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## The Hutterites

Much has been written about the Hutterites in terms of their history and cultural practices.<sup>1</sup> In this chapter I provide only a very brief and broad overview of some matters so as to give a background understanding for the particularities of this case study.

### **Brief History**

Like the Mennonites and Amish, the Hutterites trace their historical roots to the Anabaptist wing of the Reformation. Hutterites share with the Mennonites and Amish certain Anabaptist fundamentals, such as adult voluntary baptism, the separation of church and state, and the establishment of the church as a community that radically follows Jesus in all areas of life, including nonresistance – the refusal to use violence to protect the state or oneself.<sup>2</sup> However, what makes the Hutterites distinctive from other Anabaptist groups is that the communitarian view of the separated church includes the notion of community of property. Amish and Mennonites groups are known for having an ideology of, and organizations for, mutual aid to share property and resources within the group, but church members nevertheless individually own property.

In 1528 in Moravia (today a part of the Czech Republic), a group of Anabaptists who originally had fled from the Tyrol region of Austria decided to leave Nikolsburg, where the nobleman in charge was willing to use force to protect them from their enemies. Some Anabaptists did not want to be protected by force, even by those feudal nobles who were friendly to them.<sup>3</sup> This small group of two hundred or so people, at some stage in their journey from Nikolsburg to Austerlitz, so the story goes, placed all their personal belongings onto a cloak that had been put on the ground, and stewards were appointed to manage the property. When the group arrived in Austerlitz and lived on the estate of another nobleman sympathetic to Anabaptist views, the group continued to share all their possessions in common. Thus in addition to the central Anabaptist doctrine of non-violence,

the Austerlitz group proclaimed a model of Christianity that included communal living and common ownership of all property. The concept of communal property simply means that all property within the group is church property. We can think of a Hutterite colony, including all the land, agricultural and manufacturing enterprises, housing units, common kitchen facility, machinery, and so forth as being a church, an “ark of salvation” set down in a “fallen” world. Hutterites live *in* a church, as compared with the modern secular-sacred division of life, where we go *to* church occasionally. This communal property regime is grounded in Hutterian religious belief, most notably from Acts 2:44: “And all that believed were together, and had all things common.” It is noteworthy that this verse speaks of two matters: “being together” and “having all things common.” We should not forget that communal property is just one foundational aspect of the larger concept of communal living. The central doctrine is that disciples of Jesus are called to live in community, yielding all of themselves to God and to each other, and that community property is a means to achieving this communal life. Without community of property, people tend not to really live together in a meaningful way. The rejection of private property is an act of loving the neighbour and surrendering individual self-will so as to live together as a community.<sup>4</sup>

During the group’s first decade in Moravia, there were many difficulties in leadership, as well as severe persecution. The Hutterites eventually acquired their name from one of the early leaders of the group, Jacob Hutter, who was burned at the stake in 1536. Peter Riedemann, a subsequent leader, wrote a confession of faith while in jail in 1540; this work has nearly the authority of scripture for Hutterites to this day.<sup>5</sup> After an initial period of intense persecution, the Hutterites during approximately the last half of the 1500s had a golden period in Moravia and Slovakia, where approximately one hundred colonies were established under the protection of various nobles.<sup>6</sup> The Hutterites, perhaps numbering around 25,000, held all property in common at each colony, worked together at highly skilled crafts, sent out missionaries, and established many of the educational, religious, and cultural practices that they follow to this day. While the colonies (*bruderhofs*) were scattered throughout the region, they together constituted one brotherhood, with a senior elder (bishop) elected as head of the entire church, and with a minister in charge of spiritual affairs and a steward in charge of temporal affairs at each colony.

With the arrival of the Turkish War (1593-1606), the Thirty Years War (1618-48), and the persecutions of the Catholic Counter-Reformation, the colonies faced wave after wave of persecution and hardship. Hutterites were tortured and colonies plundered by marauding armies and bandits, and often men, women, and children were carried off into slavery. Finally, the remnant of Hutterites who survived was expelled from Moravia in 1622.

Some fled farther east to Transylvania (now Romania), while others found Slovakia (Upper Hungary) to be more peaceful, at least for some periods. However, the Hutterite colonies continued to experience severe persecution and decline. A remnant survived under the leadership of Andreas Ehrenpreis, the senior elder from about 1630 to 1662.<sup>7</sup> However, in the face of poverty, persecution, and loss of zeal, community of goods was abandoned in both Hungary and Transylvania in 1685-95, and many Hutterites were forcibly converted to Catholicism in the 1700s.

