Between Tyranny and Anarchy: Lutherans Seeking Structure

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In the 1870s and 1880s, Charles Porterfield Krauth taught a course entitled "Church Polity" at Philadelphia Seminary. One of his students took copious notes, and they were published in the *Lutheran Church Review*. In the introductory lecture, Krauth made the following comment:

> In our day we are met on the one hand by the greatest extravagance of hierarchical pretensions and on the other by the most disorganizing laxity of sectarianism. We have infallibility proclaimed by the pope and virtual infallibility claimed for the people of a congregation. Under the pretense of just Church government we encounter the most absolute tyranny in the one case, and complete anarchy in the other.[1]

Krauth was a pretty good example of Luther's theologian of the cross, who "calls a thing what it is." He would go on in these lectures to offer an extended description of the polity of the Evangelical Lutheran Church which, in his view, avoided both the Scylla of tyranny and the Charybdis of anarchy. I shall withhold judgment as to whether or not he was correct in this opinion. At the moment, I'm more interested in noting a rather startling fact: Krauth was, by any account, a substantial theologian—at this time, with the possible exception of C. F. W. Walther, the preeminent theologian among American Lutherans. What is he doing teaching church polity? Indeed, how can one explain his academic title at this time: "Norton Professor of Systematic Theology and Church Polity." One hundred and twenty years later, "church polity" courses in our seminaries, if they are offered at all, are typically regarded not as theology, but as a practical class, one that students take because it is a hoop through which they must jump. These course are taught, often, by an adjunct, perhaps a local pastor or judicatory official, or by an administrator. So how did this kind of class instruction fall to Krauth?

The answer, of course, is that polity—which might be broadly defined as the structure and governance of the church—was at that time understood to be a vital and contested theological question. How the church was organized and governed was a direct consequence of ecclesiology, the doctrine of the church. It was also closely related to the doctrine of the ministry. It was thus too important to be left to second tier instructors, but had to be discussed and taught as part of the larger theological and doctrinal enterprise.

My purpose this evening will be three-fold: First, to examine briefly how Luther and the early Lutherans addressed the question of the structures of the church; second, to offer some examples from American Lutheran history of how Lutherans understood, appropriated and responded to the Lutheran experience as they structured their own church bodies; and third, to make some observations about what all of this means for us today.

Perhaps I should begin with a reminder that the New Testament offers only shadowy evidence of how the earliest Christian church was structured, and even that evidence is subject to many

interpretations. It is not surprising that this should be so; the priority in the apostolic and post-apostolic period was evangelism, and both ecclesiology and structure were being made up as they went along. It is probably safe to say that there was considerable diversity in structure. Some scholars have stressed the church's adaptation of structures from first century Judaism; others have seen a strong Roman influence; a few have given the Holy Spirit credit for whispering new and revolutionary ideas of structure into the ears of the apostles, even if there is disagreement about what those ideas might have been! By the early second century, we see at least the rudiments of the episcopal system that became standard, with its monarchical bishops and its three-fold office.

One might say that there is an interesting parallel between the first and the sixteenth centuries inasmuch as the Reformers were also preoccupied with matters other than structure, and as structures inevitably developed, they too were making them up as they went along. In addition, just as in the first century, we find a diversity of structures emerging. In part this was due to quite diverse situations in the lands where the Lutheran Reformation was taking root. But it also was a result of changes in Luther's perspective, and that of the other Reformers. Gert Haendler noted that "Luther expressed quite a diversity of views on ministerial office and congregational function, and repeated efforts have been made to harmonize Luther's divergent statements"—efforts, I would add, that have not been particularly successful.[2]

It is nearly axiomatic that Luther did not intend to establish a new church but to reform the only church he knew. This is one major reason why there is so little in the Confessions that address the question of church structure. The earlier documents seem very clearly to anticipate a reformed episcopate. One locus of this is in Article 28 of the Augsburg Confession: "According to the gospel the power of the keys or of the bishops is a power and command of God to preach the gospel, to forgive or retain sin, and to administer and distribute the sacraments."[3] The article goes on to note that in real life some bishops have temporal power, but makes a clear distinction between that, which comes from human authority, and the gospel-centered divine authority in matters spiritual. Article XIV of the *Apology* insists that "it is our deep desire to maintain the church polity and various ranks of the ecclesiastical hierarchy, although they were created by human authority. We know that the Fathers had good and useful reasons for instituting ecclesiastical discipline in the manner described by the ancient canons."[4] There is here no sense of wanting to upend the episcopal structure of the church.

Yet as the Reformation proceeded, it became apparent that the bishops for the most part were not going to be willing to accept the views of the evangelicals, and indeed were going to fight to suppress them. This led to some pragmatic problems. As is generally the case—in the 21st as well as the 16th century—problems of church structure were inextricably tied to issues of ministry.

One of the earliest manifestations was the 1522 controversy in Altenberg, and, shortly thereafter, in Leisnig, where evangelical congregations were in need of pastors and turned to Luther rather than to their usual ecclesiastical authorities. Luther began to argue that congregations had the right and the duty to judge doctrine and to call their own preachers, and he set about to help them do just that. In the beginning, of course, Luther had a ready supply of pastors who had received episcopal ordination, and he was hesitant to take upon himself the responsibility for ordaining new pastors. Probably the first Lutheran ordination was that of Georg Rörer in Wittenberg in 1525, but it was

several more years before this became common practice. Luther's attitude was expressed in 1533 in his treatise *The Private Mass and the Consecration of Priests*:

> We have at all times until now, and especially at the Diet of Augsburg, most humbly declared to the pope and the bishops that we did not want to arrogate to ourselves their ecclesiastical rights and authority; rather, if they did not compel us to accept unchristian articles of faith, we would readily be consecrated and governed by them and would also assist in maintaining their rights and authority. However, we were not able to promote or to achieve this goal.[5]

An ordinal for evangelical use would follow not long after this.

