than upon the rock, the confession of faith which Peter made and which the other disciples shared.

Where you find such faith and such confession or teaching, do not doubt that the church is there, whether its people are esteemed by the world or not."

Arndt, *True Christianity*, Vol. II, Ch. 34, p. 370. "To bind the kingdom of God to a particular locality is anti-Christian, for our Lord prophesied that men would say, 'Lo here is Christ, or there is Christ,' Matth. 24:23. For locality neither saves nor condemns anyone; (Vehse p 81) but only faith or the lack of it, which is a matter of the heart, of the spirit. How blessed is the person who is in the kingdom of God, for he has the treasure within him, be he wherever he may. One however who is outside the kingdom of God because of lack of faith remains excluded though he may meet together with Christians to hear preaching and to use the sacrament. A Christian has grace, absolution, and forgiveness of sin wherever he may be, for Christ is in him. This is said not in disparagement of the public ministry but rather as comfort for sincere Christians who in need, sickness, and strange surroundings are still in Christ and his kingdom. It is also said as warning to the godless and unrepentant that though they may be in an assembly of Christians, yet are they excluded in the eyes of God. For every unbeliever excludes himself and robs himself of the treasure that might be within him. Thus an unbelieving person on his sickbed is not at all benefited by sacrament, priest, or pope, though he be in the midst of the church, so long as he does not believe. But if he does believe, nothing can harm him though he perish without priest or sacrament in Turkey or in the depths of the sea, for he has Christ the true priest and the kingdom of God within him, as Christ with certainty assures us, John 4:21, Luke 17:21, Matth. 24:25. O wretched people who seek salvation among mortal humankind, bind themselves to physical locality, and look to externals! How many thousands do just that and so lose the treasure within them! Outward provisions are means only, not to be despised, but they do not of themselves constitute the real treasure, which is Christ and God, who may come to us also if we have not those externals.

Seckendorf, *The Christian State*, p. 679. "The church can not be based on locality, numbers, size, extent, or multiplicity, for Christ calls it his little flock, and prophesies that toward the end of the world one will hardly find faith, pure and open confession or love. But the promise that He will be with His church unto the end of the world will still be with him, (Vehse p 82) though at one or another place on earth, or at this or that time, there may be occurrences of intrusion of error, acceptance of

false teaching and rejection of the true, or disregard in practice, so that one may not point a finger to this or that outward assembly, congregation, nation, or city as being without error, or as being without believers, chosen of God and known to Him alone, though they may not be recognized of others."

8. The true church, which we confess as the invisible church, is not to be superstitiously identified with the visible church.

In the Third Article of the Apostles' Creed we confess, "I believe in the holy Christian church." The true veritable church which we confess must be the invisible church, for it would be a contradiction to confess a visible church when faith is the evidence of things not seen.

Luther I, 444b, Jena ed. "The church of Christ says, I believe 1 in a holy Christian church. The muddled church of the pope says, I see a holy Christian church. The one says, the church is neither here nor there; the other says, the church is here and there."

Luther I, 445, Jena ed. "Christ says Matth. 14, that the gates of hell shall avail nothing against the rock and against the church that is built on the rock.... Since neither a specific person or city can be singled out against which the gates of hell may not prevail (in which there could be no sinners) it is clear enough that the holy Christian church may not be physically defined, but must be believed in and must remain a Spiritual city which the Spirit has established on Christ as the rock."

To this true invisible church belong also individuals in various churches or congregations large and small, wherever in the world they may be, perhaps made up of only two or three who hold to outward confessions and have inner (Vehse p 83) faith in Christ. It is therefore anomalous, though the expression is current, to speak of a true visible church. The true visible church is only a humanly political concept, referring to an external assembly of those who have the outwardly recognizable marks of the truth. For the true church is not visible, but invisible, believed in rather than seen. The evangelical-Lutheran church is called the true visible church, though within it true believers are comprehended together with hypocrites and godless persons in an external communion; thus the word "true" relates only to outward evidences. Essentially, this true church in its full extent is invisible, and only the invisible church is actually the true church because more than any other church it holds to

the external marks of the truth. With this church may stand also many other persons, not in outward association with her, who still have the true understanding of the evangelical-Lutheran church concerning Christ and also have faith in him. "The Lord knoweth them that are his," 2 Tim. 2:19. Only members of the invisible church are saved, for only they are in the inner communion of saving faith.

Also to the point is a passage in the Apology to the Augsburg Confession, Article VII, p. 243ff. "If we were to say that the church is only an outward policing authority, as other governments also are, then no one would know and understand therefrom that Christ's kingdom is spiritual, that is, the congregation of saints, for the ungodly are not governed by the spirit of Christ."

Compare also Luther, Jena ed. I, 293-295b. "Scripture speaks of Christendom in only one way, as the congregation of all believers in Christ upon earth. Therein is the essential and genuine church, the inwardly spiritual Christendom. But over and beyond this, spiritual authority and human law have brought two other concepts into being. Christendom may be a congregation (Vehse p 84) in a house or parish, bishopric, archbishopric, or papacy which conducts public worship. Yet violence is done to the words 'spiritual' or 'church' if they are made to refer to such an outward entity, for this is the physically external Christendom (or church). Of such a church, in this sense alone, there is not a word in Holy Scripture as being instituted by God. The third concept refers to a building constructed for public worship. This usage now has the upper hand, so that not a few souls have been misled into the error of supposing that an outward semblance is the actual spiritual estate of Christendom or of the church.11."

9. The mark of a false church is not only falsity in teaching and sacrament but also a prevalence of ungodly living.

J.D. Anton, Explanation of the Dresden Catechism, II, 1292. "What are the marks of a false and misleading church? 1) False doctrine and human ordinances, 2) mutilation of the holy sacraments, 3) craft and conceit in propagation of its teachings, 4) blasphemy, mockery, arrogance, bloodthirstiness, and tyranny." See Arndt's sermons on the Psalms, T. I. 92, 473, 495, 496.

10. A continual hammering away on having the true church to oneself must be suspect.

Luther's writing against Hans Worst (Duke Heinrich von Braunschweig) Jena ed. VII, 430. "See now, my dear friend, how strange it is that we who truly teach God's Word are so weak and so modestly timid that we are reluctant to boast of being God's church, his witnesses, servants, preachers, and that God speaks through us. But such we certainly are, for we assuredly have and teach his word; our reticence stems from an inner awareness that God's Word is so glorious and majestic that we are altogether unworthy (Vehse p 85) of having such great things spoken and done through us, who are still flesh and blood. But our counterparts--the devil papists, the rabble, and all the world--are eager and unafraid; they impudently put forth in great holiness; here is God, we are God's church, servants, prophets, and apostles, just as false prophets always have done. Thus also Hans Worst may assert himself to be a Christian prince. Humility and fear of God's Word have always been a proper mark of the true holy church, while coveting and scheming for human preferment have been the mark of the devil.

11. Continual passing of judgment over people concerning doctrine must be suspect, and when it devolves on the clergy to an over-exaltation of their office, one falls into bondage, fear of men, and hypocrisy.

The church father Gregory of Nazianz (d. 391) protests in his 21 letter (according to Latin translation) "We do not judge persons to be good or evil according to importance but according to whether or not they are one with us in teaching.11

Canstein, Life of Spener, p. 227ff. "Upright teachers direct the people away from their own persons and toward the Word of God (therefore not merely to the Word of God, but at the same time also away from their own persons). Spener movingly set before his hearers that the grace of God is not bound to any one person, lest they make too much of him (for he did not wish that they would incur upon him and upon themselves the judgment of God, from which might God preserve them). Frankfurt farewell address, p. 333. So that the people might not make too much of him, he directed them away from his person to Christ, (Vehse p 86) warning them that honored him above others, he must fear that the righteous God would vindicate his own honor by removing him from his pulpit and office for having misused it. (Meditations I, 734, II, 470).

II. Statements concerning church polity.

12. The best polity of the church is that of the first two centuries of the Christian church, when particular congregations, large and small, were independently side by side.

Seckendorf, *The Christian State*, p. 667. "When one considers how first one house and then several, first one city and then a nation, and so great empires, kingdoms, and principalities came to the Christian faith, actually only through the preaching and exhortation of poor and humble apostles or their followers, when one considers that rulers, not being converted, at first hindered the work of conversion through persecutions so that neither large nor small churches could be built and the first meetings were held according to time and opportunity in humble dwellings, in fields and woods, in grottos and caves, that neither bishops nor archbishops had such power as they later had, while poor common people conducted the preaching or priestly office, sustaining themselves through the week by labors of their hands, particularly in the poorer congregations, then one can better understand that forms of church government, as gradually developed and still continued to the present day, are not derived immediately from divine command, as something on which true doctrine and the existence of the church depends, but rather that the proper form and organization of the church and its unity is based on confession and manifestation of the saving faith.

13. (Vehse p 87) Dependence or subordination of churches, one under another, is neither commanded nor apostolic. Unity among churches is a matter of a common teaching and not of having one single head.

To this point--

Seckendorf, *The Christian State*, p. 659. On p. 662 he says, "An individual congregation may order its own outward affairs and still remain a member of the universal church."

14. An external bond of unity among individual congregations is not of necessity.

Seckendorf, *The Christian State*, p. 681. "The objection that there is no external unity among all who call themselves Christians is not valid. Unity was not prophesied for the church, but rather dissension, heresies, and tares; yes, even that the

Antichrist would with his false teachings be found in the midst of the church. Requirement of thoroughgoing outward unity is alien to God's Word, something thought up in response to occasion and expediency."

Luther, Jena ed. I, 293b. "Whoever says that outward assemblage or unity constitutes Christendom does violence to the term, and if he would draw support from Scripture, he misdirects divine truth toward his lies."

15.. Councils of more than one congregation are not apostolic.

Seckendorf, *The Christian State*, 671 and 673. "The guiding precedent of a church council in Acts 15, which tells only that the congregation in Jerusalem came together, is final and binding only so far as the people from one area may be brought together in a single assembly. One does not read that the apostles contemplated calling together other councils of (Vehse p 88) Jewish and Greek congregations that were here and there established in Judea and surrounding lands, nor of their elders.

Luther, *Works*, Jena ed. VII, 236, denounces papists who would control and reform the church through councils as "too yellow about the bill" and as "young paper-scribblers."

Protestant church jurists also consider councils to be superfluous, as does Fleischer in his *Spiritual Authority*, p. 230ff.

16. In general, too much importance should not be laid on the outward polity of the church.

Luke 17:20. "The kingdom of God cometh not with observation."

Luther, writing about the Council of Nicaea, strongly declares himself, Jena ed. VIII, 249: "Disputes about the outward temporal polity of the church are for the most part just monkish quarrels, involving more of honor, authority, and prestige than of God and his kingdom."

17. The danger of deviating from God's Word.

Spener, *Meditations*, II, 277. "Any human ordinances, good as they may be, which do not have at least some basis in Scripture, if they are introduced with the force of laws, involve much danger of possible misuse that may become so gross and harmful as to undo any benefit to be hoped for from their proper application."

Naeuius (Professor at Wittenberg) Of Priestly Authority, Wittenberg, 1713. "When human beings deviate from God's ordinances and his Word, and instead follow a political rationale, then the devil will surely take a hand to introduce new fashions and ways displeasing to God and harmful to man." (Vehse p 89)

* 18. Concerning outward church polity, one should come to understanding in peace and amity so that unity may be established.

Luther, Letter to the Christians in Liefland, on Saturday after Trinity, 1525. "Outward ways and ordinances are voluntary, and if account is taken of the faith, may in good conscience be altered by any person at any place or time--but if account is taken of Christian love, one may not feel free to exercise such freedom.... In these outward ordinances there is danger from two directions. On the one side one may fall into making a mandatory requirement against freedom of the faith. Again, if one establishes and fixes nothing, one permits as many divisions as there are heads, to the mutilation of the simple Christian unity which Saints Paul and Peter so often enjoin. But one must still, as far as one can, advocate this latter course as the better, though sometimes not everything may go as we say and teach." As St. Paul dealt with divisions in his time, so will we in our time. He did not put them down by authority and did not wish to compel by commanding, but rather preferred to resolve differences through kindly admonition. Thus, in Phil. 2:1-2, "If there be therefore any consolation in Christ, if any comfort of love, if any fellowship of the Spirit, if any bowels and mercies, Fulfill ye my joy, that ye be likeminded, having the same love, being of one accord, of one mind. So I bid you now, all my kind sirs, let everyone be respected in his opinion and meet together in amity, and then everything will fall out as you would wish it with regard to these externals." *

19. Need for caution over against the so-called estate of the clergy, from which, as shown by the papacy, and as Protestant jurists also attest, congregations may suffer great detriment.

Peter of Ferrara, Chancellor of King Charles of Naples in the early 15th century, in his Practica judicialis (Vehse p 90) aurea, Title IV, No 14. "Give heed and mark what Hieronymus says in examining old histories: 'I have not discovered that churches were divided and the people misdirected away from the Lord except by those who were set to be priests of God.'"

Spener, pia desiderata, p. 10. "While the condition in which the temporal estate finds itself is sad enough, we of the clergy may not deny that our estate too is quite spoiled and that troubles among the congregations for the most part intrude from our two superior estates."

20. Innovations in churchly matters made by the clergy alone without reference to the congregations have seldom brought about anything that is edifying to the church.

Seckendorf, Reply to Mirror of Priestcraft, p. 82. "Reformations in teaching and manners made from time to time as useful and necessary have seldom been initiated by the clergy alone, but whenever any good came from them, these reforms were made usually in response to demands by the congregations and the temporal authorities."

III. Statements against the ecclesia repraesentiva (the church represented in the clergy).

21. Seckendorf's warning.

Hereto belongs the whole paragraph on p. 678 of his Christian State, headed, "Domination and repression of the church through representation is not to be commended. Example of the Roman church and a warning against its tenets." On p. 682 he says specifically, "The arrogations of the ecclesia repraesentiva are a thoroughly dangerous business. Complaints were made both before and during the Reformation about the ecclesia repraesentiva (Vehse p 91) and it is undeniable that the clergy gradually drew to itself all authority to judge matters of faith, to the exclusion of the congregations."

22. Warning of ecclesiastical jurists.

Fleischer, Church Law, p. 12. "The concept of the ecclesia repraesentiva has no real basis at all, and one should be ashamed that this idea has been so long defended among Protestants, it being nothing other than the notion that hearers are bound to accept unquestioningly the opinions of a church that comprises only the clergy; for if this were to be allowed, then one would, instead of having only one pope as under the papacy, have to acknowledge as many popes as there might be theological faculties and ministeriums.

23. The ecclesia repraesentiva leads to indifference, indolence, and even to loss and denial of faith.

Seckendorf, *The Christian State*, p. 685. "The protesting churches have reason to acknowledge thankfully that through the Reformation every person has been directed personally to understand his religion without relying on representation by others. It follows that the arrogation of representation is a great detriment, and that the congregations or laity are not to be governed through intercession and representation by the clergy, since thereby they will fall into careless indifference and ignorance and so much more easily, as experience shows, into decadence and denial of religion."

Spener, *pia desideria*, p. 106. "When spiritual functions which pertain to all Christians are referred alone to the clergy the laity become sluggish and ignorant; meanwhile the so-called clergy may (Vehse p 92) do as they will, since no one may question them or offer the least suggestion."

24. From the ecclesia repraesentiva directly follow the compulsions of the papacy.

Seckendorf, p. 689. "No one doubts that much is at stake in the good ordering and furtherance of church polity; for although not directly a matter of faith and doctrine, there can only be great harm if there is too much or too little concern about the arrangement of public worship. It appears, however, that there is great danger when the authority of bishops or representatives or consistories are stressed too much, with callous disregard for other clergy or ministers or congregations. For then one again gradually becomes subject to those compulsions from which freedom was gained through separation from the papacy."

25. Spener's particularly pertinent warnings.

Life of Spener by Canstein, p. 307. "This blessed man in his time reflected that God in righteous judgment might again give the Romish Babel power over congregations that confessed the truth of the Gospel if the way were again opened for the papacy among evangelicals through quarrels which now and again occur ... particularly concerning the authority of the clergy... so that the people, hearing false arguments in these questions, might come to assent to imposition of an authority not unlike the authority of the pope."

Life of Spener by Canstein, p. 220. "According to the prophecies of the Spirit of God in Holy Scripture it will surely come to this, that most if not all congregations to whom the truth of the Gospel is entrusted, not bringing forth honest fruits of faith, (Vehse p 93) will by the righteous judgment of God again fall under authority of the bishop of Rome, to the outward repression of the Gospel, and that time now appears to be very near.

26. Also the ecclesia repraesentiva can err.

Seckendorf, the Christian State, p. 680. "No person as head of the church nor any assembly or council or otherwise constituted Collegium (such as the ministerium) can presume to promise not to err either in religion or in judgment with respect to persons or causes. They may indeed have the Word of God before them according to which they may or should be guided, but they may fail in interpreting and applying it."

