

LUTHER AND THE STATE

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Introduction

Historians of note have held widely differing views in their attempts to interpret Luther's attitude toward the state. They run the gamut from Trevor-Roper who describes Luther's teachings as "anarchic, revolutionary doctrines"ⁱ to George Clark who maintains that the Lutherans from their earliest days "sank to a dull subjection" to the state and saw the church as little more than a branch and tool of the government.ⁱⁱ Most historians tend toward one or the other of these extremist views with but a few German historians (e.g. Gerhard Benecke and C. V. Wedgwood) taking a somewhat more moderate and sympathetic position. But even these few in the middle have one thing in common with the more extremist historians: they are all wrong (if I may be so bold as to say it)!

A correct understanding of Luther's attitude toward the state can be gained only by reading Luther and early Lutheran history without the preconceived notions of a Calvinist and without the darkened eyes of a secularist. The cardinal rule of historiography is that history should be read with as little bias as possible and with every effort to understand its actors within their own context and frame of reference. In the case of Luther this rule however is observed chiefly in its being broken. Catholic historians, wedded to the idea of the sacral state, and Calvinist scholars, equally devoted to a Genevan theocracy, simply will not understand a Luther who abhorred both. The secularist, steeped in Voltaire's loathing of organized religion and assuming only the worst in those devoted to it, presumes to ascribe to Luther motives as worldly and self-seeking as those of their own teacher.

But what of Lutheran historians? The sad fact of the matter is that Lutheran historians who write for other than a parochial audience are in short supply. Indeed the best Lutheran minds have more often been bent toward the relatively more important pursuits of exegesis and dogmatics with but little interest in history per se or in apologetics (Leopold von Ranke notwithstanding). With few exceptions the examination of Luther's attitude toward the state has been left to others.

Accordingly we need to do for ourselves what is always best in the study of history in any event, namely pursue the primary and original sources without either the bias of a Calvinist guide or the spleen of a secularist scourner. That is what we propose to do in summary fashion in this brief hour. We will search out what Luther himself said on the subject in the historical context in which he said it. Having done that we will briefly consider some of the practical problems attending the application of Luther's (until then) unique perspective on church-state relations.

I. Luther's view of the State

To determine Luther's attitude toward the state, we will examine his writings from the years 1520-1531. This time frame has been selected because it was the period within which his attitude toward the state reached its maturity. In 1521 Charles V issued the Edict of Worms and in 1530-31 he rejected the Augsburg Confession. It became perfectly clear to Luther during these eleven years that nothing in the way of root and branch reform of the church could be expected through the good offices of the emperor, but that on the contrary he and the Catholic party in the Diet would offer only persecution and oppression whenever possible.

Already in 1520, Luther gave the world a good prelude of what was to become a grand fugue on the Christian attitude toward the state and on its relation to the visible church. It is an attitude that is to be grounded in the Word of God with the doctrine of the means of grace and the doctrine of the universal priesthood of all

believers coming increasingly to the fore. In his treatise "To the Christian Nobility of the German Nation Concerning the Reform of the Christian Estate" he declares that nothing in the way of reform should be attempted by force or by trusting in mere human power; for such a trust can bring only disaster and bloodshed.ⁱⁱⁱ Of the earlier use of the sword by the state to crush the followers of Huss and Jerome of Prague in Bohemia Luther has this to say: "We should overcome heretics with, books, not with fire If it were wisdom to vanquish heretics with fire, then the public hangmen would be the most learned scholars on earth ."^{iv} To be sure in the same treatise he calls on the nobility to interfere in the work of the church by convoking a general council.^v But he is not advocating that the temporal authorities take control of the church; rather he is urging them as members of the universal priesthood to act in this time of need for the defense of the faith, so that those properly called would once again carry out the responsibilities of preaching and teaching the Gospel.

But if Luther cherished any sanguine notions of possible favor from the emperor in the work of reformation, those notions should have been effectively crushed by the treatment he received at the hands of Charles at Worms . For Luther was not given the promised hearing, but simply ordered to recant. And if that were not enough, both the procedure for drafting the Edict of Worms and the Edict itself were grossly unfair. While the strongly Catholic majority at the Diet had agreed to Luther's condemnation, Charles and the papal legate (Aleander) saw to it that the Edict itself was not drafted and published until after the close of the Diet on May 25, 1521. By waiting until the close of the Diet, the emperor avoided debate and the possibility that the Diet might soften its polemical tone or dilute its draconian content. Without blushing the imperial letter announcing the publication of the Edict declares that it has been drafted "by the consent end will" of the Diet (*mit rat and willen unser und des heiligen reiches churfürsten, fürsten, und stende*).^{vi}

At the very least the emperor's Edict can be described as provocative and inflammatory. Hardly a line of the accusations is true and Charles knew it. The following excerpt is typical of the whole both as to style and content -- let those who accuse Luther of intemperance in his language note the emperor's diplomatic and polished language:

... the said Martin Luther has not only refused to repent, return to the obedience of our Holy Church and renounce his errors, but this man of wickedness and furor against our faith and against our Mother Church wants to continue spreading the detestable and perverse doctrines of his wicked and pernicious spirit..

Item. He says that the sacred mass does not benefit anybody except the one who says it, and in this way he stops the young people from the practice of praying to God, which the church has until now kept and observed.