And so in this way the Lutherans sort of backed into a new structure, one centered around presbyterial ordination—defended by Luther's insistence that the distinction between bishops and presbyters, while valid, was by human right and not by divine right, and that therefore the usual ecclesiastical responsibility of bishops, including ordination, was properly exercised by presbyters as well—or, for that matter, by lay persons, but only in the case of emergency. That idea developed in a significant way with Luther's concept of "emergency bishops." There are two different lines of interpretation of this action. In one view, Luther believed (along with most medieval thinkers) that since the "two kingdoms" are both part of one body, it was the duty of the princes to step in when the ecclesiastical authorities refused to act. The other view—and in my opinion the better one—is that the princes were urged to act precisely in their capacity as members of the church. In theory, government of the church belonged to the whole body of Christians; in practice, the princes, because their influence was wider than just a local situation, were best suited to step into the breach and bring some order to the evangelical congregations left adrift by the bishops.

While much has been made of Luther's theory here, it should not be forgotten that he saw this as a topic rather peripheral to his primary concerns. This is a situation, he wrote, that "I commend to the lawyers, for it is not my business as an evangelist to decide and judge in these matters."[6] But let's not let David Swartling get hold of that quotation!

But whichever interpretation we accept, the end result is pretty much the same: In much of Germany, the governance of the church became the province of the state. Lewis Spitz argues that it is hardly fair to blame this on Luther; rather it was a predictable outcome given the trajectory of political and social changes in the 16th century. "The momentum of the political ascendancy of the princes," he writes, "had carried them into the saddle even before Luther's reforming activities began."[7] Spitz notes further that the political realities in various areas where Reformed influence loomed large also must be seen as the primary factor in the development of presbyterian and congregational polities in that tradition.

And when the church's governance became the province of the state, the necessary corollary was that there was considerable diversity. When we think of "state," we often think in fairly large terms: Saxony or Hesse, for example. In fact in the German territories alone, there were in the 16th century some 300 different authorities—most of them, of course, small estates or counties or towns. But in every place where the evangelical reform took hold, there were individual variations. This did not bother Luther or the other leaders of the reform movement; their primary concern was that the

gospel be preached, and the details of the structural reform in each place was by and large left to others.

Still, there was some commonality, thanks in part to the work of Johann Bugenhagen, who took charge of organizational questions in Wittenberg and became an advisor in many other places. Regular visitations, the appointment of superintendents who would have the authority to ordain, and the establishment of schools for the training of preachers were among the structures that Bugenhagen promoted.

As the Lutheran Reformation spread, each nation or principality adapted these structures to their own situation. In Denmark, the Roman Catholic bishops were deposed and evangelical superintendents appointed—ordained, in fact, by Bugenhagen (or perhaps installed, but with laying on of hands)—though the Danish church later went back to the use of the term "bishop." In Sweden, the bishops themselves accepted the evangelical reforms, and thus the church there maintained a formal episcopacy. It should be added, however, that the understanding of that office in several ways had more in common with the non-episcopal Lutheran structures in Germany than with the medieval Roman Catholic view.

The constraints of time do not permit me to trace the developments of Lutheran ecclesiology and structure through the next centuries in the European experience, which took place between the poles of orthodoxy and pietism. Generally, the orthodox had a "higher" view of the place of the ordained ministry in the church's structure, and the pietists a view of the church more centered on the spiritual renewal of the laity. Both, however, as James Pragman has put it, "seem to be unimpressed with the need to conform their views . . . to the traditional patterns of the pre-Reformation church."[8]

Before turning to the American experience, it is important to note that the doctrines of church, ministry, and congregation were a major theological concern during the 19th century in Europe. Wilhelm Löhe began his important work *Three Books About the Church* by observing that "In our day all people are talking about the church," and it must have seemed that way.[9] Generally the debate was between those like Schleiermacher and several others who viewed the church in an anthropocentric way—the church and ministry as human constructs, institutions developed by Christians in response to the gospel; and those like Stahl and Löhe, who saw both church and ministry more theocentrically, as divinely ordained. Obviously these different views would lead to quite different approaches to structure and polity. Nineteenth century American Lutheran theologians were well aware of this debate, and it shaped their thinking.

Lutheran settlers in America, for better or worse, developed church structures in the new world and bequeathed them to us. If there was diversity and variety in the Old World on this subject, it pales in comparison to the New World. Here Lutherans developed structures which were sometimes based on what they had known in Europe, but in many cases were an ecclesiastical version of *Novus Ordo Seclorum*. There was at least a fairly widespread sense that in a new world, ecclesiastical structures must be adapted to a new situation—indeed, some went so far as to suggest that the "new world" was God's gift in that it provided the church with an opportunity to shake off the shackles of Europe and design a church order truer to the confessions—which, of course, must also mean truer to Scripture. In the end, however, the case is strong that these new structures were truer to American political theory than to either confessions or Scripture.