A tiny remnant of Hutterites could still be found in Transylvania in the late 1700s. This group traced its roots back to the expulsion from Moravia in 1622, though over the years it had dwindled down to only a handful of people. While the group had abandoned communal property, it still retained the Anabaptist religion. In 1755, a group of Lutherans who had been expelled from Catholic Carinthia in Austria came into contact with this tiny group of Hutterites. These Carinthian Lutherans, after reading the Hutterian literature, became convinced that the original Hutterian vision of community of goods should be reinstated. These newcomers revitalized the movement. Many of the common Hutterian names of today, such as Hofer, Waldner, Kleinsasser, and Wurz, are derived from the Carinthians who helped revitalize Hutterianism. Community of goods was practised again, starting in 1762-63. The small group, under intense persecution, eventually found a short-lived haven at Walachia, near Bucharest. In 1770, in the face of renewed plundering and persecution, the group, by this time consisting of only about sixty people, fled to Russia.

A colony was established at Vishenka in the Ukraine and the old Hutterite pattern of life soon grew and thrived. In 1802 the colony moved to Radichev in the Ukraine. Although the Hutterites were not persecuted in Russia, they suffered a gradual loss of internal morale. A split developed between those led by Johannes Waldner, who wanted to stick to community of property, and those led by Jacob Walter, who wanted to abandon the concept. In 1819 community of goods was abandoned again, and the community rapidly declined. In 1842, in a state of utter poverty, the Hutterites moved to the Molotschna area of the Ukraine where the Mennonites lived. The Hutterites adopted the Mennonite village pattern of community life and, with the economic and educational help of the Mennonites, the community grew in prosperity. By 1868 there were five Hutterite villages within the larger Mennonite commonwealth.

It was here among the Mennonites that the second great return to community of property occurred. This was carried forward to North America, where it has thrived for more than a century. In 1859 Rev. Michael Waldner, a blacksmith by trade, reintroduced community of property in Russia and established a colony of seventeen families. Eventually this group grew into a branch of Hutterites calling themselves the Schmiedeleut (blacksmith

people). In 1860 Rev. Darius Walter also managed to establish a colony with about the same number of families. This group eventually became known as the Dariusleut. When the Russian state threatened to remove military exemption and impose restrictions on education, these two colonies moved, in 1874-75, to what is now South Dakota. The Schmiedeleut established Bon Homme Colony and the Dariusleut established Wolf Creek Colony. It should be remembered that these two groups had already lived separately under a community of goods regime in Russia for about fifteen years before arriving in the United States. A third group, which had not practised community of property in Russia, moved to the Dakota Territory in 1877. This third group established Elmspring Colony and began practising community of property. Led by Rev. Jacob Wipf, a teacher, it eventually became known as the Lehrerleut (teacher people). Other Hutterites came to South Dakota at the same time; commonly referred to as "Prairieleut," they did not practice community of goods but, rather, homesteaded or purchased individual plots of land. Many of them later joined Mennonite congregations.<sup>8</sup>

Altogether, the three communal groups that established colonies in South Dakota numbered only about 450 adults and children. Yet, from these three original colonies established in 1874-77 grew the more than 400 Hutterite colonies currently in Western Canada and the United States, with approximately 40,000 members in total.<sup>9</sup> This growth is based on a high Hutterian birth rate (although more recently it has dropped), as well as the phenomenal economic success of the colonies.<sup>10</sup> The North American experience of the Hutterites has led to another golden period of prosperity, but there have also been periods when the three Leuts experienced difficulties with the host society, and also, as I shall document in this book, internal conflicts that have led to severe hardships.

Discrimination and hostility toward the Hutterites in the United States arose during the First World War. According to John A. Hostetler, conscientious objectors were still required to join the army as non-combatants, and this meant registering for the draft, wearing the army uniform, and performing non-combatant tasks within the army.<sup>11</sup> Young Hutterite men arriving at induction centres would not wear army uniforms or do army duty. Persecution against them within the army became quite intense:

At Camp Funston some of the men were brutally handled in the guard-house. They were bayoneted, beaten, and tortured by various forms of water "cure" ... Men were often thrown out of a window and dragged along the ground by their hair and feet by soldiers who were waiting outside. Their beards were disfigured to make them appear ridiculous. One night, eighteen men were aroused from their sleep and held under cold showers until one of them became hysterical. Others were hung by their feet above tanks of water until they almost choked to death. On many days they were made

to stand at attention on the cold side of their barracks, in scant clothing, while those who passed by scoffed at them in abusive and foul language. They were chased across the fields by guards on motorcycles under the guise of taking exercise, until they dropped from sheer exhaustion. In the guard-house they were usually put on a diet of bread and water.<sup>12</sup>