Item. He says that there are no such things as superiority and obedience. He destroys all civil police and hierarchical and ecclesiastical order, so that people are led to rebel against their superiors, spiritual and temporal, and to start killing, stealing, and burning, to the great loss and ruin of public and Christian good. Furthermore, he institutes a way of life by which people do whatever they please, like beasts.^{vii}

Since the said Luther was so stubborn and obstinate in his opinions, errors, and heresies, the wise people who had seen and heard him said that he was mad and possessed by some evil spirit.^{viii}

We have declared and hereby forever declare by this edict that the said Martin Luther is to be considered an estranged member, rotten and cut of from the body of our Holy Mother Church. He is an obstinate, schismatic heretic, and we want him to be considered as such by all of you.^{ix}

And what was Luther's response to the emperor's abuse and perversion of justice? Does he call for the formation of an evangelical *Bund* of some sort, or for a rising of the faithful against the emperor and those princes in the Diet who would not endure the Gospel? He consistently did just the opposite! He called for

submission to the God-ordained authority of the state, whether that of the emperor or that of the territorial prince, regardless of their religious convictions and policies. In 1522, with the ink barely dry on the Edict of Worms, Luther wrote "A Sincere Admonition by Martin Luther to All Christians to Guard Against Insurrection and Rebellion." His language as usual is crystal clear, and his meaning unmistakable.

Hence, no insurrection is ever right, no matter how right the cause it seeks to promote. It always results in more damage than improvement, and verifies the saying, "Things go from bad to worse." For this reason governing authority and the sword have been established to punish the wicked and protect the upright, that insurrection may be prevented, as St. Paul says in Romans 13 and as we read in I Peter 2 .

.... Now insurrection is nothing else than being one's own judge and avenger, and that is something God cannot tolerate. Therefore, insurrection cannot help but make matters worse, because it is contrary to God; God is not on the side of insurrection.^x

He then goes on to repeat the view already expressed in the 1520 treatise "To the Christian Nobility of the German elation" that those who persecute the truth can only be won by the Word, never by the sword."^{xi}

But if Luther held the state in such high regard as a divine institution, why did he himself not heed the order of the emperor to recant. In the treatise, "Temporal Authority: To What Extent It Should Be Obeyed," he answers that God Himself has limited and defined the power of government -- any government, friendly or unfriendly. At the same time he insists again on the duty of the citizen to obey the state within its defined scope of authority and never to use its excesses as an excuse to rebel. But again we will let Luther speak for himself:

St. Paul is speaking of the governing authority. Now you have just heard that no one but God can have authority over souls. Hence St. Paul cannot possibly be speaking of any obedience except where there can be corresponding authority. From this it follows that he is not speaking of faith, to the effect that temporal authority should have the right to command faith. He is speaking rather of external things, that they should be ordered and governed on earth. His words too make this perfectly clear, where he prescribes limits for both authority and obedience, saying, "Pay all of them their dues, taxes to whom taxes are due, revenue to whom revenue is due, honor to whom honor is due, respect to whom respect is due" (Romans 13).

If your prince or temporal ruler commands you to side with the pope, to believe thus and so, or to get rid of certain books, you should say, "It is not fitting that Lucifer should sit at the side of God. Gracious sir, I owe you obedience in body and property; command me within the limits of your authority on earth, and I will obey." Should he seize your property on account of this and punish such disobedience, then blessed are you; thank God that you are worthy to suffer for the sake of the divine word.

....If their homes are ordered searched and books or property is taken by force, they should suffer it to be done. Outrage is not to be resisted but endured; yet we should not sanction it, or lift a finger to conform or obey.^{xii}

Should you take the trouble to read this treatise in its entirety, you will find that Luther is utterly consistent in his application of these biblical truths, no matter how inconvenient their application might prove to be. Bear in mind that this treatise was written for and at the request of the young Duke (later Elector) John; Luther tells the duke that just as the non-noble owe obedience of body, property and life itself to their noble, so the princes owe the same sort of obedience to their lord, the emperor. Implying that he knew very well how expensive submission to this biblical truth might become, Luther declares: "... a prince should not go to war against his overlord - king, emperor, or other liege lord - but let him who takes, take. For the governing

authority must not be resisted by force, but only by confession of the truth. If it is influenced by this, well and good; if not, you are excused and suffer wrong for God's sake."^{xiii} These words alone should be sufficient to set aside the accusation that Luther was but a fawning sycophant before his own princes; for these words would cost them dearly. To remove any lingering thought that Luther was in slavish awe of his masters, listen to what he says to his prince about princes:

Who is not aware that a prince is a rare prize in heaven? I do not speak with any hope that temporal princes will give heed, but on the chance that there might be one who would also like to be a Christian, and to know how he should act. Of this I am certain, that God's Word will neither turn nor bend for princes, but princes must bend themselves to God's Word.