Let us start with Muhlenberg, the tercentenary of whose birth we will celebrate next year. While he and his churches were not the earliest Lutherans in America, they represent the strongest and most influential "stream" of Lutheranism prior to the 19th century. And yet it must also be said that, in terms of church structures, Muhlenberg Lutheranism owed quite a bit to those earlier Lutherans in America. While it is generally argued that Muhlenberg was the great organizer, who brought order out of the chaos of the scattered congregations in 18th century America, in fact those congregations, though certainly scattered, were already organized. No written constitutions seem to have survived earlier than Muhlenberg's time, but the government of these early congregations was at least informally established—organization which, in the words of Beale Schmucker, "had arisen out of the necessities of the case, and in all of them in had the same character."[10] There were, in each congregation, two orders of officers, elders and *Vorsteher* (or deacons). This system did not come from Germany; rather it originated with the Lutheran church in Amsterdam and shows strong influence from the dominant Reformed Church there. From Amsterdam this essentially presbyterial structure found its way to St. Mary's Church in Savoy, the most prominent German Lutheran church in England which would also be highly influential in the development of the liturgy in Muhlenberg's time. The Amsterdam church order also seems to be have been imported into the early Swedish congregations in America, through their association with the Dutch Lutherans in New York.

So when Muhlenberg arrived, congregations already had a fairly well-defined and consistent structure. Muhlenberg built on this existing structure as he developed what might be called a model constitution. The elders and the *Vorsteher* were elected by the congregation, and together with the pastors, who were the legal trustees, they formed the church council. This was to be the common pattern among the so-called "united congregations" that eventually formed the Ministerium of Pennsylvania, and was carried into the synods that were spun out of the Ministerium.

And so what became the typical congregational organization in Eastern Lutheranism owed much to the Reformed tradition, at least in its outward form. Beale Schmucker argued in 1886, perhaps a bit defensively, that "the resemblance is more in outward form than inner spirit." Unlike the Reformed tradition, the Lutherans did not claim that this was a divinely appointed system of government, but simply that it was pragmatically useful—and, as it turned out, it fit in well with the developing concept in America of representative democracy. This, Schmucker claimed, was the chief reason for its general acceptance and permanent endurance. Theodore Tappert agreed, calling Muhlenberg's 1762 congregational constitution "a major landmark in the transformation of a European into an America church . . . not only in the sense that it was independent of state control but also in the sense that membership in the church was voluntary rather than an automatic accompaniment of citizenship."[11]

Muhlenberg is better known, however, for his role in establishing extra-congregational structures. The Ministerium of Pennsylvania, founded in 1748, became the first "synodical body" in American Lutheranism, and it was in many senses a new contribution to Lutheran polity. Once again this reveals how closely connected are questions of structure and polity to the doctrines of ecclesiology and ministry, since one of the purposes of its organization was to provide for the ordination of J. N. Kurtz. Kurtz had been sent to the colonies from Halle as a catechist, and Muhlenberg was anxious to have him ordained in order better to provide for the needs of the congregations he was serving.

So it was that several of the pastors affiliated with Muhlenberg met in Philadelphia. One item on the agenda is quite revealing as to Muhlenberg's sense of why this organization was important. There were several pastors who had pointedly not been invited to participate, and question was raised about this. Muhlenberg's first answer was that "they decry us as pietists without reason," but then went on to some more objective reasons: "they have not been sent hither [i.e., to America], have neither an inner nor an external call"—in other words, they were sort of lone rangers, not preaching under the authority of any particular church body or organization. Furthermore, "they are under no Consistorium, and give no account of their official doings"—so again, no accountability. And then "they are not willing to observe the same Church Order that we do; each wants to conform to the ceremonies of his home." So there is a sense here of the need for a common liturgy—which is really another demand for accountability. The purpose of the Ministerium, then, was not simply fellowship and camaraderie, but mutual accountability.[12]

This can be observed in another document, the *revers* or declaration signed by Kurtz at his ordination, which offers a very clear witness to what this "structure" called the Ministerium meant, and how seriously it was taken:

> I acknowledge myself bound to carefully fulfill the following conditions of my call, even though not expressly mentioned in the written call:
>
> I. To show respect to the Rev. Pastors of the United Congregations . . .
> II. To teach in my congregation nothing, whether publicly or privately, but what harmonizes with the Word of God and the Confessions of the Evangelical Lutheran Church, and, to this end, to study them diligently.
> III. To introduce no other ceremonies in public worship, and the administration of the sacraments, than those introduced by "the College of Pastors" of the United Congregations, and to use no other formula than those which they approve.
> IV. To undertake nothing important, either alone or in connection with the Church Council, without communicating with "the College of Pastors," and receiving their opinion, and acquiescing in their advice;
> V. To give an account of my official acts, either orally or in writing, as the "Reverend College of Pastors" may require. . . .
>
> These items, and everything naturally implied therein, I acknowledge as the conditions of my call, and my obligation thereto. I also declare to every one that, if I intentionally act against any one, or more, or all of these particulars, I will thereby forfeit all the privileges to which my call entitles me, and will acknowledge myself, as, by such unfaithfulness, deserving due punishment.[13]

Clearly in Muhlenberg's structure, the mutual dependence and accountability of the members of the ministerium is striking.

If the congregational organization under Muhlenberg gave significant authority to laity, the structure of the larger body decidedly did not. It was, indeed, a *ministerium*, and all decisions were made by the clergy. There were generally lay representatives of the congregations present, but they were clearly in the status of "advisors"—sort of the like the ELCA Conference of Bishops! It would not be until after the Revolution that laity would be admitted as voting members to this first "synod"

in North America—and again, that was a decision probably more influenced by the *Zeitgeist* in the new nation than by any deliberate theological rationale.