27. It would be at least proper to draw in the temporal governing authority to the ecclesia repraesentiva.

Seckendorf, The Christian State, p. 676. "The best informed among the clergy have as much as admitted that statutes involving matters of conscience may not be imposed on the people without at least tacit assent, and that the ecclesia repraesentiva should not be exclusively of the clergy, but that governmental authority ought at least to be involved."

28. The ecclesia repraesentiva loses its effectiveness if the congregations do not accept its determinations. The congregation may not be put under compulsion.

Seckendorf, The Christian State, p. 676. "If the people and the congregations do not accept determinations made by churchly authority, then this authority or ecclesia repraesentiva has no power from God arbitrarily to compel them ... for that would be nothing else than to domineer or tyrannize over the congregations, who have been made free by the truth (John 8:32) so that it could be asked, as in the congregation (Vehse p 94) at Jerusalem (Acts 15:10) "Now therefore why tempt ye God, to put a yoke upon the neck of the disciples? or as Paul admonished, "Stand in the freedom by which Christ has freed us. We are not lords over your faith."

29. Specific statement of Seckendorf that where possible the entire congregation must be heard in religious and ecclesiastical matters.

Seckendorf, *The Christian State*, p. 671, 674. "The rule is therefore to be derived herefrom (namely, from three examples of apostolic practice, Acts VI, XV, XXI) that wherever possible the whole congregation, man for man, as many as wish to appear (even if, as then in Jerusalem, it may comprise several thousands) should be heard in religious and ecclesiastical matters."

30. Equally pertinent statement of Seckendorf that it is misordered and directly contrary to God's Word not to take literally the words Matth. 18:17, "Tell it to the congregation."

Seckendorf, *The Christian State*, p. 483. "In this text, 'Tell it to the congregation,' Christ as much as gives us to understand that questions in controversy are to be referred not by the many to one, but rather by one or two or three, to the group or to the whole assembly. It is therefore misdirected to turn this around and to seek final appeal from the many in one individual (though he be an upright person representing the church through the clergy, the so-called ministerium)."

31. Practice of the ecclesia repraesentiva in the republican polity of formerly evangelical-Lutheran imperial free cities.

Ecclesiastical authority in the Lutheran imperial cities-whose polity would repay looking into, now that something new is to be constructed (Vehse p 95) --was vested in the municipal councils with broad assistance of the citizenry; these in some measure constituted an ecclesia repraesentiva.

In Hamburg, one of the foremost of the thirty-five cities that subscribed to the Formula of Concord, a city long distinguished for zeal in piety, which had such distinguished teachers as Phil. Nicolai and others, and made such rich provision for divine services that in most churches preaching could be heard four times on Sunday, and also in at least three localities during the week, the constitution (since 1708) was as follows: All arrangement of churchly matters were made by the municipal council and the Collegio of sixty members. The council consisted of thirty-six members, the sixty-member Collegio comprised fifteen senior elders, three from each of the five church districts, together with forty-five deacons (nine from each district) who were included because they had certain responsibilities toward

churches in the districts from which they were chosen. In important matters touching the common welfare the general assembly of the citizenry were asked to concur, and so-called decrees and public laws could be concluded only with their assent. Various consistorial matters were under jurisdiction of the civil courts, for Hamburg, like Nuremburg, had no special consistory. With regard to the dispute over the Hamburg religious affirmation (1690) Spener offered an opinion which is found on p. 3: "The ministerium, being only a part and an instrument of the church, may not presume to judge matters of faith, since such judgment pertains to the whole church, exercising its rights according to its special polity, either through the council or through others from the congregation." Similar forms of church polity were the rule in other imperial cities; the clergy were (Vehse p 96) consulted by the council only in important cases, when it might be found necessary, as in Nuremburg, or else they sat in a consistorium, as in Frankfurt-on-the-Main, where it was made up of three of the clergy and six laymen. Not generally known is the fact that in the whole of the former Holy Roman Empire there was only one Lutheran city where a ministerium of the clergy alone exercised governance of the church.

Whoever might wish further illustration of the lengths to which the clergy, also of the evangelical-Lutheran church may carry matters, ostensibly to carry through with their own views of "the true doctrine" to the glory of God, may read the history of unrests that disrupted the Hamburg ministerium under administration of D. Mayer for eighteen years from the time of the religious oath of 1690 until the year 1708. Measures were directed principally against the Pietists and their leader, the parson of St. Nicolai, the brother-in-law of Spener. See Walch, *Controversies in the Lutheran Church*, I, 612-677. It is hardly believable how venomously vengeful a ministerium could show itself against a colleague and how basely defiant of the council, the temporal authority, which throughout proceeded calmly and deliberately. Arndt complained in a letter to Joh. Gerhardt of 3 August, 1607, as follows: "I would never have supposed that there could be such spiteful persons among theologians. These are supposed to be regenerate, anointed, and instruments of the Holy Spirit, yet they stop at nothing in the name of purity of doctrine." And this was in Hamburg, where the city council supposedly had matters in hand. As thoroughly as this council was persuaded of Horb's innocence, and much as they would have preferred to protect him, they were beleaguered in the city hall by the Mayerites, so that they had to compel Horb to leave the city at the end of 1693. Still, unrest only intensified after his departure.

(Vehse p 97) In 1694 there was a regular uproar, which had to be put down by soldiery. A crowd of people still insisted that execution must extend to Horb's wife and to his property, and so this innocent woman also had to leave the city. Even after Mayer's removal to Greifenwald the tragedy was continued through Pastor Krumboltz, so that mercenary troops had to be brought into the city. Only in 1708 were these protracted unrests shunted aside through an imperial commission and establishment of a new governmental form which came to be recognized as a masterpiece of polity. Krumboltz was apprehended and in 1712 removed to Hamlin, where he died in 1725.

IV. Testimonies particularly against an episcopacy, against institution of rankings, or as also called, a hierarchy.

32. Holy Scripture and the symbolic books clearly would have all preachers have like authority.

Smalcald Articles, Supplement, Of the Power and Primacy of the Pope, p. 549. "In John 20:21 Jesus commissions his disciples without distinction to preach, each to have neither more nor less authority than any other. For he says, 'As my Father hath sent me, even so send I you.' These words clearly and lucidly mean that he sends each one as he was sent of God. Thus none could claim special authority or power over another."

33. Luther's opinion of the office of bishop.

Luther from the beginning held firmly to the position later stated in the Smalcald Articles, Of the Power of Bishops, p. 567. (Vehse p 98) "The office of bishops and pastors is quite the same."

When he was approached by Wenceslaus Linck for advice about affairs in the parish of Altenburg, he expressed himself thus (Tuesday after Dorothea, 1525): "Why do you ask me for advice on how you should arrange matters in the parish of your city when these are a matter of free will, unless you feel that there might be an appearance of egotism on your part if you alone aspire to be esteemed as parson, as might be fine and seemly enough if one person in your city were bishop and others elders, as St. Paul has it, Titus 1."

When in the year 1527 the great visitation of churches in the electorate of Saxony was in progress, Luther declared himself (Works, Jena ed. IV, 342b) very warmly in favor of an appointment of bishops, since the episcopal function is quite especially

that of "visitation and oversight." He notes however that such procedure would not be practicable, since no one had been called to be bishop and since none of the clergy would put themselves forward, wherefore recourse was had to the prince of the realm. So the Elector John had the visitation carried out by a number of theologians under Melancton, some of the nobility, and doctors of the law. Luther's words are:

"Actually the bishop is an overseer or visitor ... and who can value how useful and necessary such an office is for Christendom.... We would gladly have reestablished a rightful office of overseer and bishop as most necessary. But since none of us was called thereto nor had special command, and since St. Peter would have nothing done in the churches except it were God's business, none dared to urge another to undertake it.

"Thus, having recourse to conscience, we held to the duty of love (which is commanded to all Christians) and petitioned our enlightened, (Vehse p 99) highborn prince, John duke of Saxony ... the elector ... as our sovereign and temporal ruler asking that his gracious Highness out of Christian love (not as temporal ruler being obligated to do so) according to God's will, for the cause of the Gospel, and for the welfare of poor Christians in the electorate would graciously summon and ordain some capable persons for such office."

It is clear therefore that when Luther wished to have bishops, he wanted only such men who would function as visitors or overseers. Thus he writes on the Thursday after Simon and Jude, 1528, to Spalatin:

"You are to have the office of visitation. May the Lord Jesus guide you in this episcopal function!"

Such visitors and overseers were then afterward instituted in the German Lutheran church as superintendents, and wherever justified by extent of territory, several were placed under one general-superintendent. How far Luther was from granting that one of the clergy might have more authority than another appears from a letter to the Christians in Erfurt in 1527 (Works, Altenburg ed. III, 808). "I am not minded--and may God keep me therefrom--to gain authority for myself to be judge or ruler over other preachers, lest I thereby begin another papacy; rather I would commend them to Christ, who alone shall rule over his heralds in Christendom."

And in the same spirit he wrote on the day of Peter and Paul, 1530, from Coburg to Melancton, who was then at the Reichstag in Augsburg, where the Confession was being formulated: "I would not order nor command anything."

He himself, the great Luther, who might easily have become bishop or even cardinal, as Stephan Schulz was informed in Rome (See his Travels) never even was made Superintendent, but remained as Doctor and Professor at Wittenberg throughout his life." (Vehse p 100)

34 . Spener's opinion.

Spener, Meditations, iv, 287; also in Canstein, Life of Spener, p. 290: "The sanctified Christian will not wish to have anything of hierarchy or domination in the church, to say nothing of monarchy, and thus he can better appreciate the situation of churches under a government where there is no single confession of faith."

35. Statements by ecclesiastical jurists.

Fleischer, Rights of the Clergy, p. 94: "The office of bishop (as of one who would have more authority than other preachers) is neither based on Scripture nor instituted by the apostles. It must ever be regarded as contributing to the sort of papistical monarchy out of which the most wretched conditions developed in the Christian church. It is easily understood why Protestant scribblers would assert similar prestige and authority. History shows well enough how ruinous the authority of the hierarchy has been to the state, and one must conclude that the authority of a bishop is as dangerous to the state as that of the pope in Rome. Once they had authority in their hands, it came so far in the fifth century that even emperors of that time had to fear the bishops. They agitated tumult and tried to make heretics of each other. And although the emperors foresaw therein the ruin of the Christian church and detriment to the state, they dared not presume either through benevolence nor yet by compulsion to get rid of this evil, for fear they might be denounced as heretics and thus lose their lands and their people."

Fleischer, p. 160. "We recognize no visible overlord among Protestants, but (Vehse p 101) Christ only and alone as our head. We allow a distinction between clergy and laity, even though the pope exploited this difference to disdain and oppress the laity. In Germany we have rightly rejected a difference between

bishops and other clergy, wherever these have presumed outward authority over others and have thus torn rightful authority over the church out of the hands of the government. But because already during the Reformation it was seen that some degree of order would be furthered thereby, a certain ranking among the clergy was retained, though one cannot deny that thereby some remnant of the papacy was retained."

36. Even the word "bishop" appears to have given offense in the German Protestant church.

Fleischer, p. 161. "Because the papacy made the bishops to be great temporal lords, allowance of this term has become suspect." Thus also Ziegler, in his treatise on the office of superintendent.

37. Institutions that run to splendor and great authority for the clergy are not Lutheran, but papistic.

Luther, writing of the papist Emser, quoted in Seckendorf, History of Lutheranism, translated by Frick, p. 222: "The splendid vestments and great authority of priests in the Old Testament were not to be the glory of the New Testament but were a foretype, which is now disregarded. Now we have a rule of the Spirit, which neither needs ornament nor is embellished thereby. Emser is disgusted by that kind of glory; therefore he seeks the shades of temporal honors in the Old Testament."

38. One must insist on a status quo, that is on equality among all of the clergy, without bishops or hierarchy.

As was mentioned in Sec. 35, it became apparent already in the time of the apostles how dangerous may (Vehse p 102) be an institution of bishops, since from them developed the papacy. In Sec. 36 it was shown also that the German evangelical-Lutheran church to which we belong has avoided institution of bishops. In Denmark and Sweden indeed bishops were retained after the Reformation, but for political reasons. It is not true, as has been asserted, that the church is in better position in these two countries because of having bishops and that the Lutheran church in Germany would be better off if it also had kept its bishops. A better situation can only be meant with regard to purity of doctrine and Christian living, which is the kingdom of God, and this comes not by outward appearance, nor through bishops, church officials, or hierarchial apparatus. The Lutheran church is everywhere sick. The situation of the church in Denmark

is at least as bad as it is in Germany, though the clergy live well--that is, in comfortable circumstances--and if the situation is otherwise better, the reason, among others, is that this realm has been and to some degree still is a free sovereignty where even farmers may sit in the Reichstag, and that in Sweden clergy and laity together have been better on guard against the so-called enlightenment, whose chief proponents and defenders have been in Germany. Finally, be it remembered that in the entire union of the United States since establishment of the first German Lutheran congregations in Pennsylvania at the end of the 17th century there never at any time has been a bishop, but rather that equality among the clergy has here been so fully adhered to that not even superintendents have been appointed. The entire concern for preservation of unity in doctrine and ceremony has been a matter for the District or State Synods and for the General Synod in Baltimore, to which clergy and laity have been summoned in equal numbers, and these are advisory bodies only. Such a radical change as institution of bishops and of a hierarchy would therefore be contrary not only to the practice (Vehse p 103) of the German evangelical-Lutheran church in our fatherland, but also in America, and would furthermore be contrary to Luther's precepts, which are set forth in the Jena ed. IV, 413: "Whatever one would alter or do away with of the old tradition should and must first be firmly proved to be contrary to the Word of God, for Christ says that he that is not against us is for us. We have done away with cloisters and masses and clerical celibacy, but only upon clear evidence from Scripture itself that they were against Scripture. If we had not done so we would have had to tolerate these institutions as they have elsewhere been continued to the present time."

V. Statements concerning the office of the ministry.

For the sake of continuity and completeness the theses previously submitted to the clergy are here inserted. They are:

Theses

drawn from the writings of Luther and other true teachers, as they are found in the Supplement to Spener's *The Spiritual Priesthood*, pp. 76-157, and in the symbolic books, particularly in the Smalcald Articles, *Of the Power of Bishops*.

1) All Christians are priests by baptism through faith. In the New Testament priests are not made but born. 1 Peter 2:9 "the royal priesthood;" Revelations 1:6 "made us kings and priests;" Gal. 3:28 "Ye are all one in Christ Jesus;" 1 Cor.

14:26,31,39,40 "for ye may all prophesy one by one;" 1 Cor. 3:21-22 "for all things shall be yours" (all things should be common to all Christians).

2) The office of the priesthood is common to all believers: all have like authority. They are all to teach the Word of God. (Vehse p 104) 1 Peter 2:9; 1 Cor. 14:26.

The keys belong to the whole body of Christians. Matth. 18:15-20 "Tell it to the congregation.... Whatever ye shall bind on earth.... Where two or three are gathered together...." Smalcald Articles, Leipzig ed. pp. 554 and 568.

3) The office of the priesthood has been given to the congregation by God. Smalcald Articles, Of the Power of Bishops, p. 568; Eph. 4:8,11,12 "God gave gifts unto men.... And he gave some, apostles; and some prophets; and some, evangelists, and some pastors and teachers." That is, to the congregation, or the person who is called by the order and will of the group. (Augsburg Confession, Article XIV.) Some are called as preachers, and are delegated by others to do the wishes and commands of the congregation in their name and by their authority to perform the office which all have, not that one person should have more authority than another. (The preachers are servants of the church).

4) It is a bastion of the papacy that one certain estate should be made to be a spiritual class ordained of God.

Luther, Works, Jena ed. II, 451b, says: "I have never preached, nor wanted to preach, except when I was asked or called to do so by the people, lest I should claim for myself to have been sent by God directly."

5) It is an accursed saying that a priest is something more than a Christian, for that is contrary to God's Word and based only on human teachings, or traditions, or popular belief. To set up any of these three as an article of faith would be blasphemy and abomination.

(Vehae p 105) The office of preaching is no more than a public service entrusted to someone by the whole congregation. --The estate of a priest should be no more in Christendom than that of public servant; so long as he holds that position he is honored by it, but when he is removed from his office (or perhaps resigns his post of his own free will) he is a farmer or citizen, just as others. In the New Testament one does not

differentiate between priests and ordinary Christians, since the faith will not allow such difference, but would rather have it that those who are called priests should be as laymen like all others, except that they are called by the congregation to preach publicly. Injustice has been done to the words priest, parson, ecclesiast, and such terms when they are dissociated from the generality of Christians and made to refer only to the small select group designated as the clergy. Holy Scripture recognizes no differences, except that the teachers or the ordained are called ministros, servos, oconomos-servants and stewards. For though all of us are priests, not all of us can serve or do the work of preaching.

These six theses were sent with the following letter: To the Reverend Pastor Walther in St. Louis.