I am satisfied simply to point out that it is not impossible for a prince to be a Christian, although it is a rare thing and beset with difficulties.^{xiv}

All of the above was written when the storm clouds were still gathering over Germany, storm clouds soon to burst in the rage and bloodshed of the Peasants' War in 1525. Both Catholic and Calvinist historians since the time of the Reformation have blamed Luther for the disaster, and secularists since then have been only too happy to join the chorus. Catholic historians blame him for stirring the peasants to revolt, and Calvinists and secularists curse him for heartlessly abandoning the peasants to the blood lust of the princes. The sheer volume of the accusations has made even Lutherans assume that the Peasants' War must be a sorry chapter in Luther's closet-history. Nothing could be further from the truth! Unfortunately there is not time here to enter into any detailed "apologia." of Luther's behavior during the Peasants' War. We can but commend the interested reader to Luther's writings during this period; those writings will give a more than adequate defense against the calumnies of the biased.^{xv} Suffice it to say that throughout the crisis Luther acted and wrote in a thoroughly honorable and consistent manner. Before the revolt began, he pleaded again and again with the peasants not to listen to those leading them to the edge of disaster. He warned them against riot and revolution, not just because they could not win, but because they would only bring on themselves the wrath of God, since revolution is always contrary to His Word. In the early stages of the revolt he pleaded with the Saxon court to act swiftly against any disturbances incited by the Zwickau prophets, lest revolt grow and destroy rulers and ruled alike. Of particular note for our purposes in studying Luther's attitude toward the state are his remarks to the princes in which he clearly distinguishes between the Zwickau prophets as heretics and the same as revolutionaries. Just as he did not want the secular sword raised against him for his teaching, so he did not want his own supporters sword raised against those he rightly considered heretics; for that is not the province of the state. The task of rooting out heresy falls to the church in the proclamation of the Gospel. But if the heretic becomes a revolutionary, then the state must deal with him, not because of his heresy (even though the heresy may be the proximate cause of his revolution), but only because of the act of rebellion. Thus:

Let them preach as confidently and boldly as they are able and against whomever they wish.... But when they want to do more than fight with the Word and begin to destroy and use force, then your Graces must intervene, whether it be ourselves or they who are guilty, and banish them from the country. For we who are engaged in the ministry of the Word are not allowed to use force. Ours is a spiritual conflict in which we wrest hearts and souls from the devil. Our calling is to preach and to suffer, not to strike and defend ourselves with the fist.^{xvi}

From all of the above it should be clear that Luther's Bible-based attitude toward the state saw the Christian living in two kingdoms, the temporal and the spiritual. His duty, if a subject in the temporal kingdom, was to obey the God ordained authority over him so far as body, property and life are concerned, but to disobey if the temporal kingdom tried to rule his soul; but never could revolution or riot be justified. On the other hand, rulers in the temporal kingdom have a God-given duty to maintain law and order -- not to preach the Gospel.

The preaching of the Gospel, suppressing heresy,- building up the faith, those all belong to the spiritual kingdom which fights only with the sword of the Spirit, the Word of God.

Even after the Peasants' War, Luther did not change these principles. He but expanded on them as the need arose. In 1529 for example he urged the "Lutheran" princes not to take advantage of the emperor's weakness, but to submit and obey, especially in the matter of war against the Turks. Once again, he states the principle with crystal clarity: if the emperor is going to fight the Turks to defend the nation, they should support him. Only if he is going to turn the campaign into a "holy war," a crusade against the infidel, should they oppose him; for it is not the business of the state to do battle with unbelief, and it is not the business of the church to take a physical sword in hand to slay with violence the infidel.^{xvii}

One cannot but marvel at the constancy of Luther in his calls for loyalty and obedience according to law and custom to an emperor who showed the Lutheran cause nothing but treachery and unbending hostility. Not even the Lutheran experience at the Diet of Augsburg in 1530 was able to change that unswerving constancy. In calling the estates to Augsburg, the emperor had employed language of an unusually cordial nature. His tone convinced the Saxon court (though not the court of Philip of Hesse) that Charles had a genuine desire to settle the religious strife in the empire in a friendly and peaceful manner. His perfidy however was to become all too apparent; while the Lutheran princes presented their Confession in an altogether irenic fashion, it was dismissed by the emperor out of hand. He accepted instead the lengthy and bombastic Confutation of the Catholic party, which Confutation in both tone and content made it clear that a settlement was impossible.

In 1531, by which time the details of the Diet of Augsburg were certainly well known to him, Luther penned his "Commentary on the Alleged Imperial Edict." In the "Commentary" Luther refutes many of the charges made against him and the misrepresentation of his teaching found in the "Confutation" which the emperor had accepted.. He directs his venom against the papacy however, and he carefully avoids any attack on the emperor. He says nothing that could be used to incite either princes or peasants to revolt or riot. His expressions of respect for the authority of the emperor are altogether consistent with everything that he had written since the Diet of Worms.^{xviii}

It should be evident from all of the above that Luther's attitude toward the state was very different indeed from the one prevailing when he came on the scene, that of Gregory IX, Urban II, Julius II. It should be equally evident that his attitude differed in the same measure from that of Zwingli, Calvin and the rest of the Reformed camp. A whole host of errors^{xix} drove these latter inexorably down the road to a false theocratic abyss, into which they finally plunged in 1618, dragging the Lutherans kicking and screaming along with them.

II. Practical problems in the implementation of Luther's principles

We trust that it is evident to the reader that Luther's principles with respect to the state are dominated throughout by his correct understanding of the formal and material principles of theology. Understanding as he did that only the grace of God in the effective means of grace could create and preserve faith, he shunned the use of the temporal sword in the interests of church. At the same time, trusting the God of truth to be wiser in His Word than all the wisdom of man, he was determined to submit to the God-given authority of the state over his body and property, even if that authority was misused and exercised by the godless and the heretic.