At other camps, the treatment of the Hutterite men was similar, but the event that persuaded the Hutterites to move to Canada was the death of some of their men in prison camp. Four Hutterites who reported to Fort Lewis, Washington, refused to wear army uniforms or perform non-combatant service for the army. They were sentenced to thirty-seven years in prison and taken to the military prison at Alcatraz:

They were taken to a “dungeon” of darkness, filth, and stench and put in solitary confinement out of earshot of each other. The guard placed a uniform in each cell and said, “There you will stay until you give up the ghost – just like the last four we carried out yesterday” ... For several days the young men slept on the cold, wet concrete floor wearing nothing but their light underwear. They received half a glass of water every twenty-four hours but no food. There were beaten with clubs and, with arms crossed, tied to the ceiling. After five days they were taken from the “hole” for a short time. Their wrists were so swollen from insect bites and skin eruptions that they could not put on their own jackets ... After four months at Alcatraz the men were transferred to Fort Leavenworth, Kansas, by six armed sergeants.<sup>13</sup>

At Fort Leavenworth, further persecution and hardship followed. Two of the Hutterite men collapsed and were taken to hospital. The other two were held in solitary confinement, placed on starvation diet, and “made to stand nine hours each day with hands tied and their feet barely touching the floor.”<sup>14</sup> The two men in the hospital died. When the wife of one of them came to see his body, she found that the army had put a uniform on the dead corpse, finally accomplishing in death what it could not in life. This experience of persecution and death was pivotal to the mass exodus of the Hutterites from the United States to Canada. The Schmiedeleut moved to the Elie district of Manitoba, where they established six colonies in 1918. Today there are more than one hundred Schmiedeleut colonies in Manitoba. The Dariusleut and Lehrerleut moved to southwestern Alberta, later expanding into Saskatchewan.

As a more hospitable climate developed in the United States, the Hutterites again established colonies there. In addition to their more than 100 colonies in Manitoba, there are about 70 Schmiedeleut colonies in South Dakota, North Dakota, and Minnesota. The Dariusleut have about 150 colonies, mostly in Alberta and Saskatchewan, but also in Washington and Montana,

and the Lehrerleut about 125 colonies, mostly in Alberta, Saskatchewan, and Montana. The movement back to the United States was partly because of the discriminatory legislation and governmental policy restricting Hutterian land purchases that arose in Canada in the wake of the Second World War.<sup>15</sup>

### **Cultural Practice**

While the three Hutterite Leuts have much in common, they have retained distinctions in terms of customs, and there is little intermarriage between the three tribes. However, the three groups constitute a wider church in a formal sense. In 1950 the three groups came together and formalized a *Constitution of the Hutterian Brethren Church and Rules as to Community of Property*.<sup>16</sup> The colonies of all three Leuts (until the schism I will be dealing with) were affiliated by this constitution, which served as a kind of articles of association for the wider church. In Canada there was also an incorporation of the church at the highest level by federal legislation.<sup>17</sup> The primary motivation for both the transnational constitution and the Canadian incorporation was the need for the three groups of Hutterites to cooperate on common issues involving the host society. Thus, we have three levels of the Hutterian Brethren Church: the colony level, the conference (Leut) level, and what might be called the constitutional level, which includes all three conferences.

While colonies, once established, have economic independence, each is associated with the larger Leut for various temporal and spiritual matters. Each colony has two representatives (usually the first and second minister), who sit on the Leut council. There may be a number of common Leut financial enterprises, and a colony cannot establish a daughter colony without Leut approval. Furthermore, the minister who heads the colony is chosen by a process that involves nomination by ministers from throughout the Leut, followed by a choice by lot from the shortlist of nominees. The Leut itself is headed by an elected senior elder, and there is a conference-level council of ministers that has certain powers and responsibilities for establishing the norms for the Leut. Details of Hutterian life, particularly the formal structures at the different levels of the church, will be dealt with further in the narrative of the dispute at Lakeside and within the Schmiedeleut.

Turning to the colony level, in our dominant culture, saturated with what Hutterites would view as excessive individualism, the Hutterite colony may look quaintly attractive to us as a model of primitive communal solidarity. However, most of us would probably find it quite impossible to live in such a restrictive community, which has a host of internal community rules (*Ordnung*) that have developed over the centuries.<sup>18</sup> While dealing with the outside world according to the law of the host society, the Hutterite

colonies have their own internal legal system, including degrees of shunning for those who have violated the norms.