The *Zeitgeist*, of course, is a powerful force, and we see it blowing like a hurricane through much of 19th century American Lutheranism, in matters of polity and structure no less than in matters of doctrine. The best way to get a sense of this is by looking at representative examples. Let's begin with that b□te noire of American Lutheranism, Samuel Simon Schmucker.

Schmucker has a bad reputation among Lutherans generally, and with good reason. He was, however, the theological mind behind the structure of the church embodied in the General Synod, and that structure is an important one to understand. In many respects it stood in continuity with Muhlenberg. The 1833 "Formula for the Government and Discipline of the Evangelical Lutheran Church," was likely written by Schmucker and appended to his *Elements of Popular Theology* as Exhibit A of what a church body in his view should be.[14] This is a fascinating document, in many ways, and not just with regard to structure. Consider, for instance, its opening paragraph: "We believe that from an examination of the works of nature and the course of events, we may derive evidence of the existence of God and the prominent truths of natural religion." Thankfully it went on say that a "further revelation from God is desirable," and that revelation is found in the Bible; but it also insists that "liberty of conscience and the free exercise of private judgment in matters of religion are natural and unalienable rights of men, of which no government, civil or ecclesiastical can deprive us." The *Zeitgeist* again, riding high in the era of Jacksonian democracy.

But "as Jesus Christ has left no entire, specific form of Government and Discipline for his church, it is the duty of every individual Church to adopt such regulations as appear to them most consistent with the spirit and precepts of the New Testament." The *Formula* then goes on to outline a tripartite structure: the Council of each individual Church, the District Synods (composed of all the clergy and an equal number of laymen), and the General Synod—which is, however, only an Advisory Council.[15]

The Church Council in the congregation consists, as in Muhlenberg's model, of the pastor, plus the elders and deacons, elected by the congregation. The pastor presides. At the Synod level, however, there is one significant change from Muhlenberg. The Synod consists of all the clergy, and an equal number of lay delegates—again, Jacksonian democratic influence. This lay representation, however, is mitigated by a couple of provisions. First, the number of lay votes can never exceed that of the clergy; indeed, if a lay delegate is present but his minister is not present, the lay delegate cannot vote. Furthermore, it is required that the clergy attend the Synod meeting "without the most urgent necessity"; there is no corresponding requirement for lay delegates. And finally, it is required that the clergy hold a "ministerial session" in order to attend "to those duties which Christ and his apostles enjoined upon them alone." This means primarily the examination, licensure, and ordination of candidates for the ministry, but also consideration of any accusations of heresy.[16]

The *Formula* makes no specific requirement that a candidate for ordination have received a congregational call, though it seems to assume this. In Schmucker's view, however, the call consists of an inner call—characterized by evidence of piety, talents, and a desire to serve; and an external call, which he defines, not as the call of a congregation, but as "the regular induction of an

individual into the ministerial office by one or if possible several existing ministers with prayer and the laying on of hands, or, as it is usually termed, by *ordination*."[17]

In summary, then, Schmucker's view of the structure of the church, as embodied in the General Synod, privileges the clergy in several ways, yet insists on lay involvement in most matters, and stresses liberty of conscience and private judgment in all things.

Against this background, it is instructive to look next at Krauth and the General Council. One of the key documents adopted by the General Council in its 1866 constituting convention, drafted by Krauth himself, was entitled, "Principles of Faith and Church Polity of the General Council." In that confessional revolt against the Schmuckerite "American Lutheranism," the polity of the church, at least in this document, got equal billing with the faith of the church.

Krauth's view of church structure has not gotten as much attention as several of his other theological concerns. He was in many respects also a descendant of Muhlenberg, but there were key differences between him and Schmucker, differences that led to somewhat different polities between the General Synod and the General Council. One of the most dramatic was Krauth's insistence that the longstanding arrangement of having congregations led by two classes of lay officers, elders and deacons, was authorized by neither Scripture nor confessions. "The whole theory of lay or ruling eldership is built upon two false emphases," he wrote, "and is not only without warrant from God's Word but in direct conflict with it. . . . Though the theory was incautiously adopted by some of the great divines of the Lutheran Church, yet it is in conflict with the teachings of our Confessions." [18]

For Krauth, it was appropriate for laity to take a role of leadership in the congregation, but their office was that of deacon and they were clearly subordinate to the pastor—indeed, they were "primarily the executive aids of the Pastors in the work of Christ for and in the Congregation." The congregation itself the General Council defined as "the Pastor and other members"; the Council as well was "the Pastor and the Deacons."[19]

Ironically, while Krauth himself labored for several years to produce a constitution for the synods of the General Council, the task was never completed. Reading between the lines, it appears that there was resistance among the various synods to giving up their own constitutions for a uniform model. The General Council itself, of course, adopted a constitution, and with some striking differences from the General Synod's constitution. You will recall that the General Synod was defined as an "Advisory Council." The specific areas where it was authorized to "give advice" were fairly limited. The General Council, however, listed the following as it's "powers and duties": "To guard the purity of the Faith and the right administration of the Sacraments; to devise and execute plans for the increase of a holy, able and effective ministry, especially by establishing or encouraging good institutions of learning and theological schools; to circulate Evangelical truth through the press . . . To recommend or prepare suitable books, for official use, in conducting public worship, so that uniformity may be promoted among the churches. No Liturgy or Hymn Book should be used in public worship except by its advice or consent . . ." It went on to list a number of more mundane duties, but obviously the hope was for a general church body that would give priority to defending the faith, and that would have significant influence across its synods and congregations.[20]