I consider it my Christian duty to send you without delay the enclosed six theses concerning the office of the clergy which I, after finally unpacking my library, found to my great astonishment in Spener's book. For the most part, they are taken from the writings of the honest Luther, according to God's Word and the practices of the apostolic church--not perhaps of the first six centuries, but surely from the first two, when there was yet no clerical estate differentiated from the laity, and when, as Cyprian in Epistle 5 tells, consent of the laity was required for ordering of all church matters. If my friends and I do not err, it was particularly a view of the ministry, falsified (Vehse p 106) from the beginning in Saxony and dictatorily imposed upon us, that persuaded many of the laity in blind obedience to the authority of Stephan to lend themselves to the emigration project. This false teaching concerning the clerical office is still no less current among us, as we shall show if requested, on evidence of the public and private teaching and the whole demeanor of the reverend pastors and the candidates, so that the laity are kept in a condition of dependency and subordination on the basis of human teaching, or of tradition, or of popular belief. This teaching is indeed the point about which most public and private quarrels in our community have centered. There are of course other points of difference, as for example, the extension of pastoral ministrations, but resolution of these points depends more or less on a decision of the main question. And a decision must come. The matter is urgent and of utmost seriousness. We beseech you therefore that you again consider this matter with your brothers of the clergy for the sake of divine truth, which is here mainly concerned, for the welfare of souls

entrusted to you, and for the general peace, and having once more thoroughly and earnestly weighed it in the fear of God without respect to persons and without prejudice, clearly declare your opinion to us. We for our part cannot do otherwise than to adhere literally and unshakably to the teachings of the evangelical-Lutheran church, which are well known and grounded in God's Word, and shall reply to your declaration with a definite answer of our own. May the God of peace in this important, decisive matter direct everything for the best. That is the sincere, heartfelt wish and fervent prayer of your most devoted.

St. Louis, 5 August 1839

Dr. Carl Eduard Vehse

(Vehse p 107) Hereupon came the following reply:

St. Louis, 5 August 1839

To Dr. Vehse in St. Louis

Honored Doctor,

I was very glad to receive your letter as well as the enclosure, inasmuch as I gather that you and your two friends, the Messrs. Fischer and Jaekel do not conceal the opinions which you hold but acknowledge them openly, and further, that you are ready to renounce or change those opinions if you are convinced to the contrary from the Word of God and the confessional writings of our church. We do not fear the light of God's Word nor that of our precious symbolic books. If you should prove us to have deviated from them in any point, we shall be only thankful to you. Speaking for myself and my fellow-pastors, I would say that the propositions which you have presented, in so far as they are not just the expression of your own opinions but derived from the confessions of Luther and Spener on the basis of God's Word, will be sincerely approved and defended by us. Further, I shall not omit to forward your statements to my fellow pastors in Perry County at the next opportunity. Finally, I would ask whether for the present you intend that these statements be between us privately or whether you would permit me to show them to my closer friends. I remain in sincere love

Your most humble
O.H. Walther, vicar.

Later we received from Pastor Walther an oral declaration that the reverend clergy agree to the six propositions, but to date we have not received an answer to the point specifically raised in our letter, though indeed (Vehse p 108) the congregation in St. Louis in a document subscribed by various of the pastors (of 9 Sept., Appendix E) was warned against deceivers without specifically designating or describing the deception or the danger, as the apostles would have done. In that communication they gave general assurance that they would adhere to Holy Scripture and to the symbolic books. We refrain from expressing our feelings regarding this whole manner of proceeding on the part of evangelical-Lutheran preachers.

Following are the subsequent documents.

39. About the call and office of the preachers in general.

Seckendorf, *The Christian State*, p. 653. "Not since the time of the last apostles has the call of pastors been without mediation of means."

Seckendorf, p. 656. "Notwithstanding that the proper call issues from the congregation, the receiver of the call is a servant of God, so that together with the human, he also has a divine call; yet, according to the teaching of Christ and the apostles he is not lord of the church but its servant. Romans 15:8, also 2 Cor. 4:5, where Paul says, "We are your servants for Christ's sake."

Luther, *Works*, Jena ed. II, 205: "What are priests and bishops? Answer: Their rule is not of authority or power, but a service and a function, since they are not more exalted or better than other Christians. They ought not impose laws or commands on others without consent and permission, for their province is nothing else than to guide Christians through God's Word and to overcome heresy. As has been said, Christians are to be ruled only by the Word of God. Christians must be governed by faith, not by extraneous means."

Since we have been reproached for having in view only the rights of the congregation and not of the clergy in our six theses, we shall here profess ourselves for that which Walch has to say in his (Vehse p 109) *Christian Ethics*, p. 639ff about rights of teachers. The rights and duties of teachers are (1) to teach (and this function includes advising, professing, admonishing, reproving, comforting); (2) power to administer the sacraments; (3) to forgive and to retain sins (where there is no controversy).

The authority of teachers then is not temporal but spiritual, --and this is the entire scope of the rights of teachers, as given to them by God.

All authority given to the clergy is for edification and not for destruction (2 Cor. 10:8 and 13:10). The clergy are not to boast and to rule over others, but to administer divine gifts and favors to sinners for their need and welfare, their comfort and salvation. Hereof Luther writes very well in his tractate on the Keys, Jena ed. VIII, 251b "Est beneficium, non dominium" (The keys are benefits, not worldly power and dominion) given to sinners for their welfare and salvation as often as they need them. It is as though a prince might give a thousand guilders to a servant to be distributed among various poor people. The servant is not to enrich himself with these thousand guilders nor to lord it over the poor, but by command of his master freely and without cost to make himself available and to be a willing minister to the poor for their benefit and comfort. And mark well, that goes for the pope also."

40. Warning of Seckendorf to the clergy against arrogance in office..

Seckendorf, *The Christian State*, p. 485: "The fact that the clergy have a prominent and influential office should not mislead them into such arrogance as to make a show of contrast and difference between themselves and the congregation, as if they alone were lords and masters, while the hearers are servants who must blindly obey. 'Obey your (Vehse p 110) teachers, for they watch over your souls.' Heb. 13:17. But when they step out of this office of watchman and are no longer ambassadors for Christ (2 Cor. 5:20) so that they teach and act according to their own opinions, they can no longer expect to be obeyed. The sheep will then not know their voices."

41. Ordination (consecration of a priest) does not make a preacher, but only a regular call. It is a praiseworthy ceremony--but not a necessity. David Chytraeus in his exegesis of the Second Book of Moses, Ch. 29. (Chytraeus was a professor at Rostock who died in 1600. Spener said of him: This excellent man perceived the many faults within the church before others did, and is said to have been consulted by kings and princes about arrangements for churches and schools because of his special experience and Christian discernment).

"Sciendum est, vocatos et electos voce ecclesiae fungentes ministerio etiam sine ritu impositionis manuum vere ministros ecclesiae esse, posse docere et sacraments administrate."

That is, "it should be recognized that those servants who are called and chosen by will of the church or congregation are truly servants of the church also without the ceremony of laying on of hands, and qualified to preach and to administer the sacraments."

Spener, Meditations, Vol. IV, Ch. VII, Art. iv, Sec. 24, "We do not ascribe any special character or spiritual power to the ordination ceremony except that it is public evidence of the call and that the blessing invoked in Christian prayer is not without fruit. In this, the successio (succession of persons) means nothing, and if a point of superstition were made of it, I should prefer not to have it (the ordination), so far as I am concerned."

Spener here warns against superstition that might be fostered if significance is placed on the order of succession of persons at an ordination. Concerning such succession (Vehse p 111) the papacy teaches that a ministerium can be established only by bishops, who at the beginning were placed in the congregations by the apostles, or more properly stated, were confirmed upon choice and nomination by the congregations. These bishops were then to have the sole power to ordain priests and bishops, thus to establish a ministerium. Unfortunately we have been saddled with this teaching by Stephan, and it seems that our clergy still up to the present time maintain that one must refer to Sweden, where there are Lutheran bishops, to appreciate the episcopal organization that is to be established among us. Acknowledgment of bishops is however nothing short of Catholic error, unwarranted in God's Word, actually a superstition, as Spener says. The symbolic books of our church give the congregations of each place and time authority to order the adiaphora, including the choice and placement of bishops; the only issue is that a bishop must have a regular call, which must be extended by a congregation. To relate this matter to the example of the Swedes as individuals is beside the point, for in Sweden the institution of bishops is determined by the congregations. Cp. Seckendorf, The Christian State, pp. 653-656.

* 42. The office of preaching is not limited to place or person, but is universal.

Smalcald Articles, Supplement, Of the Power and Primacy of the Pope, p. 555: "The office of preaching is not bound to any certain place or person, as the office of the Levites by law was bound, but is distributed throughout the world, and is wherever God has given his gifts--apostles, preachers, pastors, teachers.... And this word and office is not affected by the person who preaches and teaches it, whoever he may be; hearts that hear and believe will receive according as they hear and believe." * (Vehse p 112)

* 43.. The passage "Faith cometh by hearing" does not apply only to educated, ordained preachers, but also to all Christians in general.

It was this text, Romans 10:17, that Stephan chiefly used in order to set forth the peculiar sanctity of the clerical estate and the inescapable need for a public ministry. Without a public ministry, without the preaching of an educated and ordained clergy the church could not be maintained, so he taught; thus the church had succumbed, in Asia and Africa, for example, when the public ministry declined with the onslaught of Mohammedanism. This principal and fundamental delusion, which may be inferred also from his printed sermons, was never challenged. Yet discovery of this error would have hindered or even entirely prevented the Saxon emigration, and kept hundreds from giving up their rightful calling and to follow this false prophet across the ocean with his call "Christ is here in the wilderness!" so that true and honest citizens deserted their rulers, and even married couples and parents left each other and their children. This false teaching, directly negated by the promise of Christ, "Where two or three are gathered together in my name, there am I in the midst of them," would make of the church a sort of guild, with all the pressures and coercions that presumptuous master-craftsmen are able to exert.

The Salzburger, the Waldensians, and the Bohemians, who preserved their identities in papal territories, are factual proof that even without a public ministry the church maintains itself through the grace of God. Luther did not encourage the Bohemians when they turned to him for advice, to emigrate to Saxony, but told them to stay in their own country and to conduct divine services independently of the dominant papal church.

All Christians are priests by baptism through faith; therefore they are also preachers by right (Vehse p 113) and also by calling according to the requirements of love and of need.

To be sure there must, in the Christian church, be a public ministry which may pertain only to those who are regularly called, so that the apostolic injunction may be followed, "Let all things be done decently and in order." But wherever love commands it and wherever there is need, it is the right and calling of every Christian to "preach" to his neighbor, that is, to hold God's Word before him, and there is no doubt that even from such preaching of a common layman, another may come to faith, to an honest change of heart, and to "conversion." The demoniac whom Jesus healed (Luke 8:27-39) was also told to preach what great things God had ' done to him without being first ordained as a preacher and made a disciple. As we read, "And he went his way and published throughout the whole city." *

44. In emergencies a congregation may also have uneducated preachers. Examples are Ambrose and Augustine.

Seckendorf, *The Christian State*, p. 528: "Awkward as it seemed during the times of the Reformation, and as much as it even now has been botched and laughed at, that certain congregations chose even manual laborers from their midst to read and interpret the Word of God and to be a shepherd of souls, this is still in and of itself not wrong in case of need, nor contrary to the manner of the early church, for Paul could find only such people in his congregations--not many noble, not many wise after the flesh (1 Cor. 1:26), but rather people like himself, as Aquila was, who yet had such understanding that he could instruct even the learned Jew of Alexandria, Apollo (Acts 18:2-3). Such men through the laying on of hands Paul made to be presbyters or elders, some as teachers, some as deacons for the sake of outward order in the congregations, and yet he expressly says of them that the Holy Spirit made them to be overseers to feed the church of God." (Acts 20:28).

(Vehse p 114) Luther in his book of family devotions, for St. Andrew's Day. "One reads of Saint Ambrose, a secular administrator in Milan, who though not yet baptised, still associated with the Christians and gladly heard the Word of God. Notwithstanding, because of his exemplary life and good understanding of Christian teachings, he was against his inclination chosen to be bishop and was baptized. So it was also with Augustine of Hippo in Africa.

45. Such unlearned preachers, indeed even ordinary Christians, may in case of need administer the sacraments.

Luther, Works, Altenburg ed. II, 504b. "The third office which is open to all Christians as members of the priesthood, is the consecration or distribution of the sacred bread and wine. Herewith the tonsured ones make particular triumph; they preen themselves and say that no one else has such authority-neither the angels nor the Holy Virgin, the Mother of God. But let us dismiss this nonsense and say that this office also is common to all Christians as well as to the clergy, and we say thus not to compel belief, but prove it through the words and testimony of Christ, who spoke thus at the Last Supper, "This do in remembrance of me." For the tonsured papists would have it that by these words Christ made priests and gave authority to consecrate. But this sentence was not only for his followers who were present at the time, but also for all who in the future would eat and drink of this bread and wine. From this it follows that what was then given was given to all, against which nothing can be urged except only the church fathers, the councils, and long usage, abetted by that most powerful article of faith, "We are many and we hold to it, therefore it must certainly be true."

Spener, pia desideria 105. "In writing to the Bohemians Luther splendidly showed that all Christians (Vehse p 115) in general without distinction have the spiritual calling, though the orderly exercise of its function is delegated to the ministers; meanwhile in case of need these duties may be performed by others."

Smalcald Articles, Of the Authority of Bishops, p. 568. "In case of need even a common layman may absolve another and become minister, as St. Augustine tells in his story of two persons who were together in a ship, where the one baptized the other and then was in turn absolved."

With regard to distribution of the elements in the Lord's Supper, many teachers of the church, for example, Johann Gerhard, would not allow this function to the laity, since there would here be no case of need when one is content with spiritual participation (according to the Augustinian crede et manducasti, that is, Believe and thou has received); Spener also asserts (Spiritual Priesthood, p. 66) that ordinarily a case of need could not occur. It is however conceivable that in invalidism or on a deathbed faith may be sorely tried, to that partaking of the Lord's Supper could give marked comfort, incomparably greater than simple referral to a spiritual participation. Also to be considered is that in emphasizing a spiritual participation the error of Calvinism might intrude into people's minds. The argument of Gerhard

and other Lutheran teachers that the clergy are stewards of God's mysteries is not valid, since the trust is given to all Christians who are all "stewards of the manifold grace of God." 1 Peter 4:10. Here on the contrary one might contend that there still remains some figment of the papacy, which assigns consecration exclusively to the priests because in the Lord's Supper God "is offered." The learned theologian and publisher of Luther's works, Joh. Georg Walch in the year 1747 wrote a disputation of his own in which he shows that in case of extreme need the laity might distribute the elements of the sacraments. Co. also Walch, Controversies in the Lutheran church, II, 439 and I, 815. (Vehse p 116) In general, the above-cited passages from Luther and Spener, which assign the consecration of the bread and wine to all Christians, are clear enough. It appears from 1 Cor. 11 that in the first century all laymen in the congregation and, according to some, the heads of families officiated, as in the Old Testament at the Passover, and that only after the number of Christians increased was supervision transferred to bishops and elders and later also to deacons, so that everything might be done decently and in order. Tertulian testifies, de exhortatione castitatis, Ch. VII, that even in his time the laity were not entirely excluded from administration of the Lord's Supper, in a time when special priesthood was first being assigned to the bishops. With respect to ordering the sacrament in these present times, it is accepted that no one not specially called ought to distribute the sacramental elements except in case of need, at least not ordinarily heads of families to themselves and to their households, since the sacrament was instituted also as a public witnessing and offense should be avoided.

Luther's letter to Lorenz Castner and his associates in Freiberg, Friday after Dorothea, 1536. "God would that the sacrament be celebrated through the public ministry. The sacrament was instituted for public witnessing, as Christ says, 'Do this in memory of me'; that is, as St. Paul says, 'Proclaim and confess the death of Christ.'"

Luther, Jena ed. VII, 340. "It would cause great offense, thus now and again to extend the sacrament in private dwellings, and in the end not come to good, but rather give rise to divisions and sects. For the first Christians in time of the apostles did not celebrate the sacrament in their houses, but when they came together. Though they might have done so, the example is now no longer acceptable, just as it is no longer acceptable that all our possessions should be (Vehse p 117) held in common, as among them, for the Gospel is now publicly proclaimed along with the sacraments."

On the other hand, also uneducated preachers may distribute the Lord's Supper, providing only that they have been properly called.

* 46. All Christians have the right to absolve in case of need.

It is one of the crassest-of errors to assume that the clergy alone and exclusively have the right to forgive sins. It is also a most dangerous error, since conceivably this supposed right may become a means for controlling consciences. Thus it was in the papacy.