But, as is often the case, clear principles do not of themselves make for easy application. The very fact that the Christian is a member of both kingdoms makes some measure of practical difficulty inevitable, regardless of the society or the form of its government. That difficulty at once becomes obvious in the case of the Augsburg Confession: it is presented in behalf of the spiritual kingdom by rulers of the temporal kingdom in a legal forum (the Diet) to a secular head (the emperor) who did not recognize the authority of the Bible and who at the same time claimed for himself the right to judge ecclesiastical disputes, which right the Lutherans in theory would never recognize (even if the emperor had been a Lutheran). The tension in Lutheranism between the prince as Christian and the prince as secular lord never had any of the odious features associated with the "Whose boss?" (pope or prince/emperor) syndrome in Catholicism. But nevertheless the difficulty was there.

In the age of the Reformation the Lutheran Church came to live with the reality that the Lutheran prince as both Lutheran and prince had a duty to: 1) be concerned with the preservation of orthodoxy in his church (the same would be said of any layman); 2) make use of his special status to prosper the work of the church and protect her from violent attack; 3) use his authority in what we might call "mixed institutions" for the preservation of the true faith; such mixed institutions would include the university and other schools under his patronage and even parish churches to which he was connected by patronal relationship within the existing sacral-state structure inherited from the Middle Ages.

This third point especially placed the church in a very uncomfortable and anachronistic position and left the Lutherans open to the charge that their church was merely the pawn of the ruler. While the accusation is a gross exaggeration of the reality, it did contain the recognition of a potential conflict.^{xx} Already during Luther's life, serious attempts were made to resolve this third point.

Our survey of the problem will take 1530 as its starting point; for with the presentation of the Augsburg Confession and its rejection by the emperor we can begin to speak of a Lutheran Church and of Lutheran princes and the growing recognition that the relationship between the two needed clarification and definition. We must admit this growing recognition was slow in coming and that the beginning of clarification accordingly was also slow.

Consider for example the way in which the problem appears in the Apology of the Augsburg Confession. In Article XXI Melancthon appears to assume the continued existence of the sacral-state. Given all that Luther had written on the separate roles of the two kingdoms, is it possible that Melancthon and the princes did not recognize the land mine beneath the surface of these words:

Therefore, gracious Emperor Charles, for the sake of the glory of Christ, which we know you want to extol and advance, we implore you not to agree to the violent counsels of our opponents but to find other honorable ways of establishing harmony - ways that will not burden faithful consciences nor persecute innocent men, as happened before, nor crush sound doctrine in the church. It is your special responsibility before God to maintain and propagate sound doctrine and to defend those who teach it. God demands this when he honors kings with his own name and calls them gods (Ps. 82:6), "I say, You are gods." They should take care to maintain and propagate divine things on earth, that is, the Gospel of Christ, and as vicars of God they should defend the life and safety of the innocent.^{xxi}

Perhaps Melancthon considered the land mine a dud simply because the role he was ascribing to the emperor was a far cry from the role the emperor assumed he had. After all, he does not say that the emperor should concern himself with the suppression of heresy and the extermination of heretics, only that he propagate sound doctrine (like any pious layman) and protect the innocent (like any good prince). Nevertheless it cannot be denied that Melancthon's words muddy the water: there is no clear distinction between the two kingdoms between the roles of Charles as emperor and Charles as Christian; if Charles was reading these words, he would have assumed that Melancthon accepted the unity of the sacral-state and the customary role of the emperor in it, i.e., Defender of the faith and avenging angel of the Lord against all who opposed it.

If the exact nature of the princes' position in the church remained unclear in 1530, the anti-revolutionary principles of Luther with respect to the emperor were crystal clear to the princes and consistently applied by them. The year 1537 put those principles and their application to the acid test. Given the times in which they lived, we should be astounded that they passed the test. For 1537 was the year in which Paul III finally yielded to imperial pressure and summoned a council to meet in Mantua during the month of May. Now at last, Charles imagined, the Lutherans would have the Council they had demanded since 1520; all issues would be submitted to its judgment under his own watchful eye, and the Universal Pontiff (himself the font from which most abuses flowed) would implement the decrees correcting abuses, the Lutherans would return to the fold, and everyone would be happy! Never mind that the Lutherans had made it abundantly clear that they considered the papacy to be the Antichrist. Never mind that the Lutherans already had established their own school system, using the

Bible and Luther's Catechism as the main text books. Never mind that the Mass had been reformed, put into the German language, with Communion under both kinds, a married clergy, and justification as the central theme of every worthy sermon. Yes, and never mind that Paul III had declared the purpose of the council to be "the utter extirpation of the poisonous, pestilential Lutheran heresy," this in the bull, "Ad Dominici Gregis," by which he summoned the council.^{xxii} In the mind of Charles the fact that Lutheran attendance at and submission to such a council would constitute spiritual suicide for them was of no consequence, if indeed it occurred to him at all. As far as he was concerned, any refusal on the part of the Lutherans could only be interpreted as rebellion. And that rebellion, should it occur, would be crushed -- that in spite of his promise to the Elector of Saxony (1534) that his House would cease their proceedings against the Lutherans in the Smalcaldic League in exchange for the elector's support of Charles' brother Ferdinand as the newly elected king of the Romans and thus emperor-designate.^{xxiii}