Furthermore, the synod as so defined *was* the church. "A free, Scriptural General Council or Synod, chosen by the Church," Krauth wrote, "is, within the metes and bound fixed by the Church which chooses it, representatively that Church itself, and in this case is applicable the language of the appendix to the Smalcald Articles, 'The judgments of Synods are the judgment of the Church.'" [21]

Krauth was also one of the few Lutheran theologians of his age who was willing to think about the possibility of an episcopal structure. Noting that Lutherans generally have no interest in theories of Apostolic succession, he noted that the Lutheran Church in fact *has* that succession "even in the High Church sense in Sweden and Norway and she could have had it everywhere had she been foolish enough to attach importance to it." Nevertheless, he wrote, "It is not the episcopate itself, but only false views in regard to its necessity and objectionable features in its administration which are irreconcilable" with Lutheran teaching. The possible restoration of the episcopacy to the Lutheran Church in this county is, he wrote, "purely a question of expedience, for the church itself to determine."[22]

Compared with Schmucker and the General Synod, then, Krauth and the General Council seemed to place even more authority with the clergy. They also, while maintaining the theological priority of the congregation, developed a more churchly concept of what a general body is, and in what sense it is also the church; and while insisting that the church has a good deal of freedom in structuring itself in a particular time and place, they also insisted that both Scripture and the confessions offer some direction and guidance which frankly rule some possible structures out of bounds.

Now let's consider briefly another "descendant" of the Muhlenberg strain of Lutheranism, but one that went off in a different direction. When what became the Joint Synod of Ohio was formed in 1818, it was largely for pragmatic reasons. Population was growing in the young state, and travel back to Pennsylvania could be arduous. The synod adopted the constitution of the Pennsylvania Ministerium almost verbatim, so there were no apparent theological or structural differences. That would change, however, as German immigrants—and particularly German ministerial candidates—poured into Ohio, and as English-speaking pastors and congregations tended to pull away to form their own synods. The Joint Synod drifted in the direction of the Missouri Synod, though the election controversy in the 1880's proved an obstacle too difficult to overcome.

But in some respects, Ohio continued to lean toward Missouri, and that included the matter of ministry, and its concomitant questions of polity and structure. This can be seen, for example, in the attitude toward lay representation in church structures evidenced by Matthias Loy, the dominant theologian in the synod for decades. In its first several years, the Joint Synod of Ohio continued the practice inherited from the Pennsylvania Ministerium, and usual among Muhlenberg descendants, of having a separate ministerial session at synod meetings. Loy was unalterably opposed to this. In his memoirs, he spoke frankly: The system was "wrong in principle and operated injuriously in practice." In Loy's view, it violated the teaching of the confessions, and could be defended only on the grounds of veneration of an old custom. He felt so strongly about it that he declined election as president of the synod's Western District because he could not in good conscience call a meeting of the ministerium apart from the lay delegates. Eventually Loy's position won out, and the ministerium as a separate body was abolished.[23]

Loy's view of the ministry led to considerable controversy with the other German synods—with Iowa and Buffalo on the one hand, whose regard for the ministry was considerably greater, and with Missouri on the other, whose peculiar theories were too much even for Loy. To put it simply, Loy would not identify the ministry as being authorized by anything other than a congregational call. Ordination for him was simply the confirmation of a call, and it was not essential. How this played out in local and synodical structures beyond the abolition of the ministerium is a question that deserves further investigation, but I have not been able to do it.

It was the Missouri Synod that developed the most distinctive doctrine of church and ministry, one that kept those topics on the front burner during the later 19th century theological discussions especially among the German synods in America. It was a doctrine born of unhappy experience—not always the best incubator. As you will recall, the Saxon immigrants came under the leadership of Martin Stephan, who had a very high view of the ministry, or at least of his own ministry. It was determined on shipboard that Stephan would be invested with the office and the powers of archbishop of the colony.

The story of Stephan and his fall from grace is one that still raises controversy in the Missouri Synod. Most Missouri historians have had nothing good to say about him; a recent "revisionist" biography has elicited remarkably vehement responses. Whatever the truth of the matter, Stephan was deposed not long after settlement in Missouri, on the basis of allegations of sexual misconduct—though in some respects that was just the presenting issue; his autocratic exercise of power was already beginning to grate.

This led to a crisis of faith among the settlers, one that it is difficult for us today to grasp. The question in their hearts was whether or not they could still be considered a church. The story is fairly well known, at least in LCMS circles. A layman, an attorney named Carl Vehse took the lead in producing a series of theses which articulated a radical view of the priesthood of all believers and what it meant for the church. "The office of the priesthood has been given to the congregation by God," he wrote, and "the office of preaching is no more than a public service entrusted to someone by the whole congregation."[24] The pastors in the colony did not take too kindly to this interpretation, and at length C. F. W. Walther developed a theory of ministry and church structure that accepted certain of Vehse's precepts, and yet took the edge off of them. What resulted was a doctrine unique in the annals of Lutheranism.