Luther in his book of family devotions comments thus to the Gospel for the 19th Sunday after Trinity: "From today's Gospel we should principally note the gracious injunction which God has given to mankind, that we here on earth may tell one another, 'Your sins are forgiven you.' We together with other believers may wonder at this and thank God with all our hearts that he has given such power to human beings. For it is truly by great authority that one Christian may say to another, Brother, be not afraid. You have a gracious God; only believe in the promise I give you in the name of Jesus, so that it may be as certainly true as if God himself had said to you, Your sins are forgiven you."

"Such authority, as we read, originated with our Lord Christ, and it has remained with men, particularly with those who have the calling and command to preach the Gospel, that is repentance and forgiveness of sins in the name of Jesus. Other Christians, though they do not have special calling, are still also commanded to comfort you whenever you are downcast over your sins and to say to you, Why are you sorrowful? I as a Christian tell you not to torment yourself. God is not unmerciful, for through Christ (Vehse p 118) you have complete grace in him. Such words should comfort you as certainly as if Christ spoke them to you personally from heaven."

It is well to note also that the Gospel and the sermon are themselves a general absolution which each Christian is to accept as spoken to him individually. And consciences should not be troubled over the matter of private absolution, as if there were otherwise no forgiveness of sins. Concerning this Luther and his friends presented a special opinion to the council of Nuremburg. Works, Altenburg ed. VI, 398.

The words "Who heareth you, heareth me" are not to be applied by the clergy exclusively to themselves, for they apply to all Christians, as the Lord in Matth. 18 addressed them to all. The symbolic books (Apology to the Augsburg Confession, Article XIV) limit them only to cases where God's Word, not man's word, is concerned, for it is God's Word that is to be heard. And if these words had been spoken by the Lord to the apostles only, our Lutheran clergy would not be in that eminent sense successors to the apostles and to their office, for they can boast of no special apostolic gifts. Luther writes thereof under date of 19 April 1529: "If it be an apostolic endowment to be always in contention with evil spirits and at death's door, I should in this regard be a Peter or Paul, but those other endowments are not of the apostles, but of robbers, publicans, and sinners." The apostolic office is an extraordinary one--the apostles had immediate divine calls, they did not err in their teaching, and they had miracles to back up their message. *

47. Judgment concerning teachers indeed principally extends to their teaching, but their deeds should also be considered as fruit of their teaching, according to Christ's direction, "By their fruits you shall know them."

Seckendorf, reply to *The Mirror of Pietism*, p. 34. "Satan is still up to his (Vehse p 119) old tricks. He encourages people in hypocrisy, but does not hinder outward public worship. Thus one might imagine that the church is flourishing and could not be improved. It is still not enough that the tenets of teaching are pure, but it is necessary also to correct misuse in the manner of presentation and to curb besetting evils of discipline and manners.¹¹

To this point are the two reflections of Arndt regarding German theology, as found in the Supplement to his *True Christianity*, p. 878, pag. nostra. "It is said that one should regard the teachings and not the life and conduct of the teacher. To this the Lord Christ says, No, rather 'ye shall know them by their fruits.' Matth. 7:16,20. To live otherwise than God's Word teaches is false Christianity. For if it is to be true and not false, life must be according to teaching, and teaching must be shown forth in life as much as is possible for a human being by the grace of God, or else it is falsely pharisaical, darkness and not light. That is what the Lord means in John 8:31, 'If ye continue in my word, then are ye my disciples indeed.' Therefore he says in Matth. 23:2-3, "The Pharisees sit in the seat of Moses ... but do ye not after their works: for they say,

and do not.' Thereby our Lord indicates that the Pharisees taught and lived otherwise, that they could not know Christ the true light, and were eight times accursed of him. Therefore look to heretics and false prophets whether or not they follow in the way and life of Christ. Truly not--rather in the ways of the devil. Otherwise why should our Lord have directed us to regard their lives, that we might know them by their fruits? Just so.

Luther, in his book of family devotions, Dom. VIII after Trinity strongly emphasizes that the fruits of teaching are to be regarded, as follows among other words: "Pay not heed to what they say and teach, says Christ, for all that may be deceitful, and nothing is more profane than misuse of the name of God, Spirit, truth, church.... But because the generality of those (Vehse p 120) who listen are not all so intelligent and well informed, Christ adds one more point...namely, that of fruits, and warns you not to acquiesce too quickly, but to look to the fruits which the teachings bring forth.

* 48. The office of the clergy is not to require unconditional obedience; otherwise it may become sheep's clothing for false prophets.

Luther in his book of devotions, to the Gospel of the false prophets, Dom. VIII after Trinity.

"Accordingly, sheep's clothing may also be office or calling or some great glorious title. For with such, as we have found, the pope and the bishops have done their greatest harm, in that they exalted their office and thus would have their decrees obeyed."

"For though their life be such that they may not deceive nor entrap anyone thereby, it still makes for great appearance that they occupy a public office in the church. It is as our Lord said of the scribes and Pharisees, that they sit in the seat of Moses. We ourselves cannot dispute their eminence; we must concede that they have the office, and that the office of itself is good if only it is used rightly."

"Therefore when the pope and the bishops exalt their office and because of it demand to be heard as persons who cannot err, the Christian should be warned and say: I recognize the office well--it is regular sheep's clothing. But Christ warns me not to see only the sheep's clothing, but to look well whether they may not be a wolf underneath, that is whether perhaps some godless, wicked fellow occupies the office and by means of its pretensions tries to introduce false teachings." * (Vehse p 121)

VI. Statements concerning the ministry to souls, its scope and limitations.

49. Notable statement by Spener, of how carefully the minister of souls is to conduct himself, and that any intimidation and compulsion of consciences is ungodly.

Spener, *Meditations*, II, 554. "We are not overlords of the faith of souls entrusted to us, but rather their helpers. Where we do not have the clear and compelling Word of God to place before their eyes, which in itself has sufficient power to persuade, so that we must resort to inferences which may be open to exception, then we may not compel them further than they are themselves persuaded of the will of God. If they cannot of themselves acknowledge what is the will of God, perhaps because of sheer stubbornness and without valid grounds or by interposing reasons that seem to us quite untenable or against which we might oppose considerations which we regard as more proper, then we are at the limit of our authority and must commend the matter to the Lord, who alone has power to establish the hearts of men. I like to remember the words of Paul, 1 Cor. 7:6,8,10,25,40, where he adopts such an attitude, supported by such grounds which are surely in accord with the will of the Lord. In this instance, since he had no express command of the Lord to show, he does not wish to bind consciences with additional restrictions. So much less should we, who have received a lesser measure of the Spirit than did the Apostle, extend our authority any further than to state our position in cases where the will of the Lord is unmistakable and to substantiate it as well as we may, but then to leave matters to the individual consciences, which might otherwise, if we were to go further, (Vehse p 122) be constrained to be guided not by divine command (which they do not recognize in their own case) but rather by our own judgments..

50. Statements of Luther.

Luther, *Works*, Jena ed., IV, 337ff. "Consciences should be free and unforced, for faith should be free of compulsion; otherwise God is not pleased, and sin is upon both the one who compels and the one who submits to compulsion. Conscience and faith are to submit to God alone and should not be subject to any other power, either on earth or in heaven. And though conscience may err, still St. Paul forbids, Rom. 14, any action or dealing against it.... To urge anything against conscience tends not to salvation, but to damnation.

Luther, IV, 137. "The law is not to be imposed on conscience, to which faith is to be preached without the law, so that it may be free to come to Christ; afterward one should preach also concerning the old Adam, who is to be repressed and held in check. For this the law is sufficient: soul and conscience are not to be led by a servitor, but are to remain free."

Luther, Marginal gloss to 2 Cor. 5:11. "Whereas we know that the Lord is to be feared, we should deal circumspectly with people, that is, we do not tyrannize over them with bans or other sacrilegious regimentation, but teach them nicely so that they are not made antagonistic."

* 51. Pastors who infringe on Christian liberty subvert the law of love, which is the supreme law of Christianity.

Luther's letter to Joh. Agricola, Rector at Eisleben, end of August, 1527. "What you write of freedom of conscience is all true and wholesome, for thus we have continually (Vehae p 123) taught, that a Christian is to follow his conscience and to defend it against tyrants who would compel them otherwise, though at times one might desist in order to instruct and to win over those who are weak and those who neither would compel nor withstand. Thus Paul circumcised Timothy because the Jews were to be instructed, but did not do the same for Titus, since pressure had been brought to bear on him, and instead rebuked Peter for requiring the heathen to observe Jewish customs. But now that tyrants are about, not as weak ones who might be instructed, but as vassals of the pope and servants of the devil to destroy our freedom, we must not give in by so much as a hair, but confidently speak out with Paul, 'If you would be circumcised, then Christ is of no avail to you.' Thus, if you concede as much as one iota to the tyrant, you have denied Christ altogether, for it is not a matter of denying Christ in a greater or lesser commandment so long as there is one Christ in great and small; freedom is no small matter, though only some slight concern may be involved, as of food, drink, a wife ... for this freedom was purchased with the blood of the Son of God. Accordingly, where freedom is impaired, it does not serve to make overmuch of love, for if love is made to be made an alternative to freedom, it is an alternative also for the Gospel, and that is just what the tyrants want. If the devil destroys as much as the breadth of a finger, he destroys all.

* 52. The highest adornment of a minister is compassion. Its chief concern should be tenderly to draw people to the Father through Christ.

Luther's advice to Spalatin (Aurifaber, epist. Luth. I, 174, was "Above all, the greatest drawing power is compassion over against sinners; for this a priest must have if he is to despise no one, but rather to accept the sinner's faults and misery as his own, as Christ did for us.

(Vehse p 124) Luther's letter to Gabriel Didymus, whom he recommended as preacher to the council at Altenburg, written on Maundy Thursday, 1522: "The Father wills, that people be drawn to him through Christ, but not forced or driven through statute or regulation. Hearts must first be brought to despise godlessness, and after that, godlessness will fall of itself, without the laying on of hands; thus love and the desire for godliness must first be implanted, and then godliness will follow of itself." *

53. The ministers are not to be followed blindly.

Seckendorf, *The Christian State*, p. 685. "In the Protestant church one does not blindly follow the example of parson or teacher or the command of spiritual rulers, but acts according to one's own understanding and sentiments."

54. Also the ministers may err.

Seckendorf, *The Christian State*, p. 680. "No person can presume to promise that he will not err in religious matters, or in judgments concerning persons and circumstances. The clergy indeed have God's Word that they can and should judge, but they may err in interpretation and application."

55. Warning of Luther against becoming involved in worldly dealings, as was done under guise of the ministry in civil and domestic affairs under the false Stephanistic system.

Luther, Letter to various preachers and parsons in the year 1530. "I would simply rather not be involved in such worldly concerns about matrimony; for we are to be servants of Christ, concerned with the Gospel and with conscience, so that we have enough to do in contending against (Vehse p 125) devil, world, and flesh. I have a horror of the example of the pope, who intruded himself into this game and other worldly affairs until finally he became a sovereign over emperors and kings. I am concerned here also that just as a dog by chewing on a rag develops an inclination to chew on leather, so we also may fall away from the Gospel into vain worldly things; for when we begin to become arbiters in marital affairs we will be dragged by the sleeve into continual

controversy, so that we shall have to judge concerning penalties, and if we impose penalties we shall have to judge matters of life and property; thus we shall be under the wheel and drowned in secular dealings."

In giving his opinion he protested as follows: "Since you insist, I shall not withhold my opinion. Yet I do so with the proviso (which I would have you and everyone else distinctly to understand) that I do this not as an attorney, official, or regent, but merely by way of advisement, as I might in good conscience do with friends.... I do not wish to presume any legal authority or compulsion for myself. And as I have none, I do not wish to have any, be it who it may that should or would rule, and would rather advise and console consciences so much as I may. May he follow who will and can do so, and may he who will or cannot, disregard what I say. Thus I have held in the past and will hold also in the future." (Vehse p 126)

Chapter III

Statements from Luther and Our Private Opinion about the Legitimacy of the Emigration.

1. It is hazardous to say that the emigration was a godly act, since Luther has an entirely different opinion about the forsaking of office and locality.

Luther, Letter to the parson at Eulenberg, in the year 1526:

"Grace and peace in the Lord. It does not appear advisable to me that you should forsake the service and office of the Word, unless it be that you are by force compelled thereto, or are called somewhere else. It may be that there are godless people in your parish, with their loathsome Satan. But is he not everywhere? One must for the sake of these people endure the villainy of the devil, therefore remain steadfast and patient for the sake of the little remnant in Israel that is to be saved."

Luther, Letter to the parson in Waltershausen, in the year 1527:

"Grace and peace in Christ. My dear sir Drach, I would counsel you in every case, that you do not allow yourself to be overcome of evil to leave your situation, but that you overcome

evil with good, according to the words of Paul. Beloved, consider that it is not for the sake of the ungodly that you are placed in your locality, but for the sake of the godly. If you were now to desert these because of the ungodly, what a mortal thorn would not that be in your conscience!"

Luther, Letter to the parson in Bruecke, Friday after Reminiscere, 1527:

Concerning what you asked me, I would categorically advise you not to leave your station unless it be a matter that you are forced thereto, as also Christ long endured the indolence of the Jews. This implies (Vehse p 127) that we shake the dust from our feet if we are compelled thereto. Who knows if there yet be not some who believe?

Luther, Letter to Jacob Spreng, in the year 1529:

"Grace and peace in the Lord. I take from your letter, dear sir Jacob, that you are sick of soul for vexation over the godless state of affairs you must endure and which you see to be daily increasing and becoming more defiant, so that you are at the point of changing and forsaking your situation; beloved, do not so, for if you care only for the godly, what have you particularly done? Do not the heathen and publicans do as much? But show yourself manly and let your heart trustfully wait on the Lord. Be mindful of holy Lot, and think of Peter the apostle who prophesied and represented all Christians as such who in the latter days would be like unto Lot. Let us therefore not withdraw out of Sodom, or forsake it, until the angel from on high comes to lead us out. The world is a land of Sodom in which we must live and see all that torments godly souls."

Luther, Letter to two ministers, of the year 1530:

"Grace and peace in the Lord. I have read your writing addressed to me, dear sirs, in which you ask my counsel whether you should acquiesce and give room to enemies of the Gospel among you who still pose as your friends. My answer and mind is briefly that you should not give in either in your presence or according to time, lest it appear that you as hirelings have forsaken your sheep and that which has been entrusted to you by your church. Therefore endure all that you are to endure until they remove you by force or drive you away by authority of the government; otherwise you must also give way before the grim rage of Satan."

* 2. Also ordinary Christians are to leave their locality and calling only if they are driven off.

The principal passage which here applies is 1 Cor. 7:20. (Vehse p 128) "Let every man abide in the same calling wherein he was called," and Paul again says, verse 24: "Let every man wherein he is called, therein abide with God," after having admonished in the preceding verse that we be not merely "the servants of men."

So also says Luther in his book of family devotions in his fifth Christmas sermon:

"The faithful God compels no one to leave his calling and take on a new occupation. The shepherds, after they saw the infant Jesus and were enlightened and come to faith, remained with their calling and thus served their neighbors."

To live godly, to serve God and his neighbor, is possible everywhere, John 4:21:24. "The hour cometh when ye shall neither in this mountain, nor yet at Jerusalem, worship the Father. But the hour cometh, and now is, when the true worshipers shall worship him in spirit and in truth."

Luther wrote the following warning (as of Friday after Dorothea 1536) to certain citizens of Freiburg, where the papist form of worship remained under duke Heinrich, which citizens had been occasioned by a preacher without vocation to hear him preach at Leisnig and to receive the Sacrament from him: it were better if the ruling authority were to apply to this matter and command the enthusiast to desist. Go along with the church and let the clergy (the papists) do as they like. Where they preach the Gospel, attend thereto; do not ask about their conduct so long as they speak the Word, as Christ says: Matth. 23:2-3. "They sit in Moses' seat." What they then say, that hear and do, but do not act according to their conduct. How can this bad spirit (the uncalled preacher) say that what the papists have is all alien to the Word of God, Whence then do we have baptism and the entire Bible? Or shall we compose a new Bible according to this spirit? The (Vehse p 129) Jews have the Bible, and we received it from the Jews, and so I suppose that if I heard a Jew read the prophets, it would not be the prophets they read. Why then does St. Paul hear them, Acts 23, in the Jewish synagogue at Antioch? St. Paul rejoices, that though for hatred and envy, his Gospel is heard in the house of judgment in Rome, Phil. 1:15. He allows Christians to visit the houses of idols

though they do not partake of these idols, if you read 1 Cor. 8:9 aright. For such partaking is spiritual, not physical. Otherwise also, a Christian might not eat and drink with the godless, nor speak or deal with them. In 2 Kings 5:18-19 the prophet Elisha allows it to Naaman that he pray to the true God in the house of Rimmon. And Jeremiah writes the prisoners of Babel that among idolators they are to pray to God."

