

# *Luther on the Role of Secular Authority in the Reformation*

by JAMES M. ESTES

WITH THE PUBLICATION of the *Address to the Christian Nobility of the German Nation* in August 1520, Martin Luther became the first of the reformers to appeal directly to the German princes to take decisive action in support of an ecclesiastical reformation that would have to be effected in defiance of Rome.<sup>1</sup> In so doing, he was continuing the already centuries-old propensity of German ecclesiastical reformers to seek from secular rulers the reforms that the clerical hierarchy either would not or could not provide.<sup>2</sup> But the traditional appeal to secular authority did not come easily to Luther.<sup>3</sup> Indeed, because of his persistent refusal, unique among the Lutheran reformers, to attribute to secular authority *as such* any responsibility for the establishment and maintenance of true religion,<sup>4</sup> his arguments justifying governmental action in support of religious reformation had a complexity and an inner tension unmatched in the simpler (and more easily summarized) thought of Philip Melanchthon and others.<sup>5</sup>

In the beginning—during the more than two years between the posting of the Ninety-Five Theses and the publication of the *Address*—Luther directed his appeals for reform not to princes but to pope and bishops, to whom he attributed the pastoral responsibility for nourishing the people with the word of God and removing all threats to their eternal salvation. Although he quickly came to the conclusion that bishops and prelates could not claim special authority to rule the church *de jure divino*, he still thought that the responsibility to do so was unquestionably theirs *de jure humano*. They were among the “powers that be” that Christians should obey.<sup>6</sup> Only in the spring of 1520 did Luther, having concluded that Rome was the seat of Antichrist, abandon hope that bishops and prelates would initiate reform and decide to call upon secular princes to intervene in the attempt to rescue Christendom. The earliest indication of this intention is found in two works that were published in rapid suc-

cession in June 1520: *Treatise on Good Works*,<sup>7</sup> and *On the Papacy in Rome*.<sup>8</sup> The relevant content of the two treatises can be summarized briefly as follows.<sup>9</sup>

Secular authority is a divine institution to which all Christians owe obedience except when it commands something contrary to Scripture. But its office is the purely secular one of providing for the temporal welfare of its subjects and punishing violations of the Second Table of the Decalogue (murder, theft, adultery, public drunkenness, and so forth). It “has nothing to do with the preaching of the gospel, or with faith, or with the first three commandments” (that is, the First Table).<sup>10</sup> In other words, secular authority as such includes no routine responsibility for the establishment and maintenance of true religion.

There are, nonetheless, two good reasons for appealing to the secular authorities to lend a hand with the reformation of the church. The first is that the clergy, “the spiritual authorities,” have, like parents gone mad, forfeited their right to be obeyed. They do not preach the gospel, faith is being destroyed, and Christendom is going to wrack and ruin. In this emergency, “anyone who is able to do so” should help in whatever way he can. But “it would be best—indeed it is the only way left to us—if kings, princes, nobles, cities, and communities would take the first step in this matter, so that bishops and clergy (who are now afraid [of Rome]) would have reason to follow.”<sup>11</sup> In other words, in an emergency that the clergy either cannot or will not deal with, secular rulers should do what is necessary to restore the proper functioning of the spiritual authorities.

The second reason for calling on the secular authorities is that many ecclesiastical abuses are in fact secular crimes committed by “spiritual” persons. In their obsession with wealth and power, “the Romanists” shamelessly abuse their ecclesiastical authority to raise money, thus making themselves guilty of robbery, theft, extortion and other violations of the Second Table. Therefore, out of concern for the temporal welfare of their subjects as well as for the honor of Christ, princes and nobles must exercise their God-given authority against the “blasphemous knavery” that the pope refuses to correct.

A related consideration was Luther’s observation that, in contrast to the true, inward, spiritual church that is governed by Christ alone

and has no physical or temporal attributes, the earthly, physical church has laws, ceremonies, usages, and other external trappings that are man-made and thus not essential elements of the spiritual church. Though the two churches are inseparable, for no external church exists without at least some people who are true Christians, they must be carefully distinguished from one another, lest spiritual status be attributed to worldly things. Initially aimed at dissolving the presumed identity of the Roman church with the true church, this line of reasoning also posed questions about who should control the external, man-made trappings of any earthly church.