It is one thing to be anti-revolutionary in principle when your own party is in power or when revolution has no chance of success; it is quite another matter to remain opposed to revolution when your own religious existence is threatened and when there is the prospect of eliminating the oppressor. The latter was the case in 1537. The Smalcaldic League, formed as a defensive league in 1530, had grown up; it had added numerous cities and states to its membership and was constantly being urged by the French and the English to use its power and theirs to throw off the yoke of the perfidious Hapsburgs. Time does not allow us to detail the clever and persistent manner in which the Lutherans were wooed but not wed by the bitter English and the always anti-Hapsburg French. Suffice it to say that when the League was renewed in 1537, the Lutheran princes steadfastly refused to budge from their ill-repaid loyalty to the emperor and fidelity to their oaths as princes and electors of the empire. They insisted only that they would defend themselves if the emperor tore up the constitution and all of his promises to the electors (in the *Wahlcapitulation*) and to the nation (in the Diet).^{xxiv} Should the purist wish to point out that the very formation of a league was already in violation of the constitution (i.e., the Golden Bull of Charles IV in 1356), we can but point out that Charles IV himself was among the first to break that provision. Indeed the prohibition appears more the expression of a hoped for ideal than of expected reality. The charter of the Smalcaldic League made it, it might well be as argued, not a league at all in the prohibited sense; for it did not seek foreign help, the disruption of the balance in the legal formula *unser und des heiligen Reichs Stende*, the unseating of the emperor or the disruption of anyone's rule or possession.^{xxv} If it did anything effectively, the League kept the emperor from destroying the constitution by curbing his blood-lust against the estates of the empire whenever the French or the Turks were not attacking him. Again, we cannot but admire the constancy of Luther and the Lutheran princes to their anti-revolutionary principles. Revolution was contrary to the Word of God and so was the breaking of an oath of allegiance, even if it was made to a rascal. That settled the matter. So sensitive were the Lutherans on this score that many of them were even reluctant to join the defensive Smalcaldic League.^{xxvi}

The application of Luther's principles inside of the Lutheran territories is somewhat more difficult to trace. We can do little more than scan and survey the few materials at hand and make reference to them as apparently typical of the earliest Lutheran approach to the problems inherent in the prince's citizenship in both kingdoms.

The most notable (and most difficult to study) tool of the Lutheran princes and ecclesiastics in dealing with the problem appears to have been the consistory. The Peasants' War and the Saxon Visitation of 1532 had made it clear to Luther and the Elector John Frederick that Saxony was not ready for the ideal of sovereign parish government. That problem, coupled with the problem of governing secularized bishoprics that had fallen to the elector, prompted him to create the first Lutheran Consistory in Wittenberg in 1539. Its members were theologians and lawyers appointed by the elector. It was Luther's consistent hope that purely civil cases would be kept out of the consistorial courts, and that with the passing of time a more complete separation of church and government could be effected. He labored to that end until the end of his life. In cases brought before the consistory, the lawyers regularly yielded to the theologians for decisions that were strictly of concern to the church. In matrimonial cases both church and state had an interest. But in cases dealing with common morality, cases in which there would be civil penalties quite distinct from excommunication for impenitence, the church

endeavored to see such cases settled in purely civil courts. On his part the elector used the consistory as the repository for the legal rights which had formerly been exercised by the bishops, rights which in Lutheran theology belonged to the secular sword in the first place. Indeed one of the compelling reasons for the establishment of the consistory was the legal no-man's-land in which the elector found himself with respect to the remaining Catholic bishops and their secular powers still active in Lutheran territories: he appears to have used the consistory as the half-way house for the Catholic bishop's secular powers; he was not about to allow bishops who owed him allegiance to use their secular powers for the persecution of his co-religionists.

It was perhaps inevitable that the application of Lutheran principles of separation of church and state would be difficult. The consistory tried to keep the two separate; but its very composition in law coupled the two swords. Indeed how could it have been otherwise? For the Diet of Speier in 1526 had recognized the principle of *cuius regio eius religio*. The principle became part of the constitution, reaffirmed in the Peace of Augsburg in 1555, and again in the Peace of Westphalia in 1648. This legal principle was intended to rescue the empire from the threat of civil war; but it was inherently incompatible with Lutheran principles separating the two kingdoms into clearly defined spheres. The law of the land gave the prince legal rights to interfere in doctrine and practice to his heart's content; and the power of appointment to the consistory gave him the necessary tool for doing it, regardless of good intentions to the contrary.

Given the difficulty of tracing the work of the consistories and the use the Lutheran princes made of them, we are left only with general impressions. The one dominant impression is that, at least in Lutheran territories, the good intention of keeping the two kingdoms separate triumphed over the potential for mischief and abuse. Catholic, Reformed and secularist writers frequently repeat the charge that the consistories made the church politically impotent, passive and the tool of the princes; but it must be remembered that the church did not want to be politically powerful. The same writers, it should be noted, offer little or no proof for the charge that the consistory was the princes' vehicle for control of the church, and that it turned the clergy into sycophants of the rulers.^{xxvii} Perhaps the best refutation of the charge is to be found in the later experience of the Lutherans when their rulers ceased to be Lutherans: in the seventeenth century the House of Hohenzollern became Reformed and still later the infamous Elector Augustus of Saxony turned Catholic in order to become King of Poland. In neither instance was the Lutheranism of the territory disturbed.