Worthy of note is also a letter of Luther's to Caspar von Schwenkfeld, that Silesian nobleman who later fell into great error, of 3 January 1527. This letter quite particularly hits the case of the emigration and is decisive:

"Guard yourself, dear Caspar, against fanatics, and do not follow them because of their office. If you cannot do otherwise, then do as the captive Jews in Babylon, who also without temple, without public worship, without the usages of their Moses, had to let the Word suffice for them for 70 years. Endure such difficulties and content yourselves meanwhile in reading and teaching the holy Word and in hoping and praying, as Daniel in Babylon prayed toward Jerusalem. So also you, desiring the Sacrament with longing, until God may see into the matter. With baptism there is no privation, for also under the papacy one baptized in houses; so may you also there still baptize and pray, as in the churches. So also may you bless a marriage in the house, as people have otherwise also been wedded; and if it could not be otherwise than that baptism is forbidden by degree, then would I rather accept it from papists, with the condition, that while we indeed hold their baptism valid, (Vehse p 130) but did not accept their belief and teaching in all respects. The fanatics have neither baptism nor Sacrament.

From these letters of Luther appears clearly what his counsel would be for people living where public worship is false. They are not to forsake their homes and emigrate nor to rove through the whole world to find a rightly educated preacher--but to be patient, endure their troubles and content themselves with the Word and with family worship--but still to pray that God may raise up faithful pastors. *

3. In our opinion, which we would force on no one, the Stephanite emigration was not a godly work, but rather of the devil, a matter of lies and deceit.

It is not to be denied that the whole question of legitimacy of the emigration has become dependent on interpretations of the deceiver Stephan. It was also he alone who determined its

time. All together, clergy and laymen, followed the overwhelming authority of his office, as one may say, or his interpretation and decision whether the time had really come to withdraw, and to judge for themselves according to God's word and the witness of the church.

Had we really tested Stephan's teachings and Stephan's conduct in Saxony, we should at that time already know him to be a false prophet and would have guarded against him. * But all voices raised against him were shouted down by his close lieutenants, who urged their own personal and cherished plan for emigration. *

Stephan was a false prophet already in Saxony: He upheld false theses concerning church governance over against clergy and laity without being contradicted or tolerating such opposition as arose. So much must be admitted by anyone who holds to the true teaching concerning the church, if he were to be (Vehse p 131) honest about it. But we shall here mention a few more points.

* It is indeed only now apparent with what cleverness and craft Stephan proceeded to apply his false premises to his own person, making his intrusion only gradually, never quite asserting his supremacy and always leaving a back door open so that the proffered poison was unsuspectingly accepted; thus only his fall could open our eyes to what he wanted and secretly purposed. He was particularly careful over against persons ' who could oppose him out of their own capabilities and whom he did not fully trust; and in this way he deceived these also. *

1) Stephan's false teaching regarding the church.

Stephan taught without concealment that the church consists only of the clergy. He repeatedly declared: "that only the clergy might appear in the councils, the laity might not even be deputized to have an effective voice;" they were relegated to being dumb hearers, blind followers, servants. For Stephan the Christian church appeared exactly as it was once portrayed under the papacy, in the form of a ship, in which sat the clergy (and with them also the candidates) while the laity must swim outside in the water.

2) Stephan's false teaching about church governance.

Here Stephan held for the ecclesia repraesentiva, to representation of the church alone and exclusively through the clergy.

The passage: "tell it to the congregation," was applied by him expressly to the bishops and elders. He repeatedly de-fended the tenet; "temporal power is to have no authority over the clergy." Where then were the rights of the congregation and of the governing authority?

Concerning the office of bishop, this he drew to himself actually in a surprise move on the ship Olbers. (Vehse p 132) He represented: "that it were necessary for maintenance of the church that he should take it over." He had sermons preached to the congregation concerning this need, and in two days the bishop was made. This was done contrary to our symbolic books, for the choosing of a bishop is an adiaphora and condemned by Article X in the Formula of Concord if such a thing were urged as it necessary for the congregation." In St. Louis he further maintained that the office of bishop is of divine institution and of higher status than that of preaching. This was directly contrary to the Smalkald Articles, of the Power of Bishops, Page 567, where it reads: "Such distinction of bishops and parsons came entirely through human ordinance, for the office and charge is altogether the same. By divine ordinance there is no difference between bishops and pastors." Such distinction has indeed been resisted but not firmly, and it is often tacitly accepted. Only evidence of misconduct could bring the false teaching to light.

In this connection I would refute a further idea. It has been said that Stephan was exposed in his office. But one says nothing that exposure was also hindered by his office. Did not the reverend clergy idolize the office and forthwith turn back anyone who proposed to move against Stephan? Did not the superstitious fear which was encouraged over against this office, particularly Stephan's office, go so far that even the office itself dreaded that same office in another person? --Stephan's misconduct was nothing new (according to admissions that were made). Other clergy in Europe lived with Stephan for weeks at a time. Why then did the concubines who were about him not give evidence against him? The answer is simple. Stephan proceeded more scandalously and impudently in America. He was sure of those concubines; he took risks with those whom he was not sure of, and then was the more hard and inconsiderate toward those of whom he was sure. This brought about exposure. It was simply as with every common (Vehse p 133) offender. The crock goes to the well until it breaks. But honor should be to God alone; He alone helped us.

3) Stephan's false teaching regarding secular authority.

Principles are set forth by the foremost theologians of our church, as for example Johann Georg Walch in his *Christian Morality*, page 614: "Church governance pertains to rulers of the land and not to bishops. This is demanded as well by the nature of the visible church as by the sovereignty of the ruler, which must extend to all matters, since churchly concerns have great influence on civil order." Such fundamentals were an abomination to Stephan. What he saw in all was only repression, tyranny, servitude of the clergy. This false hypocrite was not concerned to keep clerical and temporal authority each within its own bounds; according to his schemes, clerical authority was to embrace also temporal authority: he attempted to shore up clerical authority in every way through worldly means, so that he might achieve influence, glamour, and respect.

Though the Augsburg Confession expressly asserts in Article 28 that spiritual authority is not to establish kings (secular authority), the proposition was contained in the ordinance worked out by Stephan (but not laid before the congregation) that the choosing of our first governmental authorities was to be conducted under his "guidance," as foremost among the clergy. In practice he lightly disregarded this provision. In Europe he wantonly disregarded the directive of authorities to desist from his nightly promenades. In America he took on himself the entire civil direction of our emigrating congregation in that he made the disposal of funds from the treasury to depend entirely on himself, and indeed presumed to hurl the interdict against one of the members because he had (Vehse p 134) criticized the administration of money matters and declined to subscribe under oath to the Pledge of Obedience on the steamboat Selma.

This pledge, which promised obedience to Stephan in spiritual and "communal" matters, demanded that every mistrustful suspicion against his person must be rejected as deadly sin, went against all Christian liberty, was based only on human authority, and was godless and sinful. Nevertheless Stephan misled the other clergy to the point of preaching openly that such an oath was God-pleasing and needful for the congregation, and indeed misled them to urge such an idea on the consciences of others. These clergy of themselves went even further, giving the oath upon administration to the members an even stricter interpretation. Here the "episcopal ordinances spiritual and temporal, present and future (therefore also of his successors)" were particularly included. When representations were made against this, it was

said: "it has been read before the Bishop, he has approved it." One could only remain silent, though All was against God's clear command: John 18: "My kingdom is not of this world." Luke 12,1 "Who has appointed me to divide the inheritance? Romans 14: "Do not confuse the consciences." Acts 15: "Now therefore why tempt ye God, to put a yoke upon the neck of the disciples?" And contrary to the symbolic books: Book of Concord, Apology, Article X, page 1092: "We reject and condemn as wrong, that such ordinances are urged upon the congregation of the godly as being of necessity."

4) Stephan's false teaching of the office of the ministry.

The teaching of the office of the ministry was by Stephan torn altogether from its context, and represented the clergy as exercising rights without at the same time having duties over against the congregation, therefore as having an independent office ordained of God, to whom they alone were accountable, as are the nobility. He said nothing of the office of the spiritual priesthood, which is in exact and necessary relation to the office of the ministry. (Vehse p 135) Thus he made the office of the ministry a bugbear, such as is used to frighten children.

It should not be necessary to pursue this point further; suffice it to recall the governance aboard ship, particularly the severe lectures on the Selma and the Verses of Exile printed in Bremen, in order to appreciate what sort of beating and personal subjection we had to tolerate because of Stephan's notions about the office of the ministry. Be it noted in passing that Stephan had no regular call, signed and sealed, as Luther would have it, from the congregation, nor did the others ordained and called by him only.

5) Stephan's false teaching concerning the ban.

Stephan administered the keys of the church and caused them to be administered in capricious and autocratic fashion. He never asked the congregation; he did not wish to recognize the rights of the congregation concerning use of these keys in imposing a ban. Only with sighs and horror can one now recall the hardships that thus camp about and which one only now can see in their connections and-in their true light, since the lips of many have been unsealed. Whoever did not blindly follow him was ignored and denounced. A truly devilish system of espionage, secret betrayal and incitement was afoot among us, unknown to many.

6) Stephan's false teaching concerning the ministry to souls.

Also here it shall suffice to recall the testimony of the modest, amiable, and pious Spener, which we have already referred to above. All that was in anywise done and undertaken, down to the least family relationships, first had to be laid before Stephan for approval and decision if one were not to be suspect of having disregarded "fatherly guidance" and of not wishing to show "simple childlike mind obedience." Whoever (Vehse p 136) showed himself to be independent, or drew back, was placed under suspicion with the usual expression: "all is not well with him, he goes his own way." Whereas Luther in the passages noted above says that the clergy have "quite enough" to do with the Gospel and with conscience, Stephan took on himself to decide trifling matters which every Christian father should independently dispose in his own household, by virtue of his office, and this endless, unworthy meddling was commended as ministry to souls.

All these false teachings were accepted already in Saxony more or less without question; they were tolerated and followed, to the extent of efforts to get them recognized in other church circles besides that of Stephanistic Dresden. But they were unmistakably current among us, along with the wicked ways which must follow such teachings. What matters, not suspected in Saxony, have here come to light! Harshness, subjection, and intimidation on the one side, cowardly hypocrisy, stultification, and fanaticism on the other! In place of honesty and love, secret practices, base intrigues, defamation, and gross deceit together! All normal relationships had to be put back and dissolved under such a system! The ecclesiastic intruded into every human tie. The man no longer had authority over his wife; she must first love God, then the pastor, and then her husband. Thus also the ecclesiastic intruded between parents and children, relatives, friends; and he had to order, approve, and know everything; there could be no confidences between spouses, relatives, or friends. Duties humanly respected, such as gratitude, were lightly disparaged if they did not fit into the system; human ordinances to which Christians also should be subject, were ridiculed and buried. Truly, already in Saxony we already were a sect!

(Vehse p 137) Even so in Saxony we already had a veritable papacy--Stephan was pope. Without personal conviction or conscience, as would have been seemly for Evangelical Lutheran

Christians, we threw ourselves into his arms. The Greek phrase "He has said it" was as effectual among us as it was among the disciples of Pythagoras. Stephan's interpretations of Holy Scripture were accepted even when they deviated from the symbolic books and the greatest teachers of the evangelical church. Thus could he without censure apply the passage in the Gospel of John 6:54 to sacramental eating, though in the symbolic books following the precedent of Luther they were expressly referred to a spiritual partaking. Book of Concord, Apology, Art. VII, page 1020. He was so impudent as to impugn and reject the correct teaching of Brentius concerning official falsehoods, that fine distinguished writer (of whom a Lutheran would say that in comparison with his writings, his own would suffer), so that through his falsities he could deceive the government concerning his misdeeds and could countenance false oaths in court (as has definitely been proved). In the official acts of the committee of the emigration Association he is expressly designated as "Regent (that is, ruler) of the Church." It was also expressly said, "that the Church is under two eyes"--"if Stephan removes, then the Church also removes.¹¹ On New Year's day of the present year he was greeted on the ship Olbers with the words: "Not we, worthy lord, have chosen you, we have been chosen by you," a mocking play on the words of the All-highest to his disciples, John 15:16: "You have not chosen me, but I have chosen you." On the 30th anniversary of his ordination he was saluted: "Where could we have found wisdom for leadership of the church, except from you?"

How could a man, who could accept such praise from men, have faith? How could God be with people who carried on such servitude to a person? It is said expressly: "My sheep hear my voice, (Vehse p 138) they will not follow an hireling." But we followed the voice of such a man. We were not sheep of Christ. Not at God's command but at Stephan's did we leave our fatherland.

How hypocritically did he not, in endeavoring to exalt the office of the clergy, before the other clergy and the candidates, repeatedly call to his younger fellows in office: "It was done for their sake alone, in order that after his passing they might have a firm and secure position." Is it not now clear what he purposed through all these hypocrisies? But why was he given support? For all his teaching about the supposed preeminence of the clergy was contrary to God's Word, deceit, and lies--the abomination of the papacy which must engender haughtiness rather than humility.

It is our most firm conviction that we Dresdeners (of whom so many worthy persons are now in want in the colony) could have

continued to live peaceably in our homeland, with preaching of the divine Word and unhindered use of the Sacraments, though perhaps without overextended exercise of the Office of the Keys (which is against God's Word) and of the ministry to souls, with respect to which the governing authority, as has already rightly happened, would have set itself against occasional excesses. Has not the state Minister of Culture given testimony on our behalf before the governmental assembly? Had Stephan given up his reckless manner of life and ceased his scandalous nocturnal promenades, no one would have opposed his teaching and his sermons. It is the most shameful kind of lie to say that in him God's Word was persecuted and that thus we were compelled to emigrate.

Herewith I would comment on two points by which it has been sought to show that the emigration was nevertheless a godly work:

First, one says, Stephan was to be regarded like Balaam, Saul, and Judas; as God spoke through them, so God spoke also through Stephan. This matter (Vehse p 139) goes beyond even the position of these orthodoxists, asserted in the pietistic controversy chiefly by Sup. Loescher in Dresden against Spener and his friends, that godless teachers are made capable through the special gift that is conferred with the office of the ministry, so that the Holy Spirit might work through them. Let alone that this special gift or light (deriving from ordination) is a gross error, as has been shown in Paragraph 47 above by Arndt, of the upright and humble Pietists, it cannot be that the Holy Spirit reigns in the head while the devil lives in the heart. This whole matter derives from the delusion of special sanctity for the rank and office of the clergy. And as to these two false prophets of the Old Testament and the false apostle of the New Testament, to whom God without faith and love indeed gave certain special gifts, be it remembered that they were prophets and apostles to whom God gave these gifts in extraordinary fashion: that such has not occurred since the time of the apostles, and that ordinarily only the believers are the temples of the living God, of the Holy Ghost. 2 Cor. 6:16.

Secondly it is asserted that the congregation of Stephan is to be compared to Joseph, in that, like him, it was sold away. But also this comparison does not hold. For Joseph was innocent, a foretype of the All-highest, like whom he submitted only to force. But we were blind and culpable--culpable not only because we did not hear the voice of Christ and allowed ourselves to be misled, but particularly also because through personal subservience we placed power in the hands of Stephan to misuse and to sell us out.

Quite recently one has sought also to justify the emigration as a godly work by comparing Stephan to an "old ship" which brought the congregation to America and now has served its purpose.

(Vehse p 140) Now, as concerns the other reverend clergy, we shall give our opinion if they continue to insist that the emigration was a godly work. They must settle with their consciences and with God, before whom they must give account, whether the call actually came from God, whether as Luther said, an angel was come from high to lead them out of Sodom, or whether they were basically only following Stephan's behest.

If it is said that the government of Saxony forbade them the exercise of the Office of Keys, then it remains to inquire exactly what was forbidden them. The authority which in Saxony had governance of the church can arrange and institute only what God himself has not ordained, to which belongs also the right to prescribe certain usages in the church, and particular forms of prayer. It has no power to alter divine institutions. But according to Walch's Controversies of the Lutheran Church, p. 481ff, there is certainty of divine institution only concerning private confession and absolution, where a truly penitent sinner opens his sin-saddened heart not only to God but also to his pastor (or in case of need to another Christian) having a desire for the comfort of the Gospel, and then also receives assurance of the forgiveness of sins. Therefrom derives the custom of private confession, also used in Saxony, where all who wish to partake of the Eucharist, whether they may be penitent or not, at an appointed time come to confession and to receive absolution, which is to be regarded as not of divine institution but as a matter of churchly usage. With regard to the custom of private confession, as also with regard to the formal reading of the confession and absolution after each regular sermon, it is the right of the government to establish definite formulas, clearly grounded in the constitution of the church in Saxony. Had the government in this matter issued a proclamation (Vehse p 141) instead of prescribing simple communication, even then there would be no reason to deny this ordinance, since nothing opposed to divine institution was involved. The song and prayer book prepared by the ministerium in Braunschweig in the year 1742 is evidence that this formula of pronouncing (absolution) had already been current earlier in the churches in common Sunday usage without complaint that the Office of the Keys was being removed from the church or that any of the clergy would have emigrated. This formula reads thus on pages 38 and 39: "Almighty God has had mercy on you, and for the sake of the most holy suffering, death, and resurrection of our Savior Jesus Christ, his

beloved Son, forgives you all your sins, and I as ordained servant of the Christian church, announce unto all of you, who are truly repentant, the forgiveness of sin in the name of God the Father, the Son, and the Holy Spirit. Amen."