Walther began by insisting that the office of ministry is "distinct from the priesthood that all believers possess." It is a distinction, however, that acknowledges that all church power is given by God to the congregation, but that the office of the ministry is "transferred by God through a congregation . . . and through its call." The office is "the authority to exercise the rights of the spiritual priesthood in a public office on behalf of all, which authority is transferred by God through a congregation."[25]

At the same time, Walther accepted in large part the demand by Vehse and others that laity have a more significant, even a decisive, role in the governance of the church. Carl Mundinger put it this way:

> In this extreme exigency Walther made a virtue of necessity and adopted a realistic course. He accepted the principles of church government which his lay opponents had

> gathered from the writings of Luther. To these he added from Luther certain provisions which safeguarded the dignity of the ministerial office: his transfer theory, the doctrine of the divinity of the call, the absolute authority of the Word of God, and the permanence of tenure.[26]

To what extent these principles were actually gathered from Luther is quite debatable, though certainly the accepted interpretation in Missouri has generally been that Walther's doctrine was purely Scriptural and Confessional. In a paper a few years ago, Lawrence Rast argued—persuasively, in my view—that there was a good bit of American democratic thought mixed in.[27]

But however you slice it, Walther's concept of the structure of the church, and particularly the relative power and authority of minister and congregation, became the norm in the Missouri Synod; and Walther's stature meant that these ideas would have great influence on synods which floated in and out of the Missouri orbit. The structure that Walther bequeathed was one in which congregations had absolute authority over much of the life of the congregation, including the calling of a pastor, and yet the pastor was regarded with great respect in matters of doctrine and faith. At the same time structures beyond the congregation were understood to be entirely advisory.

We should note that Walther's ideas about congregational authority and autonomy were strenuously opposed by some of the other German leaders. J. A. A. Grabau of the Buffalo Synod called this "a false, pietistical doctrine"—"Enough of these anabaptistico-democratic follies!"[28] Wilhelm Löhe, who is claimed by both Missouri and the Iowa Synod, was a tad more restrained, but worried that "the strong admixture of democratic, independent, and congregational principles in your constitution will do greater damage than the interference of princes and governmental agencies in the Church of our homeland." In exercising their absolute power to elect a pastor, Löhe argued, "the spirit of our times might drive laymen to apply the same pernicious tactics . . . which they now use in the election of a representative in the legislature." And besides, "the unlimited right of suffrage on the part of the congregation is not only nonapostolic but . . . downright dangerous."[29]

Let's consider just one more strain of American Lutheran thought, this one from the Norwegians. They were, of course, a diverse lot, ranging from the stoic Church of Norway conservatism of the Norwegian Synod, to the almost anarchic free church spirit of the Haugeans. I would like to look briefly at Georg Sverdrup, the driving force, ultimately, behind the Lutheran Free Church, as an example. Sverdrup, like others before him, found that America was a remarkable place in which to contemplate the church and its governance. In 1877, he reflected as follows:

> Nor can we be blind to the fact that it was a distinct mercy of God that just at the time when . . . the free Norwegian congregations should be established, he led us out to this new country, where we had to begin entirely anew. We came to a country where the liberty of the congregation was respected by the state, where each one, unhindered by the laws of the land and inviolate in his civic rights, was at liberty to be within or outside of the congregation. We came to a country to which we brought nothing with us except the Word of God and our good confession where there was no ancient church property to quarrel about, no church officials of whom to ask permission, no priesthood that immediately could begin trying to preserve the old class rights. These things may not be done in the free church. . . . We thank God that . . . now, at least in some measure, [we]

> can speak about a free church fellowship among the Norwegians. This is due to the singular dispensation of the Lord, that he, at the very time when the fire of the awakening swept through Norway, led so many Norwegian men and women, who had been gripped by the Spirit, across the sea to a land of liberty, where the congregation was permitted to grow in peace according to the statute by which God gave grace. . . . [F]or a free church to originate in the tepidness and lethargy in which the state church finds itself most peaceful and most comfortable would be the most dreadful of all.[30]

In Sverdrup's conception, the congregation plays the major part. The first of the "fundamental principles" of the Lutheran Free Church was that "according to the Word of God, the congregation is the right form of the Kingdom of God on earth." This does not necessarily imply a denigration of the role of the pastor; Sverdrup actually had a fairly mainstream Lutheran view of the ministerial office, perhaps with one exception: the pastor's duty to preach and teach the Word of God does not take away from the congregation itself the responsibility to edify the Body of Christ. Pastors, in short, are not the only ones charged with teaching and building up the congregation.[31]

Sverdrup also had some things to say about the structure of the church beyond the congregation. The congregation, he insists, "directs its own affairs, subject to the authority of the Word and the spirit of God, and acknowledges no other ecclesiastical authority or government above itself." Church history teaches us, he wrote, that "the 'church' whereby we mean the *external* organization of many congregations nearly always has been an enemy of the congregation and its liberty." There was no such larger organization in apostolic times, he insists. Yet there is a need for some kind of connection with others, as long as it does not become authoritative. Congregations may form a "voluntary federation of congregations gathered together for mutual help and strength." In Sverdrup's view, the less the clergy have to do with forming such a federation, the better.[32]

Sverdrup's style of congregationalism was infused into the Lutheran Free Church, and then ultimately passed into the American Lutheran Church where it coexisted well with views like those of Matthias Loy, as well as the more congregational end of the spectrum among the rest of the Norwegians. It still exists today in its purist form in the Association of Free Lutheran Congregations, but its residue is not unknown in the ELCA.

All of this is history—but then as William Faulkner reminded us, "The past is never dead. It's not even past." What does this mean for us today? Some observations:

(1) Again today, as in Löhe's time, "all people are talking about the church." We are, it is often said, in a period of realignment, or potential realignment. New synods and associations are springing up like dandelions, each one needing to make decisions about structure and polity; meanwhile those of us who are sticking with old synods are facing a round of proposals for "restructuring," some based on hard financial realities and others based more, it seems, on the theory that it's good to shake things up now and again.