The point is simply this: the very paucity of specific accusations and the beggarly nature of the proofs given for the accusation suggests at least that the Lutherans did a creditable job of maintaining a practical distinction (if not a clear separation) between the two kingdoms. The distinction stands out still more clearly when it is contrasted with Catholic and Calvinist theory and practice; among these the sword of government was used without apology and with distressing regularity in the attempt to force the invisible Church to become visible.^{xxviii}

But for Luther and the Lutherans the *communio sanctorum* remained hidden and must remain hidden, created and nurtured by the invisible grace of the crucified Christ in the lowly Word and humble Sacraments, walking by faith and not by sight, the little flock under the cross. That is what Luther saw when he looked at himself as saint and sinner in the mirror. That too is what his faithful adherents saw, whether prince or peasant. Perhaps that humble self impression which was so content to live on the Word without the necessity of answering every question and legally defining the implications of every principle was what made the practical application of some of those principles fuzzy.

To sum up then the application of Luther's attitude toward the two kingdoms we will be content with the following:

- 1) Luther's view that the divine institution of the state precluded any and all riot and revolution, no matter what the provocation, was consistently and clearly applied by and in the Lutheran estates.
- 2) While Luther's principles concerning the difference between the role God assigned to the church and to secular government lend themselves well to our American ideals of separation, a clear separation was not attained and probably could not have been attained, given the context of the sixteenth century. All seemed content to preach a distinction between the two kingdoms without being in any hurry to legislate a separation. The Lutheran princes used their unique status to prosper and protect the church, but without violence; unlike

Catholic and Calvinist territories, the stake had no place in Lutheran lands. A gross heretic might be banished on rare occasions; but even most of these tended to be preachers of violent revolt as well as heretics. The Catholic and Calvinist expedient of combining the two swords for the realization of the sacral-state ideal or for the glory of the theocracy was simply never a part of the Lutheran mentality and ethic. Lutheran trust in the efficacy of the Gospel excluded such an expedient; and perhaps that same evangelical emphasis made the Lutherans unaware of any great need to legislate the relationship between the prince as prince and the prince as Christian.^{xxix}

We will let Luther himself have the last word; already in his preface to his Small Catechism he implies the distinction while being untroubled about its specific application. That remained the case in the Lutheran territories through Luther's life and for more than a hundred years after his death. Luther declares of those who refuse instruction:

...they should be turned over to the pope and his officials, and even to the devil himself. In addition, parents and employers should refuse to furnish them with food and drink and should notify them that the prince is disposed to banish such rude people from his land.

Although we cannot and should not compel anyone to believe, we should nevertheless insist that the people learn to know how to distinguish between right and wrong according to the standards of those among whom they live and make their living. For anyone who desires to reside in a city is bound to know and observe the laws under whose protection he lives, no matter whether he is a believer or, at heart, a scoundrel or knave.^{xxx}

NOTES

ⁱ H. R. Trevor-Roper, The Crisis of the Seventeenth Century (New York, Harper and Row, 1968), p. 33

ⁱⁱ George Clark, The Seventeenth Century (London, Oxford University Press, 1929, reprinted. 1969), p. 310.

ⁱⁱⁱ Martin Luther, Luther's Works - American Edition, gen. ed., Jaroslav Pelikan, 55 vols. (Philadelphia, Fortress Press and Muhlenberg Press; St. Louis, Concordia Publishing House, 1958 -); vol. 44, "To the Christian Nobility of the German Nation Concerning the Reform of the Christian Estate," trans. by Charles M. Jacobs, rev. by James Atkinson, p. 125 f.

^{iv} Ibid., p. 196

^v Ibid., p. 137

^{vi} De Lamar Jenson, Confrontation At Worms, (Provo, Utah, Brigham Young University Press, 1973); trans. of the Edict by De Lamar Jenson and Jacquelin Delbrouwire; p. 83

^{vii} Ibid., p. 87

^{viii} Ibid., p. 99

^{ix} Ibid., p. p. 101

^x Martin Luther, Luther's Works - American Edition, Vol. 45, "A Sincere Admonition by Martin Luther to All Christians to Guard Against Insurrection and Rebellion," ed. Walther I. Brandt, tran. W. A. Lambert (1962), p. 63

^{xi} Ibid., p. 66f.

^{xii} Ibid., "Temporal Authority: To What Extent It Should Be Obeyed," tran. J. J. Schindel, pp. 110-112

^{xiii} Ibid., p. 124. Luther's interpretation here of the German constitution i.e., The Golden Bull of Charles IV and its subsequent modifications in custom and in 'the diet, is unique. He surely knew German history well enough to know that no one, including Charles IV, had ever taken the provisions of the constitution seriously except when it suited the purposes of the moment. Nevertheless, for Luther the oath of obedience taken by the diet's members, especially by the electors, was binding before God - - even if the emperor on his part ignored his oath to the electors in the *Wahlcapitulation*. The Lutherans paid dearly from 1526-1648 for their following of God's Word and Luther's doctrine in this matter of obedience to the emperor.

^{xiv} Ibid., p. 120 f.