Luther, Altenburg edition II, 506, has these words, worthy of consideration: "Binding and loosing is nothing else than the preaching of the Gospel and putting it to use. What is loosing otherwise than to announce that sins are forgiven before God? What is binding otherwise than to withhold the Gospel and to announce that sins are retained?"

It is not to be denied that the government of Saxony has been provoked to interdiction, inasmuch as we have only recently been informed that among the preachers of Muldenthal scandals and excesses have occurred in the exercise of the Office of the Keys and in ministry to souls, involving visits by night to married and unmarried women without consent of their people, also nocturnal promenades and very sharply arbitrary meddlings in family relationships. Whether thereby all evil appearances were avoided, whether the reverend clergy were subject to human decorum, whether they kept the peace as they might, whether they let their moderation be known before all people, whether they adapted themselves to appropriate times, (Vehse p 142) and finally, whether they exhausted all means to remove such governmental interdiction, as St. Paul did when he came before Caesar, for which at least in one locality the congregation expressly petitioned, --these are matters that must be earnestly and thoroughly and uprightly gone into before one may pass valid judgment.

Whereas we now reject the whole Stephanite system in its entirety and in its parts, as it has here been set forth, and which it was attempted to lay upon us, and declare it to be erroneous, harmful, disgraceful, and directly contrary to pure Evangelical Lutheran teaching, we with heart and voice witness to all of the foregoing postulates and testimonies, and therewith again to the true, pure doctrine of the Evangelical Lutheran Church.

St. Louis, 19 September in the year of our Lord 1839

Dr. Carl Eduard Vehse
Heinrich Ferdinand Fischer
Gustav Jaekel

Concluding Postscript
to the Protestation of 19 September 1839

We must once more return to the story of Stephan's deposition because this was the beginning of the whole quarrel between the reverend clergy and us, and because it most clearly shows how even after the fall of Stephan his system was still persisted in through implementation of false teachings, particularly concerning the church, which according to their view is represented only by the clergy, and of the office of the ministry, which they would exercise not by direction and under control of the congregation, as God gave it to the congregation, but independently, as given to themselves immediately by God.

(Vehse p 143) On 5 May of this year one of the clergy for the first time, as he has assured us, was made aware of Stephan's transgressions of the Sixth Commandment. On the 13th, 14th and 19th of the same month the undersigned became aware of these sins. Meanwhile, on the 15th the youngest of the clergy traveled to Perry County in order to inform and win over the more influential people of the company. He returned only after an entire week. The undersigned made most urgent representations that the deposition of Stephan be expedited, so that the congregation might be free of its curse and disgrace. The members declared themselves ready to go themselves, along with other deputized persons, without the reverend clergy, in order to require obedience of Stephan. This our declaration met with undisguised disapproval, and thus the basis was laid for the subsequent masked disinclination and indignation on part of the clergy toward us, of which they never were able to rid themselves. They insisted that Stephan must first be excommunicated, and that only the clergy could excommunicate him and deprive him of his office. This having been done, he would be set before the people waiting at the door, and these were then to say "Amen;" in other words, as under the papacy, the clergy belonged within the ship, the common people were to swim.

At the same time it lay very close to the hearts of the undersigned to come to a tentative understanding about the relative limits of spiritual and temporal authority. But even a quite impersonal overture concerning this matter, which was attempted and offered, was avoided and rejected with continued aloofness and alienation, as "untimely." A suggestion for definition of the separation of these two powers, consisting of no more than a selection of pertinent passages from the symbolic

books of our church written on a simple half-sheet of paper, was offered by us with a request that comments considered necessary be written on the other side, so that a basis for understanding might be arrived at. But out of this innocent (Vehse p 144) well-meant offer, which if it had met with a kindly equally well meaning reception would have avoided untold mischief, as only now has come to light and been acknowledged, the blackest kind of crime was made. The youngest of the clergy appeared by direction of the others, declared the suggestion to be a definitive document, that the clergy were being pressured to subscribe to it, and that they were thus being treated more scandalously than they had been "by the King of Prussia." Further he declared: "We (the clergy) have not yet definitely decided to depose Stephan, we may for the time being just suspend him!!! This delay--in a matter of mortal sin--was thus to be urged on the congregation by the clergy without one word being asked about it. But the Evangelical Lutheran church knows that "delay has rascality behind it! "

Already then two of us were ready to separate ourselves entirely from the association if such misconduct on the part of Stephan were tolerated. Meanwhile there was a reconciliation after some sharp exchanges. Even before leaving St. Louis we had delivered a written representation, in which out of ecclesiastical jurisprudence and from the practice of the early Christian church, particularly Acts 15, it was shown that the tenet requiring the laity be represented in councils in lesser number than the clergy and then only as deputies was in error, and that rather the entire congregation must together with the clergy constitute the council to depose Stephan. Also this presentation was ignored.

On 30 May, therefore 25 days after the first revelations, Stephan was deposed by the council of the reverend clergy, who actually were not of the clergy at all, but rather citizens and farmers, as we were, since they had relinquished their office in Europe and had no regular call, only the irregular one from Stephan. Quite rightly the wicked but astute Stephan ridiculed this council. Also the false premise that fewer of the laity than of the clergy must subscribe was followed, despite representations to the contrary taken from Holy Scripture, as the document of deposition (Vehse p 145) shows, where six of the clergy and five of the laity are subscribed, along with the "Amen" of the people. The clergy triumphed in its false teaching.

After a review of all these hidden goings-on, it is curious to hear the honest, humble Luther, this mighty foe of priestly domination, concerning the right of the congregation to depose a bishop. The passage which is here most relevant is in the Jean edition of his works, VIII, p Iff., in a statement concerning his ordination of the Evangelical-Lutheran Bishop Niclas von Amsdorff, called by the Elector of Saxony--in opposition to Bishop Julius Pflugk, chosen by Catholic cathedral chapter at Naumberg. In this statement, written in the year 1542, Luther most magnificently disputes the right of the church or chapter house at Naumberg to separate itself from this false Catholic wolf-bishop, from his chapter, and de facto from his whole wolfish administration, and ridicules the opinion of the papists, that a council should be needed to declare a wolf to be a wolf. These words ought to be thoughtfully considered, since they also embrace what would be Luther's judgment concerning the deposition of Stephan, and remarkably enough, even as far as the appeal to judicial opinion.

"Perhaps they (the Catholic Bishop Pflugk and his chapter) may hoodwink the simple rabble and the uninformed by claiming that they were never held by the church to be wolves and false teachers, but rather had been esteemed as true Christians. That indeed were wisely and well said if it were not that the sheep are to flee from the wolves, for by the time the wolves themselves command the sheep to flee through council and open pronouncement, the sheepfold would be empty, and the shepherd one day would find neither milk, cheese, butter, wool, meat, or even a hoof, and such action would be called keeping the sheep. But what did Christ our Lord do in telling us and commanding us to guard against the wolves (Vehse p 146) without delaying for a council? It is the duty not only of the whole herd of sheep, but the right and duty of every single sheep to flee the wolves, wherever he may, as also in John 10. "My sheep flee from the stranger."

--They flee (says Christ) from the stranger, for they know not the voice of strangers." In plain German that amounts to so much as saying that the sheep or churches should flee and avoid the strangers, and that is so doing they de facto do rightly, since in that same connection our Lord calls these strangers thieves and murderers. If the sheep then are to flee, to avoid, and not to hear, they must have authority and right to depose their wolf-bishop, whereas they have authority and right not to obey, and rather are compelled by God's command to withstand him, to say nothing of not obeying. Where there is no obedience, the bishop is nothing, for without obedience there can be no society, no church, no assembling.

"How then, have they on their side no jurists, or have they all gone mad and foolish? Our own jurists and all reason says that no one may judge himself, and thus our much higher authority, the holy Scripture, also directs. Now it is obvious that we are partisans against the papacy and that they in turn are partisan against us. Who would or should here be the judge? Nobody is above the pope or above the papacy except God himself, as they themselves admit (though unwillingly). Here God is judge through his Holy Word, as they themselves must concede. Why then do they still presume to judge, being partisan and admitting that God's Word condemns them and is against them? Or do they suppose that we should fear those who feel themselves overcome and judged by God's Word? We may laugh at such fools, or pray for the errant, but we cannot fear such devil's parasites, even at the cost of body, possessions or honor.

Bishop Julius of Naumburg, the Catholic wolf-bishop, had also, as Luther says in his essay, (Vehse p 147) let it be known that with respect to Gospel, Sacrament, creeds, and whatever else had been taught and instituted, matters would remain as they had been. "But," says Luther, "only thereby to draw the people to himself." And these further words of Luther are to be noted:

"Whereas both, chapter and sir Julius, in every way approach this matter in such awkward and disordered fashion, they may blame themselves if the matter advances backwards (like a crawfish), seeing that they do not admit any fault of their own and indeed condemn themselves by seeking in the episcopal office not that which conduces to the welfare of souls but rather that which furthers their own advantage, honor, and pomp. The bishop boasts of Christian administration, of caring for souls, of not opposing the Gospel. As a German would say, the noise is part of the business. I would say thereby that we have already heard enough of such talk to our great harm. Would God that we had understood it before times, or understood it well enough. Let that be enough, until I see what they have to say publicly. Of their private conversation we know that there is nothing good in it.

"Spiritual authority may not deviate a hairbreadth from its proper function," says Luther, and "every Christian has sufficient authority to speak when he sees that the teachers are remiss, it says Luther, and "a dog learns to be ravenous by chewing on a bit of leather," says Luther also. Therefore the ecclesiastics

must now and at all times in the future be reprimanded whenever they overreach themselves, and the congregation must also see to it that things are never again carried so far as they now have been. And Arndt says, "To teach and live otherwise is simply false Christianity. Life must be according to teaching, and the teaching must fit conduct of life, as much as is in good grace possible to man, else it is pharisaism, darkness and not light."

(Vehse p 148) Only the pope, the father of hell as Luther calls him, intrudes into temporal and domestic affairs and would be all in all. The whole matter of spiritual discipline among us has been no more than the rigid regime of a drillmaster and preceptor. The clerical office was and still is an object of superstitious fear, and all has been at the will of the pastor, who did not spare to use the rod. Now, Christians are not servants and schoolboys, but free men, indeed priests. Where in God's Word is there anything to say that one is to have fear of the ministry, as of a scarecrow, as has been the case among us, so that the greatest of tyrannies in its exercise has been tolerated on the ground that the welfare of the church depends on it? Such are the abominable Stephanistic tenets. The church is built on Christ, not on the clergy. And Christ is our Good Shepherd; though he is our Lord, he would also be our brother. Accordingly, the pastors also are no more than brothers, Matth. 23:8. And where does the Bible say that one must tell the pastor everything and confide in him secretly, as Stephan wished it, calling this the work of angels? It is indeed written, Matth. 18:15-17 "Tell it to the church;" but these things are done openly. The rule of gossip, rumor, and talebearing must cease. Christians are to set each other to rights: "Let love be without dissimulation," says St. Paul, Gal. 6:1--Rom. 12:9-10. We have seen too much mischief worked by what has passed for love among us. There must be more of brotherly admonition, judgment being left to the congregation. We do not deny that the pastor should denounce manifest sinners before the congregation--1 Tim. 5:20 in public sermons--2 Tim. 4:2--, and also those who oppose the Word of Truth--2 Tim. 2:25. Such is indeed to be done, but brotherly admonition is not to be neglected. One must not, as Luther says (Vehse p 149) (letter to Nicol. Hausman, on the Sunday after Easter, 1527) single out individuals in public, for sermons are of general concern and must remain general." We must with God's help be judicious and reasonable. There has been too much on part of the clergy of childish tutelage and leading on a string. The pastor is not to presume to be a judge of persons; he is to hold God's Word before them "with all authority" but also with

“all longsuffering and doctrine.” 2 Tim. 4:2, Titus 2:15. Judgment belongs to the congregation; for the words are not to tell it to the pastor, but to “tell it to the congregation.” And therefore also in 2 Thess. 3:14,15, “If any man obey not our word” (our own word, that is, that no one be indolent, but work usefully with his hands) “note that man” (not to the pastor, as the deceiver interpreted it, but to the congregation, so that it may be openly known to all, so that he may be avoided if he does not mend his ways)--and then the words, “and have no company with him, that he may be ashamed. Yet count him not as an enemy, but admonish him as a brother.” To this we have the parallel in Matth. 18 “tell it to the congregation.” Public denunciation, ban, and exclusion from the congregation are not for the pastor, but for the congregation.

The full and entire truth of what has been said is further shown in a specially pertinent passage from the above mentioned letter of Luther to Nicol. Hausmann, then pastor at Zwickau. “I have been informed, Luther writes, that one of your preachers has been behaving awkwardly in the pulpit in vulgarly attacking members of the council, to the delight of the rabble. Thus ever do enthusiasts endeavor to shine when they seek notoriety and a following for themselves. You well know that such denunciation of persons is not proper unless it be done before the assembly of Christians (the congregation) as Christ also admonishes us in Matth. 18. Whichever Christian disregards this ordinance is up to no (Vehse p 150) good, for such public denunciation can only amuse the rabble and serve the spite of the accuser.

Again, Christians are not servants and schoolboys, but free men, yea, priests. “Be kindly affectioned one to another with brotherly love, in honor preferring one another,” St. Paul commands, Romans 12:10, and that goes also for the clergy. They are not to beat upon, but rather to be gentle toward those to whom the ministry is entrusted, 1 Tim. 3:3. All Christians have the God-given office of proclaiming the Word, and preachers exercise that office on their behalf, as leaders in the church. Before God there is no distinction between clergy and laity, and that which is delegated by the laity to the clergy is an office only. The congregation ordains the clergy, maintains them, and may also remove them if that is desirable and necessary, says Luther. Except in matters of faith and teaching, where there can be no compulsion, the clergy are as much as the laity subject to the “highest and final court of appeal” as the symbolic writings of the church term the congregation. This highest and final authority has not been recognized. The congregation is

not there for the parson, but the parson is there for the congregation. 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. And he promises expressly that He will be everywhere in the midst where two or three are gathered in His name. Also these two or three have the office of preaching, of absolution, of the Word and Sacrament among them, for "the Lord himself is present" as Luther says.

The reverend clergy should henceforth be more mindful of these matters, and particularly of what St. Paul, who is much more than all of them put together, says in 2 Cor. 4:5, "For we preach (Vehse p 151) not of ourselves but Christ Jesus the Lord; and ourselves your servants for Jesus sake," and 1 Cor. 9:19, "I made myself servant to all, that I might gain the more." No one is won over by overlordship; rather one should be a follower of St. Paul, as he also was a follower of Christ (1 Cor. 11:1) and thus be an example to the flock (1 Peter 5:3).

St. Louis 14 November 1839

Dr. Carl Eduard Vehse
Heinrich Ferdinand Fischer
Gustav Jaekel

After presenting the foregoing concluding postscript we received the following written declaration from the clergy:

We, Evangelical Lutheran pastors, have under date of 19 September and 9 November of this year received from Dr. Vehse, H.F. Fischer, and Mr. Jaekel a writing of protestation wherein it is laid upon us that we had sought to impose and still wished to uphold the "false and sectarian Stephanistic system of church government."

We must indeed with sadness of heart acknowledge, as we have Already done openly and on occasion, that we have unknowingly⁸ allowed ourselves to be used as tools to further hierarchial

(8) Unknowingly perhaps in Stephan's time, when the interdict was pronounced against member of the company and

when there was talk of episcopal ordinances spiritual and temporal, present and future--but afterwards, in the deposition of Stephan and our withdrawal from the management commission, constant appeal was made to the Symbolics and to the Scripture without provision for a hearing. The excuse of unawareness cannot stand.

Stephanistic designs through which the congregation has been hindered in exercise of important legitimate rights.

(Vehse p 152) Just as it was our sincere purpose from the moment the secret misdoings of Stephan were uncovered by God's grace to reveal and to free ourselves and the congregation from the network of lies cast about us, so we now affirm before the omniscient God and the congregation that we now wholeheartedly renounce and detest such ungodly priestly domination and tyranny over souls, now that its true nature has increasingly been brought to light.⁹

(9) The greatest of offenses is that offense is not recognized --Spener. That the reverend clergy do not wish longer to hold to the dreadful Stephanistic system as such is to be granted-but they were still caught fast by its principal features, the false concept of the church and the ministry, at least up to the point of our preparing this protestation, as is attested by facts we have made known and some we have not made known. Matters can improve only after the clergy are brought into proper relation to their congregations. Such is not only my firm conviction but also my heartiest desire.