Lutherans like to think of polity and structure as *adiaphora*, and in a sense that is true enough. But is it true in every sense? Some years ago the late David Gustafson presented a paper at the Congress on the Lutheran Confessions with the provocative title, "The Augsburg Confession and Polity: Where We've All Screwed Up." Gustafson argued a series of theses, the first of which was that "Church polity is not adiaphora." His point, perhaps a little more nuanced than the thesis, was

that "insofar as the church's structure serves to enhance, promote, and proclaim the Gospel, then that structure can never be reduced to the status of indifference. It matters."[33] It *does* matter. The challenge, it seems to me, is to abandon our infatuation with pragmatism and appropriate some of the 19th century sense of polity as a distinctly *theological* concern. The question we should ask is not so much "how can we make this work better" as "how can we best embody our confessional theology in the structures of the church"? I admire many things about the launching of the new North American Lutheran Church, but one thing I admire most of all is the deliberate thought given to how to allow their bishop to be a theologian and pastor, and not just an administrator. That's the kind of thinking we must do.

(2) On the other hand, until we Lutherans fulfill our "ecumenical destiny of reconciliation with the bishop and church of Rome"—that's a quote from our *Rule*, you know—the reality is that we are going to live with a diversity of structures. Viewed historically, that diversity is tied closely to the socio-political situation in which we find ourselves at one time or another, and one place or another. Lutherans in the United States have drunk rather deeply of the waters of democracy and republicanism, as was almost inevitable. The ELCA is not to blame for this, though in many ways it is the end result, at least so far, with its 60% minimum lay representation in all synodical and general bodies, and its relegation of the bishops to advisory roles.

It's not part of the *Rule* of this Society, but it is in our Founding Statement: "We believe that pronouncements on the faith and practice of the Church adopted by assemblies that are dominated by those who have no public teaching office undermine the right use of teaching authority in the Church. And we commit ourselves to work for changes in the constitutional documents of church-wide bodies, judicatories, and congregations that give proper place to the teaching office." I wonder how we're doing with that? It is a noble goal, to be sure, but to think about structural change, constitutional change, that would be perceived as the "disenfranchisement of the laity" is probably not going to happen very easily, and maybe not at all. So it raises the question of how, given this reality, we work toward that goal in other ways? And is this something we're actually working on in any real sense?

(3) I suggested in the beginning that today polity and structure is often regarded simply pragmatically, without much theological import. This is not a new problem. Back in 1952 the ULCA authorized a commission to "survey and study the organizational structure" of the church and recommend changes. The proposal two years later laid absolutely no theological groundwork for what they were presenting, but simply noted, "Recommendations which follow do not in any sense exhaust all opportunities for improvements in organization structure, relationships and functioning of general agencies. Because the organizational structure of the Church is dynamic, not static, the future growth in importance of various phases of the work of the Church will give birth to the need for restudy and possibly further revision."[34] This absolutely pragmatic treatment of structure came from the ULCA, the descendants of Krauth, "Professor of Systematic Theology and Church Polity." This is certainly one area—though not the only one—where Krauth would have been astonished by the attitudes and approaches of his progeny.

(4) While it is entertaining to lament our structural problems, it is salutary to remember that in another sense, structures definitely *are* a matter of indifference because of the infinite human capacity to make vehicles crash and burn, no matter how structurally sound they might be. Many of

us have a fondness for a church with an episcopal order; but if we think for a moment or two about the Church of Sweden or the Anglicans in our day, we must quickly admit that episcopacy in and of itself hasn't preserved those churches from flirting with heresy. For that matter, the Roman episcopacy hasn't exactly been in the forefront of preserving the holiness of the church. Nor was Martin Stephan. On the other hand, despite Loy's and Vehse's and Walther's embrace of democracy and lay authority in the church, despite Sverdrup's dream of "free congregations," that freedom has often enough descended into anarchy, as congregations focus quite easily on "what seems good to us" without much input from the Holy Spirit. In this regard, giddy assertions about the benefits of either episcopal or congregational authority are often hopelessly na•ve.

(5) Finally, I've made the point without, I hope, being too repetitive, that questions of structure and polity as theological concerns are closely entwined with the doctrines of the church and the ministry. And while we could debate endlessly about just where the nub of the theological question might lie, it seems to me that our most important work, and the peculiar work of our Society, lies in reflecting, praying about, witnessing to the meaning and significance of the office of the holy ministry. The ELCA has pretty much washed its hands of that question. Ask any representative sampling of ELCA pastors, at least in my neck of the woods, how they understand their own office and its relationship to the church, and you will likely find examples and advocates of every variation I've mentioned this evening, and a few more as well. Truth be told, I think that is probably also true of every other Lutheran church body represented here. It is enough to make one throw up one's hands in despair.

And yet there is an interesting reality that was well stated by A. G. Roeber, a historian at Penn State and a Lutheran layman, in a paper several years ago at the Lutheran Historical Conference. He argued that, in the face of pietism, revivalism, anticlericalism, antinomianism, American democratic demagoguery and all the rest, "we do not really know how to account for the repeated survival of a confessionally 'high' view of the pastoral Office."[35] As a historian, he's probably right. As a churchman, I wonder if the Holy Spirit doesn't have something to do with it—the Holy Spirit who calls, gathers, enlightens and sanctifies the whole Christian Church on earth, and keeps it united with Jesus Christ in the one true faith." I wonder if it doesn't have something to do with the fact that "to obtain such faith God instituted the office of the ministry." Many structures come and go—not that they are unimportant, but they are transitory, changing. From the confessional viewpoint, the fundamental structure of the church has to do with the ministerial office and its integrity. And that, please God, is a matter about which you and I may actually have some significant things to say and do.