### *The Address to the Christian Nobility (1520)*

While *On the Papacy in Rome* was still in press, Luther announced to friends his intention "to issue a broadside to [Emperor] Charles and the nobility of Germany against the tyranny and baseness of the Roman curia." By mid-August the "broadside" had grown into the *Address to the Christian Nobility*.<sup>12</sup> In the preface, Luther wrote: "[I have] put together a few points on the matter of the reform of the Christian estate, to be laid before the Christian nobility of the German nation, in the hope that God may help his church through the laity, since the clergy, to whom this task more properly belongs, have grown quite indifferent." In the first of the treatise's three parts, Luther calls upon emperor and imperial nobility to summon a church council and provides a theological justification of their right to do so. The second and third sections contain a catalogue of ecclesiastical abuses with Luther's proposals for reform.<sup>13</sup>

In the first part of the treatise, Luther pictures the "Romanists" as having built three defensive walls to protect themselves from reform. The first wall is the claim that spiritual authority is above secular authority and that, consequently, the secular authorities have no jurisdiction over the spiritual authorities. This is the wall that protects the Romanists from action by the secular authorities against those ecclesiastical abuses that are in reality secular crimes. The second wall, the claim that only the pope may interpret Scripture, and the third, the claim that only the pope can summon a council and confirm its

decrees, together make it impossible for Christian rulers to summon a council that will judge the pope on the basis of Scripture and enact needed reforms. Luther's weapon against these walls "of straw and paper" is the doctrine of the priesthood of all believers, which he here fully elaborates for the first time.

With respect to the first wall, Luther rejects the traditional notion that Christians are divided into "the spiritual estate" (pope, bishops, priests, and monks) and "the secular estate" (princes, lords, artisans, and all other laypeople). On the contrary, all Christians are, by virtue of baptism and faith, equally members of the spiritual estate and, consequently, all are priests. Those who officiate as priests are simply those designated by the call of the community to exercise, on behalf of all, the priestly authority that is common to all. Thus the only difference between clergymen and laypeople is that of their office in the community. Clergymen are no more Christian or "spiritual" than anyone else.

But the priesthood of all believers also means that Christian secular rulers are no less Christian than anyone else. Indeed, since they have the same baptism, the same faith, and the same gospel as do other Christians, it must be conceded that they too are "priests and bishops" and that "their office [of government] . . . has a proper and useful place in the Christian community." Significantly, however, Luther here reasserts the equality of all Christians. "Because we are all priests of equal standing, no one must push himself forward and take it upon himself, without our consent and election, to do that for which we all have authority. For no one dare take upon himself what is common to all without the authority and consent of the community." In other words, Christian secular rulers have exactly the same authority in the church as other Christians, no less authority but also no more.

What this means with respect to the first wall of the Romanists is that there is no ground for the old and long-disputed clerical claim to be "above" secular authority and consequently exempt from the jurisdiction of the civil courts for violations of civil law. Quite the contrary. Because the office of secular authority is the divinely mandated one of punishing the wicked and protecting the good (Rom. 13:3-4), it follows that popes, prelates, and all other clergymen are

answerable to that authority for their secular crimes. So if the pope and his "mob" are guilty of robbing and defrauding Christians by collecting annates, selling bishops' *pallia*, peddling indulgences, and so on, secular authorities are free to exercise their office against them just as they would against laypeople. In his catalogue of the "robbery, thievery, and skulduggery" inflicted on Germany by the pope and the Romanists, Luther repeatedly insists that both the emperor in particular and the princes in general have, by virtue of their secular authority alone, the right and duty to protect their subjects against such criminal behavior.

With respect to the second wall, Luther asserts that the claim that the pope alone may interpret Scripture and that he is infallible in matters of faith is an outrageous invention of the Romanists. The point is not simply that the pope is subject to Scripture (rather than vice-versa) but also that the whole Christian community has the right and duty to judge the pope in the light of Scripture and, if necessary, to side with Scripture against the pope and call the Romanists to account for their transgressions against Scripture. To do this, however, they must have resort to a council, something against which the Romanists have erected their third wall.

For Luther, the provision of church law that the pope alone can summon a council and confirm its decisions is a human regulation and thus valid only "as long as it is not harmful to Christendom or contrary to the laws of God." Since, however, the pope clearly deserves punishment at the hands of a council, the regulation giving him the sole right to summon one is no longer valid. Although Luther points out that many church councils have been convoked by emperors (e.g. Constantine and the Council of Nicaea), his crucial point here is that all Christians have the priestly right to summon a council if one is needed and the pope refuses to call one. "[W]hen necessity demands it, and the pope is an offense to Christendom, the first man who is able should, as a true member of the whole body, do what he can to bring about a truly free council." It is clear, however, that Christians are not all equal in their ability to do this effectively. Those participants in the priesthood of all believers who are best able to summon a council and compel participation in it are the secular authorities, who alone possess a divinely established authority over ev-

everyone in the community. In this emergency "in the spiritual city of Christ," they thus have a special obligation to intervene and call the Christian people together in a church council.