We would not in any way minimize earlier sins in that regard, of which we have made ourselves culpable, and we pray God that he will not bring us into judgment concerning them. Those, however, who with inexplicable bitterness still burden us with having persisted in such wrongs might consider whether they are themselves ready to answer to that same rule by which they seek to judge us.

Whatever of that false leaven might in the future still be found among us, may God help us to cast out, though we may have been made mindful of it by others.

Further, we declare that for the sake of peace among us we have renounced any form of episcopal organization within our church, though it may be permitted in the Word of God and is in accord with precedents of the older church, (Vehse p 153) --whatever might be said in favor of such organizational.¹⁰

(10) One can give up only that which one has. What one does not have and is not properly one's own, one cannot give up. The choice of a bishop or adoption of an episcopal form of church government is a matter for the congregations, not for the pastors. The clergy may accept the office of bishop or an episcopal form of church government if the congregation decides to confer it upon them and if they find it to be for good. Herein we see clear evidence that the position of the clergy has been erroneous.

We shall now bend our efforts to help our congregations to attain to a proper awareness as well as to a proper exercise of their rights, and we wish for ourselves and for them who hear us grace and wisdom, love and faith, strength and blessing from the gracious hand of God and our Lord and Savior Jesus Christ. Amen.

Wittenberg, in Perry County, 20 November 1839

Gotthold Heinrich Loeber, Pastor
Ernst Gerhard Wilhelm Keyl, P.
Ernst Moritz Buerger, P.
Otto Hermann Walther, P.
Carl Ferdinand Wilhelm Walther, P.

Hereupon the following counter-declaration was offered by way of amplification of the postscript of 14 November 1839:

To the Pastors Loeber, Keyl, Buerger and the Brothers Walther.

To the letter addressed to us by the gentlemen of the clergy under date of 20 November we must (Vehse p 154) allow ourselves further written reply, after which we expect to let the matter rest. We are moved to an answer because of the distant tone of the letter as well as because of certain striking expressions.

That we have truth on our side is shown in that no contradiction is made; indeed, our only concern has been to present the truth.

We sincerely hope that the pastors together with their congregations will by God's help arrive at a truly Christian definition of their respective positions.

To suppose that we have wished to pass judgment on personalities and intentions is a clear misinterpretation of our thinking. We have spoken only facts, have drawn conclusions only on the basis of fact, and have made reply only to contrary allegations. Any-suggestion in the letter addressed to us by the pastors that there has been bitterness and a rush to judgment can hardly pertain to us. Facts are not to be gotten rid of through disputation. Nothing but bitterness could be found in the whole Stephanistic deceit, as must be clear from the evidence.¹¹

(11) In a letter to Capito, councilor to the Cardinal Archbishop of Mainz, written from Wittenberg on the Feast of St. Anthony, 1522, there is a remarkable passage which is here pertinent. Luther had been reproached for alleged acerbity. In reply he declared:

"Christianity is an open, forthright thing, and looks upon and recognizes things as they really are. It is our understanding and view that one must thoroughly go into matters, reproach and put to shame, to hide nothing, not to look through one's fingers, to excuse nothing until the free, open, and full truth stands openly revealed. It is something else again to receive those who have been reprov'd in kindness, patience, and helpfulness. But that is a matter of love and service, not of administration of the office of the Word. For also our Lord Jesus Christ, (Vehse p 155) even when he rebuked most strongly, still wished he might be as a brood hen to all, and gather them under his wings. It is charity that bears all and suffers all, though the faith or the Word will yield nothing, but rather reproaches and, as Jeremiah says, would pluck up and utterly destroy. See also, "accursed is he who is slack concerning the Lord's work."

Luther further writes that "those who condemn the Word or despise it and craftily persecute it have neither grace, nor love, nor honor, for it is out of love that their waywardness and impiety is to be opposed to the limit of one's strength."

And he closes his letter: "In sum, in love I am prepared to suffer death for you, but whoever disturbs the faith touches the apple of our eye. Here on the one side stands love, which you may either honor or mock as you will; but our faith and the Word we would have you venerate and keep holy. Our love you may dispose as you wish, but may you ever be in awe of our faith."

That we have not appropriated judgment to ourselves is evidenced by the fact that the clear wording of our letter to the clergy of 23 September asks that our protestation be referred by them to the congregation, (p. 46). Here the reverend clergy have substituted "brotherly admonition" for "judgment." We have indeed fulfilled our duty of such admonition, as was not only proper for us but also our duty. (See pages 59, 60 above).

The appendix includes the concluding postscript (of 14 Nov.) to our protestation.

We still lack the retraction to their letter of 9 September which Pastor Walther sen. promised to obtain for us from the other pastors. Whereas this letter, as we have shown, is patently contrary to God's Work, we cannot but urge such retraction.

We shall endeavor to keep peace, so far as in us lies, and pray that you will not think ill of us. Should in the future any occasion be found against us, we ask that the matter come to our attention not through clandestine (Vehse p 156) insinuation, but that you will rather tell us about it freely in a proper Christian manner.

May the Triune God ever have mercy on our long-suffering Lutheran Church, which still is the true Zion.

With all deference
St. Louis
23 November 1839

Dr. Carl Eduard Vehse
Heinrich Ferdinand Fischer
Gustav Jaekel

APPENDICES

Appendix A

Brief Abstract of the Articles of Emigration

1. Confession of Faith

The undersigned hold wholly with upright hearts to the-true Lutheran faith, as it is set forth and known in the Word of God in the Old and New Testaments and in the symbolic writings of the Lutheran Church. They therefore hold to these writings in their entirety and without alteration; they hold to these writings according to simple interpretation of the wording, as they have been generally and unequivocally understood and interpreted since their origin in the 16th, 17th, and first half of the 18th centuries and still are by all who have not departed from the original and true Lutheran faith.

2. Emigration --its origin, purpose, and goal

Upon calm and mature deliberation they see it as humanly impossible in their present homeland to keep this faith true and unfalsified, to confess it, and to transmit it to their descendants. They are therefore (Vehse p 160) impelled by conscience to emigrate and to seek a country where this Lutheran faith is not endangered and where they may serve God unhindered according to his revealed and established ordinance of grace and to use the means of grace which God has ordained for the salvation of all persons in their entirety and purity and to preserve them for their descendants.

To these means of grace belong chiefly

the office of reconciliation in its full extent and unhampered freedom,
pure and free public worship, full and pure preaching of the Word of God, entire
and pure Sacraments,
care and nurture of souls without let or hindrance.

A country such as they seek in the United States of North America, where as nowhere else in the world, full religious and civil liberty prevails and is effectively guarded against alien

influence. These States have therefore been chosen as the objective of their emigration and as their new homeland.

3. Religious and Civil Order

On the basis of the confession of faith in Paragraph 1 and the purpose of emigration stated in 2, the undersigned willingly and in Christian good faith pledge obedience to religious and civil ordinances that are to be established, as well as those relating to schooling, and particularly to orders of church discipline.

4. Place of Settlement

The place of settlement in the United States of North America is to be in one of the western states, in Missouri or Illinois or perhaps in Indiana. Therefore-- (Vehse p 161)

5. Route of Travel

The City of St. Louis in Missouri, the mid-point of all these states and their chief commercial center, is to be the first objective of the journey, from whence one may look for a permanent place of settlement.

The point of embarkation in Europe is to be Hamburg or Bremen and the destination in the United States of North America is to be New Orleans, from which point travel will be continued by river boat up the Mississippi to the immediate objective of the journey, the City of St. Louis.

6. Land Purchase

Out of St. Louis, through decision of various of the participants, a tract of contiguous lands shall be purchased, from which, after reservation of whatever may be needed for church, school, and community division shall be made to each individual according to his needs. These lands shall constitute the settlement or the municipality.

Each one shall be free to purchase as much land as he wishes outside the colony itself.

7. Obligation of all church and community obligations for five years

The undersigned obligate themselves for a term of five years to meet in common all church and community obligations, as these may be determined from year to year by the church and by the community, so that each is to contribute according to the extent of his possessions. These contributions shall be assessed partly according to value of land--real estate tax--, and partly according to the amount of other (Vehse p 162) property--tax on movables--, with Christian consideration and acquiescence.

Lands which are owned outside the community settlement must likewise by general consent be subject to these obligations.

8. Mutual Aid

The undersigned, who pledge themselves to conduct themselves toward one another as Christians, shall be duty bound for mutual help and aid in word and deed, as is seemly among Christians; however, to avoid misunderstanding, it is noted that no sort of communal property ownership shall prevail or be permitted, but rather that each individual shall be and remain empowered to dispose his own possessions as he wishes.

9. Credit Fund

To meet present necessary expenses for the needs of church, school, and congregation, for support of needy fellow-emigrants through advances, and for purchase of contiguous tracts, as specified above, an

Advance or Credit Fund is established.

From this fund specified expenditures shall be met through advances, and every payment from this fund shall be secured by the entire company and also by the lands to be purchased, though with exception of those portions designated for church and school.

Whatever remains after purchase and sale of lands, after payment of costs and losses, along with what is due to church, school, and community (Paragraph 6) will in due time be distributed among those who have contributed to the fund according to the amount of their contribution.

Payments which now constitute funds in the treasury have been made according to individual free will. (Vehse p 163)

10. Christian Probity in all Affairs

Christian probity, honesty, and trust shall rule in all affairs, in all contracts and agreements, and therefore all unnecessary formality and punctiliousness is to be avoided.

11. Free Participation

The undersigned declare, acknowledge, and testify herewith before everyone that they have been allowed full free choice whether to join the emigration or to remain at home, that no one has hastily persuaded another, but that rather that each has accepted as duty to urge the other to consider his decision carefully and deliberately, and to weigh all possible difficulties which might lie in the way, upon which each individual has made his decision in full freedom and calm deliberation, without excess haste, and is now settled in his resolve.

Appendix B

Pledge of Obedience

Requested of the Company by Stephan
On the Steamboat Selma in February 1839

In the Name of the Triune God!

The sad condition of soul in a large part of our company of emigrants, ever more openly and clearly apparent throughout our journey, has filled us with deep sadness. Sins which ruled among us and have given particular concern are: Indifference to God's Word and despising of the holy office of the ministry, particularly a damnable attitude of mistrust and of dissatisfaction over against our worthy Bishop, (Vehse p 164) repeatedly manifested in expressions of provocative impudence, further, a total lack of Christian considerateness and brotherly unity, instead of which there has been slander, rancor, envy, suspicion, hypocrisy, and recalcitrance against the ordinances of His Highness, along with heathenish misbelief and earthly-mindedness, and in general an attitude such as reflects shame and disrepute on the name of Christianity.

If we consider that we were esteemed to be a congregation impelled to emigrate for the sake of the pure apostolic-Lutheran faith and had given our most definite promise to serve God in true faith and a godly life, we must be prompted all the more to subscribe to this ensuing supplementary declaration, in order that our shepherd of souls and Bishop may know how we stand toward him and what he may expect of us, and not through silence and indifference become party to all these sins.

Above all, we confess and affirm, as before the face of the omniscient God, as to the truth, that we have full and firm confidence in the wisdom, experience, faithfulness, and benevolent fatherly love of our Lord Bishop, and we renounce all mistrustful, malicious expressions and thoughts imputing to him unrighteousness, harshness, egotism, selfishness, and carelessness in administering our temporal assets.

We affirm again with upright hearts that we intend to adhere to God's Word and the old-Lutheran confession of faith. We further-declare that we shall with heart and mouth hold fast and faithfully sustain the episcopal church constitution, introduced immediately at the beginning, which is ordained in Scripture, was practiced in the apostolic church, in all times acknowledged in the true church, maintained to this day in the Lutheran Church in Sweden, and is in accordance with the symbolic writings of the Lutheran Church, and that we will live, endure, and die according to it.

(Vehse p 165) Further, we pledge obedience in Christian willingness and uprightness, as we already have done in subscribing to the Articles of Emigration, Paragraph 3, to "ordinances, dispositions, and regulations which His Highness may make in religious as well as communal matters," and to look upon these not as an onerous yoke but rather as furtherance to our temporal and eternal welfare.

We repeat and reinforce the promise given in Paragraph 7 of the Articles that we intend to contribute according to our abilities to the establishment and maintenance of church and school through monetary contribution as well as through other services, as also for maintenance of our Bishop and our other clergy and school teachers in Christian willingness and without complaint, so far as circumstances will allow, in common concern with the other congregations, so that our obedience to God's word, our due gratitude, and our high esteem for the office of the ministry may become manifest.

Because of the manifold disparagements to which our honored Bishop together with his clergy have been subjected from all sides, we hold ourselves duty bound always to show him proper respect and in no wise to tolerate further disparagement, from wherever they may come, remembering the words of our Lord Jesus Christ: "Who heareth you, heareth me, and he who despiseth you, despiseth me," and also 1 Timothy 5:17, "Let the elders, who are eminent, be counted worthy of double honor." Whenever because of any misstep on our part we need punishment or correction, we shall accept it willingly and thankfully, whether imposed directly by the Bishop or by his delegated intermediaries, and we shall show ourselves toward our shepherd of souls as honest, upright, and obedient: "Obey your teachers and follow them, for they watch over your souls as they who must give account, that they may do it with joy and not with sorrow, for that is not to your good." Should evil-intentioned persons sow seeds of dissatisfaction and dissension among us (Vehse p 166) or indeed foment opposition, so will we earnestly and determinedly withstand them and immediately expose them, according to the express command of God, 2 Thess. 3:14, "If anyone is not obedient to our word, make him known through letters and have nothing more to do with him, so that he may be shamefaced," and also 1 Cor. 15:13, "Thrust out from yourselves him who is evil."

We have well understood the foregoing declaration and pledge and freely and without duress or haste have subscribed to it in the presence of the undersigned witnesses, and we shall hold to it truly and uprightly, as God shall truly help us through Jesus Christ! Amen.

On board the steamboat Selma, In February 1839.

Otto Hermann Walther,	clergyman-vicar)
M. Emil Julius Moritz	Wege,)--as witnesses
Theodor Julius Brohm,	Cand. rev. min.)

Appendix C

Action of Deposition Against Stephan of 30 May 1839

Whereas you, Martin Stephan, whilom Bishop of the Evangelical Lutheran congregation emigrated from Saxony to North America, have been attainted by the undersigned Council of variously committed sins of fornication and adultery, as well as of profligate

malfeasance with alien properties, and also have made yourself guilty of false teaching,¹² have refused to recognize the legality

(12) The charge of the thirst for power is not included.

of the Council set before you, not only having removed yourself from the Council and taken upon yourself the right to vindicate yourself, but also through despising the Council have also despised the Word of God, the Church, your office, and all divine ordinance, therefore we declare

You to have forefeited not only your prerogatives as Bishop and your (Vehse p 167) consecration to the office of the clergy, but also all rights and privileges as a member of the Christian church, "by virtue of our office," in the Name of God the Father, the Son, and the Holy Ghost.

Done in Perry County, at the mouth of the Brazo, 30 May 1839.

The Council of the Evangelical Lutheran congregation there settled.

Gotthold Heinrich Loeber, Pastor
Ernst Gerhard Wilhelm Keyl, Pastor
Ernst Moritz Buerger, Pastor
Otto Hermann Walther, Pastor
Carl Ferdinand Wilhelm Walther
Joh. Jacob Maximilian Oertel, Pastor (of New-York)

Dr. Carl Eduard Vehse
Johann George Gube
Christian Gottfried Schlimpert
Johann Gottlieb Palisch
Johann Friedrich Sproede (of New-York)

Read before the assembled portion of the congregation, and formally and duly agreed to for themselves and on behalf of those absent.

Done as above.

As witnesses:

Edward Thierry	Hyl Bimpage
Joh. Friedrich Gruenhagen	Acting Secretary

Appendix D

Declaration of Separation from the Governing Committee constituted after Stephan's Deposition, as of 22 June 1839.

The whilom Vice-President, the Comptroller, and the Secretary of the Governing Committee herewith declare, that (Vehse p 168) they feel them impelled by conscience to relinquish their offices:

1) The first order of business, which by their understanding and conscience should have been disposed of before all else, the distribution of land, has been already postponed for three weeks in spite of all their earnest representations, under persistent objection that this is not yet the time.

2) Instead, far-ranging plans which could be brought to fruition perhaps only in the distant future have been argued at length within the Governing Commission and with the congregation, so that valuable time has been lost. That which urgently needed to be done and also was resolved upon has been only partly accomplished. To this belongs for example the case of the absconded Luise Guenther and redemption of Credit Fund certificates.

3) The urgent need for management of affairs has hardly been taken into account. There is still no budget. In the treasury a little more than 2000 dollars remains, whereas maintenance of the company has within the past fourteen days cost about 500 dollars. It is hardly possible to allow this communal husbandry to continue. Private initiative must take over.

4) The authority of the Management Committee and particularly that of its President have not been defined. Without strict regulation, the declarers believe, it is impossible to continue.

5) All indications are that the President wishes to represent himself as indispensable, to shout down or remove all persons contradicting him, and to exercise uninhibited rulership, and indeed under guise of authority of the clergy.