^{xv} cf. Martin Luther, Luther's Works -American Edition, vol. 46, "Admonition to Peace, A Reply to the Twelve Articles of the Peasants in Swabia," pp. 24-5, 28-9, 40-1; "Against the Robbing and Murdering Hordes of Peasants," pp: 49-53; "An Open Letter on the Harsh Book Against the Peasants," pp. 65-72, 81-84. Note especially the historical introductions to each of these works.

^{xvi} Martin Luther, Luther's Works -American Edition, vol. 40, "Letter to the Princes of Saxony Concerning the Rebellious Spirit," tran. Conrad Bergendoff, p. 57 f.

^{xvii} Martin Luther, Luther's Works -American Edition, vol. 46, "On the War Against the Turks," tran. Charles M. Jacobs, pp. 167-8, 185-7, 190, 193.

^{xviii} Martin Luther, Luther's Works - American Edition, vol. 34, "Commentary on the Alleged Imperial Edict," tran. Robert R. Heitner; note especially Luther's introduction to the work on p. 67.

^{xix} It is beyond the scope of this unworthy effort to detail and demonstrate what is here asserted; we can but summarize the assertion and leave it to another day to prove it: the Reformed emphasis on the divine attribute of omnipotence at the expense of grace and on man's reason at the expense of God's "foolishness," drove the Calvinists to the error of absolute or double predestination - to the need to demonstrate by works that they were among the elect - to the conclusion that the best proof of election was to act as agents of the sovereign God - to the decision that no sin is a greater insult to God the heresy - to the final step that God's proven elect should use His sovereign power to extirpate that insult to His sovereignty and to establish on earth His dwelling place in a pure Christian commonwealth. Luther's thoughts go down a very different road both logically and practically: God is pre-eminently gracious - only by His grace revealed in the Gospel *cum effectu* does fallen man receive faith and with it citizenship in heaven - retaining his sinful nature, he follows by faith and not by sight the God who remains (except for the Word) *Deus absconditus* along the way of the Cross awaiting his own resurrection for the *via gloriae* of the ascended Christ - just because he is fallen man in a fallen world, he neither wants nor expects glory in this world; by faith he clings to grace alone and lives to serve (not to rule) by the Word alone, armed only with the lowly Gospel. Perhaps the sharp contrast between Luther on the one hand and both Calvinist and Catholic on the other hand can best be demonstrated thus:

Luther	Catholic and Calvinist
Theology of the Cross	Theology of glory
Grace (Gospel)	Law
Perfection only in heaven	Perfection now
ergo	ergo
The spiritual and the temporal kingdoms must be clearly distinguished and as much as possible kept separate.	The spiritual kingdom's goal must be to hasten God's rule on earth by pressing into its service the temporal kingdom.

That the Calvinist/Catholic equation is pregnant with mischief for both theology and history we take to be self evident; that Luther's equation is easily misunderstood and much more difficult to live we take as equally self evident. For Catholic and Calvinist the essence and the goals of the two kingdoms are not really all that different; for Luther they are all but mutually exclusive, even though each Christian lives in both:

Spiritual kingdom	Temporal kingdom
Invisible	Visible
Ruled by grace in the Gospel	Ruled by law in man's mind
Goal of heaven	Goal of earthly security and prosperity
Service in Christ in this life	Lordship in this life

^{xx} At times the Saxon court appears to have seen and appreciated the difficulty better than Luther did. Consider for example the case of the parish church at Allstedt; the elector had the right of appointment to this church. When radicals took over the church and its pulpit in 1523-4, the elector was reluctant to act against them, even though their usurpation clearly infringed on his rights. But Luther urged the elector to expel the radicals -- not because they were heretics, though that was clearly the case -- on two grounds: the illegality of their seizure and their use of the elector's church to foment rebellion (cf. the previously cited "Letter to the Princes of Saxony Concerning the Rebellious Spirit," vol. 40, Luther's Works - American Edition, pp. 47-59). While the second ground is consistent with all that Luther had already written, the first is not. Nevertheless we must not forget the date 1523-4, i.e., before the Diet of Speier and its recognition of the principle of *cuius regio eius religio*, before the Peasants' War, before the Diet of Augsburg and the Augsburg Confession, in short, before the Lutheran Church had finished its gestation period. Luther seems to have recognized before and especially after the Peasants' War that the day for applying the doctrine of the universal priesthood to parish government had not yet dawned. That fact was a powerful incentive for the establishment of Christian schools in Saxony. In sum it was simply too early for Luther to ask the elector to get rid of the rebels and then abandon his rights over the parish to the remaining members. Thus while we may admire the elector's sensitivity, we will not censure Luther's caution.

^{xxi} Philip Melancthon, "The Apology of the Augsburg Confession," The Book of Concord, ed. and tran. Theodore G. Tappert (Philadelphia, Fortress Press, 1959), p. 222-3.

^{xxii} Willard Dow Allbeck, Studies in the Lutheran Confessions (Philadelphia, Muhlenberg Press, 1952), p. 187; also E.G. Schwiebert, Luther and His Times (St. Louis, Concordia Publishing House, 1950), pp. 740-4.

^{xxiii} Harold J. Grimm, The Reformation Era (New York., The Macmillan Company, 1954), p.214. It is perhaps worth mentioning that this agreement was the end result of a struggle over the Duchy of Württemberg; Philip of Hesse led the struggle to restore the duchy to the Lutheran duke after his illegal deposition by the Catholics. The little war that ended with the restoration of the Lutheran duke finds Philip of Hesse cast in his usual un-Lutheran role in the Smalcaldic League.