Luther's argument here is nothing if not complicated. It involves a cumbersome distinction among (1) the routine authority that the prince exercises as political sovereign; (2) the routine authority that the prince as baptized Christian shares equally with all other Christians; and (3) the special authority that the prince as baptized Christian has in an emergency because he happens to be a prince. Having declared that the routine authority of the prince *as prince* pertains only to the Second Table of the Law and has nothing to do with the gospel, faith, or the commandments of the First Table, Luther cannot, even in an emergency, call upon the secular rulers *as secular rulers* to exercise an authority in the church that they do not possess. So, while he can ask them as secular rulers to deal with secular crimes committed by the clergy, he cannot ask them as secular rulers to summon a church council. For that purpose he has to address them as individual Christians and participants in the priesthood of all believers and ask them to do what all Christians have the right to do. In so doing, however, he invokes their status as secular rulers to establish their *special* responsibility to use their princely authority on behalf of their fellow Christians in an emergency. If they take this "first step," bishops and clergy will once again be free to do a proper job of exercising their spiritual office.

In the *Address*, certain other matters of importance are left unclear. Luther is clear that "in spiritual offices such as preaching and giving absolution" the clergy have independent jurisdiction but that "in other matters" they are subject to secular authority. As we have already seen, he is also clear that those "other matters" include secular crimes committed by clergymen. But what about those external, worldly aspects of clerical life that are not, in Luther's view, part of the inward and spiritual church? Luther here inclines toward the view that all matters of property and goods are the proper concern of the secular authorities, who might concede to church officials a degree of control over the properties from which clergymen derive their incomes. But he has nothing to say about those externals, like ceremonies and vestments, that are closely connected with the spiritual office without being an

integral part of the spiritual church. He would soon prove reluctant to give control of such things to the secular authorities.

Instead of calling a council, as Luther had proposed, the Christian nobility of the German nation, in diet assembled, gave their approval to Emperor Charles's Edict of Worms (May 1521), which gave effect to Luther's excommunication (January 1521) by imposing imperial outlawry on him. In due course, the constituent territories of the Empire (principalities and imperial cities), rather than the Empire as a whole, would become the focus of effective reform. But this was by no means clear in the immediate aftermath of the Edict of Worms. For one thing, there were still no "Lutheran" princes. Though he protected Luther, Frederick the Wise of Saxony never saw fit to defy the emperor by becoming an avowed partisan of the evangelical movement; he concentrated on keeping peace and order rather than actively promoting religious change. The first truly evangelical elector would be Frederick's brother, John the Steadfast, who succeeded him in 1525. In Hessen, meanwhile, the other homeland of the German Reformation, Landgrave Philip did not adhere to the evangelical cause until 1524. Most German governments, though resentful of Rome and reluctant to enforce the Edict of Worms, were either indifferent to Luther or still undecided about him and worried about the possible political and social cost of supporting his movement. But a few princes, like Duke George of Albertine Saxony, were openly hostile and joined the Habsburgs in punishing any who manifested support for Luther. All in all, it is not surprising that Luther now took the view that princes "are generally the biggest fools or the worst scoundrels on earth, [from whom] one must constantly expect the worst . . . and look for little good, especially in divine matters which concern the salvation of souls."<sup>14</sup>

### *The Treatise On Secular Authority (1523)*

Meanwhile, the years 1521-26 were the classic period of the German Reformation as a spontaneous popular movement. Under the leadership of gifted preachers and pamphleteers, evangelical reform took root in one town after another and spilled over into the coun-

tryside as well. In 1522, Luther himself, impressed with what the Word alone had already accomplished without force,<sup>15</sup> reached the exuberantly optimistic conclusion that the faithful dissemination of the Word alone would destroy “the swarming vermin of the papal regime” in only two years.<sup>16</sup> Given this optimism about the irresistible spread of reform, and given also his perception that wise and upright princes were in critically short supply, Luther had little reason in the immediate aftermath of the Diet of Worms to make reform a princely responsibility. His principal concerns were, rather, (a) to encourage Christian communities to reform themselves and (b) to denounce as illegitimate the efforts of hostile princes to intervene in matters of faith.