Wittenberg, 22 June 1839

Dr. Carl Eduard Vehse
Heinrich Ferdinand Fischer
Gustav Jaekel

Appendix E

Letters of the Pastors of Perry County to the Congregation in St. Louis of 9 September 1839

It has regrettably become necessary that we, the undersigned pastors, must take thought in order that certain upright and blameless members of our congregations may be shielded against unjustified suspicions which many persons are endeavoring to throw upon us.

We therefore herewith declare in true honesty of heart and without reservation that in our teaching as pastors we recognize the Word of God and the collective symbolic writings of the Evangelical Lutheran Church to be the single and unalterable rule and guideline; also that we do not accept nor will accept anything relating to the constitution of the Church that is not clearly and definitely based on the pure and unequivocal ecclesiastical ordinances of this same church. We herewith further bind ourselves to give word and answer to anyone not in harmony with our official conduct in accordance with the above declaration, and to acknowledge our guilt, if we should be shown culpable, and to redress what may need redress.

The more we are truly in earnest about this matter, the less will we concede to those who would improperly wish to exploit this declaration to ridicule our office, to maliciously sow seeds of distrust against us, to trouble consciences, and to create division and offense within the congregation.

May God himself in these last troublous times guard and defend us against all onslaughts of the evil one, as we do not know what he intends (2 Cor. 2:11); and may God govern and lead our precious congregation in the spirit of truth and peace, keep us together with her without blemish and bring us with joy before the countenance of His glory. To God alone, who knows all, our (Vehse p 170) Savior be honor and majesty and power and glory and might now and in all eternity. Amen.

Perry County at the Brazo, 9 September 1839

Gotthold Heinrich Loeber, Pastor
Ernst Gerhard Wilhelm Keyl, Pastor
Ernst Moritz Buerger, Pastor
Otto Hermann Walther, Pastor
Carl: Ferdinand Wilhelm Walther, Pastor

Revocation

of the above writing of 9 September 1839 on the part of Pastor Walther sen. of 29 October, 1839.

That the following words, addressed in the letter of 9 Sept. of the current year to this congregation

"It has regrettably become necessary that we, the undersigned pastors, must take thought in order that certain upright and blameless members of our congregations may be shielded against unjustified suspicions which many persons are endeavoring to throw upon us"

had reference to Dr. Eduard Vehse, Mr. H.F. Fischer, and Mr. G. Jaekel, but can now have no such reference after explanations which we have received from them, is herewith for my part affirmed. Moreover, I bear concern that such assurance may be given also by my other brethren in office. The basis and circumstances of the anxieties which they profess to have against us have in accordance with Christian order been laid before them in writing and will in due time also be laid before the congregation.

St. Louis, 29 October 1839.

Otto Hermann Walther, Parson

CONCLUSION

Allegations, such as are contained in the writings of the late M. Fischer: "The False Martyrdom of the Stephanites," Leipzig, 1839 (written in the spring of the year, before the deposition of Stephan became known) which are directed against the congregation that emigrated with Stephan, would in any case have prompted me publicly to offer some sort of elucidation of the whole situation, had I not already decided to do so on my return voyage, long before I read that writing.

I have however therefrom become aware that besides the considerations already mentioned there are other reasons relative to the Lutheran Church in Germany for proceeding with publication.

First of all, it would be only fair to say, that these allegations in part-I would say for the most part-are true. The basic error that motivated the emigration project has been missed by the author as completely as by anyone else, so far as I know.

Before I go on, I would ask all who for any reason might think that I have overstepped myself in making a public declaration, to kindly consider the following:

1) I have felt it my duty to give repeated, detailed, and purposeful testimony against Stephan through blunt rehearsal of the Stephanite catastrophe, precisely because (Vehse p 174) I had earlier often testified in his behalf. I can affirm that what I did, both before and after, I did according to the best of my knowledge and conscience--then and now.

2) I have held it for necessary to say publicly that I abhor all evil consequences that have burdened the true, correct teaching and the entire good cause of the Lutheran Church, because these consequences became now and again already openly apparent in Saxony, giving offense to both friends and foes of that good cause.

3) I believed it necessary to touch publicly also on my relationships with the clergy in Perry County and in St. Louis though I have physically removed myself from them, because there are still some unresolved differences between them and me and my friends, because letters received here from members of congregations served by these clergy still speak of complete unity

among them, and because things are still afoot to persuade other persons to emigrate and to burden the consciences of those who would like to return to Europe.¹³

(13) For certain persons it could even be a bounden duty to return if circumstances permit. Among such are particularly spouses and children.

Luther says expressly, (Walch's ed. VII, 2218) "God does not drive you away from father and mother, man or wife; rather He wants you to stay with them; you choose for yourself if you run from those who are yours. If you were driven by another through sword or violence from parents, wife and children, house and home, against your inclination, then you have God's Word, then you may say: Rather would I deny God's Word and forsake Christ, rather would I be in misery or be buried ten cubits deep in the earth."

In any case, one ought to come to a thorough understanding with one's own people in Europe, deal with them lawfully, and assume the responsibility for leaving them.

4) Because it has been given out here in Saxony and before the (Vehse p 175) whole world through the "Songs of Exile" (although not by any doing of the congregation) that emigration is altogether legitimate and God-pleasing, and because such legitimacy is ever yet asserted by the clergy in America, the contrary view must also be known to all by such as have become persuaded otherwise--with presentation of the weighty considerations that induced such change of mind.

5) I hold it to be wholesome to bring to discussion those various weighty questions involved herein with regard to the whole Lutheran church in order to provide its faithful members--of whom there are some in many localities, also in Germany--an opportunity to express their opinions.¹⁴ Apparently the reverend

(14) The relationship of the clergy to their congregations, and of both over against the state, are vital--one must clearly distinguish the prerogatives of each--, views concerning these matters seem to me yet to be far from definite, clear, or unanimous.

clergy in the Stephanite association, along with their congregations, have given up the idea of separating themselves from the Evangelical Lutheran Church, as it still continues in Europe, and to establish a special, distinct communion. Surely they wish to remain in communion of the spirit with all true adherents of this Church. The word of the Lord: "Tell it to the congregation, to the church" may very well in so openly known a matter as our emigration, be referred to the entire church. The reverend clergy in Perry County and St. Louis will hear the voices also of other true members of this church and do their part to bring about true, basic understanding. "Where one member suffers, all suffer, and the one must help the other to rights in a spirit of gentleness." It is my sincere hope that this present writing may again (Vehse p 176) build a bridge between America and Europe.

6) I have no fear that discussion of this entire important matter in all its ramifications with respect to the Lutheran Church will bring about new confusions (for the world will take little notice of it). It is a matter of establishing the truth, and that can only tend toward peace, if God gives his blessing on which all depends. In presenting the truth I have strived not to fail in humility, respect, and love I have not wished to impugn anyone's honor, and I sincerely ask forgiveness of anyone whom I may have hurt.

7) In this connection, I have earnestly avoided wishing to express judgment or invidious opinions about any persons in exposing the errors into which they may have fallen. Such public judgment belongs only to the church, not to the individual. I also expressly declare against the idea, if anyone were to burden me with having suggested it, that the situation of the congregations in Perry County and St. Louis is desperate or hopeless because of a refusal on part of some to give up those errors that grew out of Stephanistic misdoings. --On the contrary, I hope to God that all may still turn out for the best, if only the error be first generally recognized. I am reminded in this connection of the declaration of the reverend clergy in their writings of 20 November (see *infra*, p. 151ff) which still gives reason to hope for the better, though it may still not suffice for us. As concerns their teachings in matters other than church polity I would testify that, so far as I am able to judge, they have proclaimed it purely and truly. And concern, faith, and trust for souls committed to them is in many respects not to be detracted from them. (Vehse p 177)

8) Finally, I once more emphatically protest that I have not wished to misvalue the office of the clergy. I am firmly persuaded that the proper conduct of this office confers the highest blessing on humanity. "How lovely are the messengers that bring good tidings of peace"--sounds through all history. --So also, I could never disavow how necessary and wholesome the right ministry of souls and good church discipline are, and how horrible the new almost general libertarianism, the dissolution of churchly ties, of the bonds between pastors and their congregations. It was precisely the deeply felt conviction of the importance of these two points that drew me to Stephan, and with him to America.

Upon this explanation, which I held to be altogether necessary, I return to the writing of M. Fischer. I again allow its propriety in uncovering so many important points in which the followers of Stephan (among whom there were indeed great divergences of way and manner in which they brought their points of view home to others) came to find themselves in error. There is validity to the objection that it was written *ex post facto*. Crusading zeal was not the main motive for the emigration, rather it was that eyes were directed in inflated hopes toward the American paradise. And "incurable," as the author terms us on Page VI and elsewhere describes us in similar fashion, were and are we not. No person may say that of another, it is against all truth and charity. Had but M. Fischer or anyone else brought us to recognize the chief and basic error which impelled the emigration, *ante factum*, then perhaps much would have worked out differently. Such might be said not only of the opponents of Stephan but also of his whilom adherents who through circumstance were deterred from going with him and thus should not now take the stone in hand. They were all alike blinded, and if they now purport not (Vehse p 178) to have been, then they must have acted unlovingly toward the brethren in that they did not emphatically oppose the error which they themselves supposedly recognized.

This principal and basic error which Stephan openly pronounced from the pulpit is the supposed absolute indispensability of the public ministry, of genuine, truly educated and ordained teachers, without whom the kingdom of God might not be maintained.

This error, which I already have elucidated in Page 112, above, principally caused me to forego the misgivings which I had concerning so many persons being included, without adequate backing.

The golden text: "Where two or three are gathered in my name, there am I in the midst of them," which demolishes this error, was first brought to my attention in America by another very worthy man who happens to bear the same name as our opponent in Leipzig, and the interpretation of this passage, by V.L. von Seckendorf, which appears on Page 76 above led us fully to the right point of view.

It will not be difficult to show that M. Fischer himself was in error, or at least unclear, concerning essential aspects of the office of the ministry. I shall confine myself to the following:

1) On Page 138 the author says: "The promoters of the emigration sought to work only through the power of the Word and of their preaching--and the freedom of the Gospel is not to be hindered." Could then Pastor Keyl openly assert, as the author reports on Page 43: "He who does not go along overseas is no true Christian?,,15

(15) Such teaching is expressly condemned in Augsburg Confession, Article 16: "Also those are condemned who teach the Christian perfection demands that one physically leave house and home, wife and child. This alone is true perfection: the fear of God and faith in God. For the Gospel teaches not an outward and temporal, but an inner and eternal state of blessedness and righteousness of heart."

(Vehse p 179) Are not the hearers to prove their preachers and avoid them if they teach falsely? May the government indifferently tolerate libertarians, crackpots, and charlatans? Such certainly is not Luther's teaching. See, for example, Page 128 above and elsewhere his letters.

2) M. Fischer maintains, Page 114, on the basis of Dr. Koeller's Symbolik (actually in contradiction to the evangelical precepts adduced on Pages 118 and 191) as prerogatives of the clergy, supposedly according to the confessional writings: "Every pastor has the right of absolution and of the lesser ban of the church."--but this ban depends on the congregation, never solely to the pastor. Compare Page 60ff above. "Independent judgment concerning matters of doctrine and freedom to search the Scriptures is expressly ascribed to the clergy as a prerogative of office"--actually there is no special spiritual class, and every

Christian has freedom to judge doctrine. Compare Pages 75ff, 61ff, 60, and 66, above. "Every divine has the right to ordain another."--According to the Smalcald Articles, Concerning Power of Bishops, Page 568, the congregation has the right to summon, to call, and ordain. See Acts 6:5-6, 1 Tim. 4:14. Ordination is an honorable ceremony and its exercise is wholly, as are all adiaphora (morally neutral matters) at the discretion of congregations or churches of the locality. Book of Concord, Apology, Article X. The clergy are however not the congregation, they do not constitute the church. Compare Pages 57, 69, and 110 above. Protestant church jurists, for example, the counselor Fleischer from the school of Halle in the last century, do not find reason to take exception if ordination is delegated to a layman acting in the name of the congregation or the ecclesia repraesentiva, which in this case acts for the congregation. "Offense" must of course not be caused thereby. Finally: "The clergy (not the secular authorities) have the right concerning the liturgy" - But the liturgy also pertains (Vehse p 180) to the adiaphora, and these are ordered by the congregations (consistently with the Bible, of course). Again, The clergy do not alone constitute the church. See Page 69 above.

3) The author is quite in error when he writes, Page 101: "that the welfare of the church demands the office of bishop" and calls upon the clergy of Saxony "not to overlook this point." "The kingdom of God is within you, it is not a matter of outward behavior!" See Pages 97ff and 88 above and particularly the words the diffident Luther, that in his church visitation in Saxony it would hardly be seemly to seek the honor of bishop for himself and for his friends.

In applying the passage "The fruit of the spirit is love, joy, peace, patience, kindness, charity, faith, meekness, chastity" to Baron von Uckermann¹⁶, might not the author have been thoroughly

(16) I know for a certainty and hereby declare that my most worthy friend Baron v. Uckermann did not write as he did in support of Stephan but rather of the general cause.

mindful of what he himself wrote? In some passages, it must be said in all respect to the deceased, the tone is quite triumphant and bordering on frivolity. I was shocked when I read on Page 49: "the suspension of Stephan was done thus."--Matt. 1:18

--Why such a pompous conversational style with ornate words as operos, opinion, predicate, abrogate, involve, refuse, despair, justify", [sic] etc., which suggest a literature of fashion and for which one might as well use good German words? Buffon rightly said: "The style is the man."

What the author writes on Page 142 is very important: "The consciousness of churchly commonalty was (through the emigration) gripped and moved in its inner sensibilities--one again acknowledged the power of faith--also (Vehse p 181) of Christian faith in error--as a powerful force. --Many who were undecided thereby, came to clear awareness of their religious standpoint."

The complaint of the author, Page VI and Page 101, "that a real evangelical church polity is almost entirely lacking" is to be noted. The chief reason for this lack is however not that the rights of the clergy, but that the rights of the congregation have been wholly disregarded. The extent of these rights according to the Bible and the confessional writings of our Church is very comprehensive, as we have detailed on Page 54 above. M. Fischer did not recognize them all, and neither are they all recognized in the prize essay of Kist, "The Christian Church on Earth," Page 113. If these rights were again better respected and if the lords of the clergy were again to devote themselves in love and faithfulness to the exercise of rights properly pertaining to them--the "true proclamation," "faithful administration of the sacraments," and the "special ministry of souls," as did their faithful forebears of the 16th, 17th and 18th centuries, as true Christian brethren and fathers to their congregations, then much might be better.

The author, in his "Public Opinion and Pastor Stephan," which is rich in observations and therefore worthy of perusal, includes much that should be taken to heart, as for example, the benefit of meetings for meditation, which derive from the times of Spener and which are defended against the objection of their being conventicles (Page 41ff), concerning the pompous disdain of most priests of our day (Page 50), concerning the posture of a pastor over against the social life (Page 14) and so forth.-

What the author says concerning the importance of fraternity and what he expects of its regeneration (especially Page 63) could be said in far greater force of the Lutheran Church. This

(Vehse p 182) Church in its purity is not and never was a mere abstract conception but rather a church of deep inner convictions. This is shown in its 300-year history, though one must readily admit that there have been involvements with various dominant views. The writings of Luther, Arndt, and Spener show this, as I have suggested above. The essential, inner history of this church has not yet been written, so far as I know; one notes in passing only the outward squabbles within it and judges accordingly. Of this essential history Stephan could tell much that was edifying.

The teaching of the Lutheran church is, I am persuaded, alone pure and true--I know of no other which so fully gives peace to mind and heart, head and sensibility, intelligence and spirit. How otherwise could the author himself write, Page 32, that he "had attended many sessions of meditation, but had found none that could be esteemed side by side with those held by Pastor Stephan?" This was effected certainly by nothing else than the simple merit and the mighty force of the true divine Word in the Lutheran church, whose true exponent, except with regard to church governance, Stephan undoubtedly was.

The constitution of this church, I however believe, is in need of a thorough regeneration, a regeneration not to be derived simply from the ordinances of other denominations of which I do not have exact knowledge--as "the Christian commonality, not to be found in Germany, of the French-reformed Swiss" (Page IV), or of the organization of the church in Scotland, which is highly reputed, or of the manifold divisions in the United States of North America, of which I had superficial acquaintance during the ten months I was in St. Louis. Here in North America the -posture and entire relationship of the clergy (Vehse p 183) 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 to learned writing for the so-called literate people, or give themselves over to the fashion and tone of social conversation, as is especially evident in the cities, or to a pretentious pedantic attitude, as it appears in the villages, suffers sadly by comparison. I do not through this remark wish to disparage any upright clergyman, of whom there are doubtless yet many whom I do not know but would like to know, having in the Stephanite emigration lost so much in the way of "Christian community."

Dresden, 11 April 1840