While some forms of property, such as radios, television sets, and cars, are prohibited on colonies, and many matters of personal dress and personal consumption are regulated, generally the Hutterites embrace modern technology in their economic enterprises. This is in contrast to the Amish, for example, who often reject technological innovations.<sup>19</sup> In theory, aside from a few personal mementos that might fit into a hope chest, the individual Hutterite does not own anything. This renunciation of personal property should not be confused with personal deprivation, however. Some Christians may stress the renunciation of acquisitive impulses and embrace a lifestyle of material deprivation. Frugality and self-denial in consumer consumption may well be part of Hutterian practice, but property is held in common so as to support a secure and healthy community life and build up the assets necessary to form a daughter colony. Hutterite colonies may be labelled Christian “communistic” societies, but they are also multimillion-dollar capitalist enterprises where the needs of the colonists are looked after from cradle to grave, and where the continual establishment of new colonies provides for the needs of the next generation.

Hutterite colonies are usually large-scale, highly mechanized, mixed-agricultural producers. Grain crops, hogs, dairy, eggs, ducks, geese, and turkey production are common. While the colonies may occupy only about one percent of the agricultural land of the prairie provinces, they produce a vastly disproportionate amount of agricultural product.<sup>20</sup> In Manitoba this is particularly true in terms of hog production and ducks, geese, and turkeys. Increasingly, the Schmiedeleut colonies are diversifying by adding manufacturing enterprise alongside traditional agricultural production.

One of the central ideologies of Hutterianism involves “*gelassenheit*,” roughly translated as “giving up” or “giving in.” This means that persons give up and surrender their individual selves to God and the community. A common analogy used to portray the surrender of the self to the community is the picture of grapes being crushed to make wine. Individualist grapes that refuse to be crushed do not fit into the communal wine. However, in reality, the managers of enterprises at a Hutterite colony may take a great deal of personal pride in and psychic identification with the facilities and profits of the enterprise they head. All the property belongs to God, but stewardship involves expanding God’s ark and even competing with other stewards to demonstrate your worthiness.

One of the first concepts that law students learn is that property as a legal category is not the physical thing but a metaphysical bundle of rights associated with the thing. This bundle can be divided up. Someone may have the right of possession and use, while someone else may have the right of

ownership. Just because Hutterites may not personally own property does not mean that they do not have property interests. So long as they are members, they may have a rich bundle of usufructuary rights to colony property that makes them in actuality wealthier than many people in the host society.

Unlike the Doukhobors and Mennonites, who were originally granted a large exclusive block of land for community settlement and then ran into internal and external conflict when those communitarian blocks of land reverted to individual ownership or when the exclusive area was opened up to other landowners outside the religious group,<sup>21</sup> the Hutterites simply bought blocks of land on the private market and held title to the land by way of trustees for the community or, more commonly, by setting up ownership of the land by a corporation. Furthermore, while there was convenience in having Hutterite colonies close to each other, unlike the Mennonites who at one stage in Russia had a “country within a country”<sup>22</sup> and wanted to replicate the model in Canada, the fundamental Hutterite unit was the colony of approximately one hundred individuals, and these colonies could be spread out over many municipalities.

After a Hutterite colony is established, assets are built up so that the colony can split and establish a new colony. Both the mother colony and the new daughter colony will then build up assets for the time when both of them will establish new colonies again. This constant creation of new colonies, given the high birth rates among Hutterites, controls the size of a colony to allow for meaningful relationships and work opportunities. Generally colonies are composed of about 100 to 150 people.

It would appear that while a few colonies may undergo economic hardship from time to time, the model of collective ownership and labour, continual technological innovation, and diversity of agricultural and, now, manufacturing product has produced a collective prosperity. However, while this prosperity may provide security for those who are members, the inside law grants no right to a share of church property to those who leave the colony or are expelled from it. As we will see in the examination of lawsuits that follows, one of the pervasive potential sources of tension between the inside law and the outside law is whether the outside law will continue to support the notion that people who may have worked all their lives within a colony should nevertheless have no right to any compensation or shares in the community property but must leave with but their shirts on their back if expelled.

At the colony level, the minister is the head; a number of other men form the executive committee, or “witness brothers.” A second minister is often appointed at some stage so that when the colony splits a minister is at hand for each. After the first minister, the next most important position is the secretary or steward. While women are expected to be baptized and join the

colony as members, they may not vote on issues at formal colony meetings; here too is a fundamental tension between the norms of the host society and the norms of the religious group.