With respect to the first aim, the immediate question was what local communities or congregations should do if bishops, abbots, or other prelates refused to provide them with suitable pastors. In 1523, asked for his advice by officials in the small Saxon town of Leisnig, Luther argued that, by virtue of the priesthood of all believers, all Christians have the right and duty to judge doctrine in the light of Scripture and to reject what is contrary to it. If, therefore, bishops and other prelates teach and rule contrary to the gospel and refuse to appoint Christian pastors, a Christian community in possession of the gospel has the right and duty “to avoid, to flee, to depose, and to withdraw from the authority” of such corrupt bishops and chose its own pastor. If there were good bishops willing to serve the gospel by appointing good pastors, one could allow them to do so. But even good bishops should not have the power to appoint good pastors “without the will, the election, and the call of the congregation.”<sup>17</sup> Luther also upheld the right of local communities or congregations freely to choose suitable forms of worship to replace the mass and other Catholic ceremonies inconsistent with evangelical doctrine.<sup>18</sup>

With respect to the second aim, denouncing princely interference in matters of faith, Luther made the prohibition of his translation of the New Testament (published in September 1522) by Catholic princes in Albertine Saxony, Bavaria, Brandenburg, and Austria the occasion for publishing the treatise *On Secular Authority: To What Extent It Should Be Obeyed*.<sup>19</sup> The work opens with Luther’s sour observation that, having tried unsuccessfully in the *Address to the Chris-*



*tian Nobility* to teach the German princes “their Christian office and functions,” he now finds it necessary to switch tactics and explain “what they should omit and not do.” For in their mad folly, princes believe that their subjects are bound to obey them in everything, and they issue proclamations requiring their subjects to believe and worship as they prescribe. Claiming to be doing their duty as Christian princes, they are in fact scoundrels who suppress the faith, deny the divine word, and blaspheme God. They must be resisted, “at least with words.” Luther’s verbal resistance took the form of what is commonly called his *Zwei-Reiche-Lehre*, the Doctrine of the Two Kingdoms.<sup>20</sup>

The entire human race, says Luther, is divided into two classes, those who belong to the kingdom of God and those who belong to the kingdom of the world.<sup>21</sup> Those who belong to the kingdom of God are the true believers in Christ. In the kingdom of God, Christ alone rules by his Holy Spirit, without force. If all the people in the world were true Christians, there would be no need for temporal law or the sword, for Christians would voluntarily do far more than the law demands. Thus they would have no need for laws, courts, litigation, judges, and the other trappings of secular authority. Unfortunately, however, “there are few true believers, and still fewer who live a Christian life.” Christians are a minority of sheep lost in a majority of wolves and lions who pay no heed to the gospel and are not ruled by it. If the wicked majority were not restrained by external force, the world would be reduced to chaos and “no one could support wife and child, feed himself, and serve God.”<sup>22</sup> For this reason God has established the temporal sword outside the kingdom of God and given it authority to restrain evil deeds and maintain order. That is why St. Paul says (1 Tim. 1:9) that “the law was not made for the righteous but for the lawless and the disobedient” and calls secular authority (Rom. 13:4) “God’s servant” for the rewarding of good and the punishment of evil.

Both kingdoms are thus ordinances of God and both are necessary, “the one to produce righteousness, the other to bring about external peace. Neither one is sufficient in the world without the other.” Secular government cannot make anyone righteous in the eyes of God, and spiritual government cannot maintain external

peace and order in human affairs. Therefore, although Christians do not need the secular sword for themselves, they understand that it is "most beneficial and necessary for the whole world." So they willingly submit to it, pay their taxes, and honor those in authority. If called upon to do so, moreover, they willingly serve others by bearing the temporal sword and helping to preserve peace and order. Indeed, "it would even be a fine and fitting thing if all princes were good, true Christians," for, as a service of God, "the sword and authority . . . belong more appropriately to Christians than to any other men on earth."