FOOTNOTES

[1] Charles Porterfield Krauth, "Church Polity I," *Lutheran Church Review* 2 (October, 1883), 308.

[2] Ibid.

[3] Theodore Tappert, ed. *The Book of Concord* (Philadelphia: Fortress Press, 1959), 81.

[4] Ibid., 214.

[5] *Luther's Works* (American Edition) 38, 147.

[6] Quoted in Lewis Spitz, "Luther's Ecclesiology and his Concept of the Prince as Notbischof," *Church History* (1953), 22: 113.

[7] Ibid., 134.

[8] James H. Pragman, "Ministry in Lutheran Orthodoxy and Pietism" in Todd Nichol and Marc Kolden, eds., *Called and Ordained: Lutheran Perspectives on the Office of the Ministry* (Minneapolis: Fortress Press, 1990), 75.

[9] Wilhelm Löhe, *Three Books About the Church*, trans. James L. Schaaf (Philadelphia: Fortress Press, 1969), 43.

[10] Beale M. Schmucker, "The Organization of the Congregation in the Early Lutheran Churches in America," *Lutheran Church Review* 6 (1887), 189.

[11] Theodore Tappert, "The Church's Infancy 1650-1790" in E. Clifford Nelson, ed., *The Lutherans in North America* (Philadelphia: Fortress Press, 1975), 55-56.

[12] *Documentary History of the Evangelical Lutheran Ministerium of Pennsylvania and Adjacent States* (Philadelphia: Board of Publication of the General Council of the Evangelical Lutheran Church in North America, 1898), 11.

[13] Ibid., 20-21.

[14] Samuel Simon Schmucker, *Elements of Practical Theology* (New York: Leavitt, Lord & Co., 1834), 369-70.

[15] Ibid., 370.

[16] Ibid., 375-96.

[17] Ibid., 397.

[18] Krauth, "Church Polity I," 320.

[19] S. E. Ochsenford, ed. *Documentary History of the General Council of the Evangelical Lutheran Church in North America* (Philadelphia: General Council Publication House, 1912), 196, 201.

[20] Ibid., 184.

[21] Ibid., 181.

[22] Charles Porterfield Krauth, "Church Polity III," *Lutheran Church Review* 4 (1885), 63.

[23] Matthias Loy, *The Story of My Life* (Columbus, OH: Lutheran Book Concern, 1905), 203-06.

[24] C. E. Vehse, *Die Stephan'sche Auswanderung nach Amerika*, quote in Conrad Bergendoff, *The Doctrine of the Church in American Lutheranism* (Philadelphia: Board of Publication of the ULCA, 1956), 67.

[25] Carl F. W. Walther, "Theses on the Church and Ministry," in Theodore Tappert, *Lutheran Confessional Theology in America 1840-1880* (New York: Oxford University Press, 1972), 233.

[26] Carl S. Mundinger, *Government in the Missouri Synod* (St. Louis: Concordia Publishing House, 1947), 213.

[27] Lawrence R. Rast, Jr., "Demagoguery or Democracy? The Saxon Emigration and American Culture," in *Church Polity and Politics: Papers Presented at the Congress on the Lutheran Confessions, Itasca, Illinois, April 3-5, 1997*, ed. by John R. Fehrmann and Daniel Preus (Minneapolis: Association of Confessional Lutherans, 1997), 107-124.

[28] Quoted in Arthur Both, "The Missouri Synod and the Buffalo Synod" in W. T. Dau, ed., *Ebenezer: Reviews of the Work of the Missouri Synod during Three Quarters of a Century* (St. Louis: Concordia Publishing House, 1922), 130.

[29] Quoted in Mundinger, *Government in the Missouri Synod*, 199-200.

[30] Georg Sverdrup, "The Free Church Fellowship" (www.georgsverdrupsociety.org/translations/Samlade_Skrifter_II_54-100_The_Free_Church_Fellowship.pdf, accessed on October 15, 2010), 7.

[31] "Guiding Principles and Rules of the Lutheran Free Church," in Richard C. Wolf, *Documents of Lutheran Unity in America* (Philadelphia: Fortress Press, 1966), 242-43.

[32] Sverdrup, "Free Church Fellowship," 31.

[33] David A. Gustafson, "The Augsburg Confession and Polity: Where We've All Screwed Up" in *Church Polity and Politics: Papers Presented at the Congress on the Lutheran Confessions, Itasca, Illinois, April 3-5, 1997*, ed. by John R. Fehrmann and Daniel Preus (Minneapolis: Association of Confessional Lutherans, 1997), 7-15.

[34] *Report of the Commission on Organizational Structure to the 1954 Convention of the ULCA* (Philadelphia: United Lutheran Publishing House, 1954), iii.

[35] A. G. Roeber, "Lutherans, Antinomians and the Pastoral Office in Early North America," *Essays and Reports of the Lutheran Historical Conference,* 18 (1998), 183. I have been told that Dr. Roeber

has, within the past few years, been received into the Orthodox Church, and thus is no longer a "Lutheran layman."

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