Colony land is usually held by a colony corporation, and the economic affairs of the colony will also usually be transacted through a corporation. The colony itself, however, is usually an unincorporated association of members affiliated through formal articles of association, which serve as a kind of contract between members and constitution of the social group. These articles of association commonly outline the basic principles of membership, voting rights, procedures for discipline, rules of property, and so forth. To a degree, the inside law of the group is accommodated by the outside law, because the group can use the vehicles or tools of outside law, such as contract, corporate, and trust law, in an attempt to translate inside law into outside law categories.

Children attend a colony kindergarten from the age of about three until they start public school. Unlike some conservative Mennonite groups, the Hutterites allow English public schooling for their children.<sup>23</sup> However, they insist that this schooling take place on the colony. The colony constructs a schoolhouse and then the public-school board hires and pays teachers to teach at the colony. The Hutterites send their children to school only for the minimum period required by law – usually to the age of fifteen – after which the young person formally enters the colony workforce. (The education issue, examined later in this book, is one of the numerous points of contention in the Schmiedeleut schism.) The practice of having their children attend classes through to grade 12, and even an openness to university training for some Hutterites to become public schoolteachers on the colonies, has been affirmed by some Manitoba colonies.<sup>24</sup> The colony also provides a private German school, the classes of which are held before and after public-school hours and taught by a colony member.

While no reported litigation over this accommodation of the public school system to the needs of the Hutterites has arisen in Canada thus far, in South Dakota the Federal Trial Court has denied the claim of Hutterite colonies that they have a free exercise of religion right to have a publicly funded school on the colony, if the school board decides that the children should be bussed to town.<sup>25</sup> Since Hutterites would never bus their children to town, the result of the decision is to force the colonies to create private schools at their own expense if public-school boards do not accommodate them.

Young men and women are expected to become baptized and join the church. It is at the point of baptism that the person makes vows to follow the Hutterian way and formally signs the articles of association of the colony. Young people cannot be married in the church without first being baptized and joining it. Upon being married, a woman leaves her colony and joins the colony of her husband. After marriage, the Hutterite man grows a beard.

Families live in housing units assigned to them, but all meals are eaten together in a communal dining hall. Women eat at a separate table from the men. There is (or is supposed to be) a church service every day, where sermons are read and hymns sung.

The growth in the numbers of Hutterites is now almost completely a matter of people being born Hutterite and eventually being baptized into formal membership. The number of people who were not born Hutterite but joined a colony as adults is minuscule. Despite that the sixteenth-century Hutterites supported missionaries, many of whom died at the stake for their efforts, the Hutterites of today just want to be left alone, and they do not proselytize for converts in the host society. Furthermore, there is defection, particularly among young unbaptized males who leave a colony and go into the host society for a time. However, studies indicate that the vast majority of these defectors return to the colony.<sup>26</sup> Most defectors want to taste the freedom in the “evil” world, but some defectors leave because they find a more vital personal spirituality in evangelical and other groups. These people are unlikely to return to the Hutterite colonies.<sup>27</sup>

Dr. Karl Peter makes the point that Hutterite society is not static. He claims that the world view of Hutterites shifted fundamentally at some point from the early version where community of goods and living in community was a context in which the individual would struggle with selfish tendencies and achieve the psychological state of “*gellassenheit*,” the overcoming of the flesh in a complete surrender of the self to God. The new version that developed was that salvation was not an individual struggle of the conscience but a gift, a guarantee that salvation was yours simply by your faithful living within the community of goods model. The colony was itself a portal of heaven where upon your death you passed through the door into eternal life. Living in the world, in contrast to the colony, was living in an evil realm destined for eternal death. Thus, at the colony level, salvation is secure and individuals have a “culture of work performance,” where the performance of work is a major source of individual pride and satisfaction. Religion has become ritualized, while the survival of the colonies depends at the same time on a high level of economic rationality.<sup>28</sup>

Even with a continuation of economic prosperity, and even in the absence of the kind of community-destroying conflicts portrayed in this book, one may well wonder how the Hutterites have survived so long and will continue to survive if their religion has become merely ritualized, as Dr. Peter suggests. Unless there is a vital and living stream of faith flowing from the hearts and minds of the leaders and the flock, motivating the daily struggle to follow Jesus in living in community, surely there will be no foundation to hold up a healthy colony in the face of increased exposure to the relativistic individualized culture of the host society.