^{xxiv} Gilbert Burnet, The History of the Reformation of the Church of England, ed. Nicholas Pocock (Oxford, 1865), vol. 6, p. 147 f. In these pages Burnet translates the charter subscribed at renewal in 1537; his translation is as follows:

... it is our most duty and necessity, of the office of our magistrate, in case now or hereafter it should happen, that any man would attempt and essay to divert us, or our subjects, by force or deed, from the Word of God, and the truth known; and to bring in again, and restore the ungodly ceremonies and abuses already abolished (which God by his good clemency will forbid, as we trust that no man will attempt such thing) for to repress such violence and peril from the bodies and souls of us and our subjects, by the grace of God, and for to excuse and avoid the same to the praise of God, to the augmentation of the sincere doctrine of the Gospel, and to the conservation of the uniform estate, tranquility, and honesty public, in the empire, for the love of the nation of Alemayne; and also for the commodity, honour, and good of our dukedoms, provinces, lordships, and cities, only to provide for the cause of our defense, and tuicion; the which is permitted to every man, not only by the law of nature and of men, but also by the law written.

Also that this our Christian confederation shall be taken to be in no wise prejudicial or hurtful to the emperor's majesty, our clementissime lord; nor to any state of the empire, or any other: but only for the conservation of the doctrine and truth of the Gospel, and of the peace and tranquility in the empire...; and only in the case of defense ... and none otherwise.

For a complete consideration of Henry VIII's machinations and the steadfast resistance of the Elector of Saxony, cf.:

Christine J. Black, C.E. Chablis, ed., Henry VIII to his Ambassadors at the Diet of Ratisbon; note especially the footnotes directing attention to:

Great Britain, Public Record Office, Letters and Papers, Foreign and Domestic of the Reign of Henry VIII, vols. 16-17; cf. also the volumes in:

Johannes Kühn, ed. Deutsche Reichstagsakten unter Karl V., herausgegeben durch die historische Kommission bei der Bairischen Akademie der Wissenschaft (Stuttgart, 1935).

^{xxv} Sources in English on the history of the German constitution are in scant supply. For a good summary of the history of leagues after the proclamation of the Golden Bull, cf.:

Veit Valentin, The German People - Their History and Civilization from the Holy Roman Empire to the Third Reich, tran. Olga Marx (New York, Alfred A. Knopf, 1946), p. 115, p. 117, pp. 125-136 passim. For a good comparative study of the changes in the constitution up to 1641 Kathrin Bierther has an excellent consideration of the matter in:

Der Regensburger Reichstag von 1640/1641 (Kallmünz OPF, Verlag Michael Lassleben, 1971).

^{xxvi} Grimm, p. 212.

We might note in passing that Luther's "Smalcald Articles," subscribed to by the theologians and later by the princes, do not add anything new on the matter of Church-State relations; Melancthon's "Treatise on the Power and Primacy of the Pope," which was adopted by the League, merely restates what Melancthon had said earlier in the "Apology of the Augsburg Confession," referred to above; cf.:

Philip Melancthon, "Treatise on the Power and Primacy of the Pope," The Book of Concord, p. 239.

^{xxvii} Grimm, pp. 223-6; cf. also:

Leopold von Ranke, Deutsche Geschichte im Zeitalter der Reformation (Leipzig, Dunker und Humblot, 1873), vol. 5, pp. 313-321.

Grimm maintains (p. 230) that Luther after the Peasants' War changed his mind about the use of the temporal sword in the interests of the church, particularly in the suppression of dissent; he points to the example of the *Winkelprediger* in 1532:

... he condemned the surreptitious activities of those unordained persons who carried their apocalyptic and other notions to the uneducated common people in the fields and forests, thus breeding unrest and revolt. Such persons who preached without a regular call should be driven out of the land. After the violence at Münster in 1535, he reluctantly joined Melancthon in agreeing that in extreme cases of blasphemy and treason, the death penalty might be imposed by the civil government. In January 1536, the government of electoral Saxony found three rustics guilty of blasphemy and sedition and executed them.

The reader should recognize at once the error of the author in the above citation: he confuses sedition and false doctrine; the cases cited are not at all inconsistent with all that Luther had written since the Edict of Worms, namely that sedition and rebellion must be suppressed regardless of its roots because that is the obligation God has given to the state. The author of the above poor example mentions no instance in which someone was executed for non-seditious activity. To my knowledge no such cases exist. It is true that Melancthon approved the burning of Servitus in Calvinist Geneva in 1553; but it must be remembered that by 1553 Melancthon was more of a Calvinist than a Lutheran.

^{xxviii} Grimm, pp. 339-365, 445-6, 571-592; cf. also Valentin, pp. 173-5

^{xxix} Edmund Schlink, Theology of the Lutheran Confessions, trans. Paul F. Koehnke and Herbert J. A. Bouman (Philadelphia, Muhlenberg Press, 1961), pp. 257-263. Schlink too comes to the conclusion that a distinction between rather than a separation of the two kingdoms is what is implied in the Confessions.

^{xxx} Martin Luther, "The Small Catechism," The Book of Concord, ed. and tran. Theodore G. Tappert, p. 339.

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