This distinction having been made, "the main part of the treatise" follows.<sup>23</sup> It is essential, Luther says, to consider carefully how far the arm of secular government extends, "lest it extend too far and encroach upon God's kingdom and government," with "intolerable and terrible injury" as the result. For the authority of secular government extends "no further than to life and property and external things on earth," to things that it can "see, know, judge, condemn, change, and modify." Since God alone knows the hearts and minds of human beings and only he can awaken faith in them through his Word, he does not permit anyone other than himself to rule over the soul. "Over what is on earth and belongs to the temporal, earthly kingdom, man has authority from God; but whatever belongs to heaven and to the eternal kingdom is exclusively under the Lord of heaven." Thus it is the height of folly when princes command their subjects to believe what popes, fathers, and councils have decreed contrary to the word of God. They are assuming a power over souls that belongs solely to God. What one believes is a matter for each individual conscience, "and since this takes nothing away from secular government, the latter should be content to attend to its own affairs and let men believe this or that as they are able and willing, and constrain no one by force." So if Christians are commanded by their government to surrender their copies of Luther's New Testament, they should refuse to do so and accept passively whatever punishment may follow this refusal.

To the objection that by issuing such commands secular power does not force people to believe anything but is simply ruling externally in such a way as to prevent them from being deceived by

false doctrine, Luther responds that this is the job of bishops and not of princes. Heresy is a spiritual matter that cannot be restrained by force; only God's word can defeat it. Like true faith, moreover, false faith thrives under persecution, which is thus a worse than useless weapon for combatting it.<sup>24</sup>

It should be emphasized here that Luther's distinction between the spiritual realm and the secular realm is not the same as his distinction between church and state. His "spiritual kingdom" is indeed the same thing as the "true, inward, spiritual church" that is ruled by Christ alone. But his "earthly, physical church" has a foot in both realms. If its man-made externals are not an essential part of the spiritual kingdom, do they not fall by definition into the category of the "external things on earth" that secular government can "see, know, judge, and modify" as it sees fit? The list of Lutheran theologians who would answer yes to that question is long,<sup>25</sup> but in *On Secular Authority*, Luther has not yet joined it. Indeed, he poses the question of the authority to regulate such externals in a way that precludes any role for secular government and addresses only the role of bishops. How, he asks, shall the church be governed outwardly, seeing that Christians have no secular sword of their own? He responds with a brief elucidation of the implications of the priesthood of all believers. Since all Christians are equally priests and have "the same right, power, possession, and honor," it follows that priests and bishops are "neither higher nor better than other Christians." Their the ministry or office is simply that of preaching the Word. With respect to the external ordering of the church, they have no more authority or power than other Christians, and they must "impose no law or decree on others without their will and consent." Luther does not here address the question of how this "will and consent" of the community is to be determined or enforced.<sup>26</sup>

The problem with Luther's sharply drawn distinction between secular authority and spiritual authority was that it applied not only to "papist scoundrels" like Duke George but, once they had appeared on the scene, to princely supporters of the evangelical cause as well. As a result, the arguments in the treatise would, for many years to come, find their way into the works of those who demanded for themselves and others the right peacefully to believe and worship as

they pleased and who denied the right of secular governments to require their adherence to any prescribed orthodoxy of faith and practice.<sup>27</sup> A distinguished list of Lutheran theologians would thus be constrained to demonstrate that the *cura religionis* of Christian magistrates was in fact perfectly compatible with the distinction between the two kingdoms and their appropriate governments.<sup>28</sup> In the meantime, it took Luther himself a few years to sort out his thinking on the subject.

*The Problem of Order and the Saxon Territorial Visitation (1523–1528)*

He quickly found that it was scarcely possible for communities to deal with the practical problems of reform without the cooperation and assistance of the secular authorities. Local congregations often sought the aid of the authorities, who might have rights of patronage, in their search for a suitable pastor. Moreover, the control of church property and income was such a jumble of legal entitlements in the hands of individuals and institutions (including town councils and territorial princes) that governmental intervention was usually needed to achieve order and stability. So already in 1522–3, while maintaining the independence of the local Christian community in these matters, Luther issued numerous appeals to both local authorities and the elector to provide assistance, arguing that it was in their interest both as Christian brothers and as secular rulers to do so.<sup>29</sup> In the circumstances, it was not easy (and evidently not urgent) to distinguish clearly between the role of the prince or magistrate as Christian brother and that as secular ruler, and Luther employed language that did not do so.<sup>30</sup>

Another difficulty in the path of reformation was the tendency of conflicts between the advocates of reform and their opponents to produce public disorder. From the beginning, Luther was adamant that genuine reform had to be free of the taint of disorder or revolution. In the wake of the so-called “Wittenberg disorders” that occurred during his “exile” in the Wartburg (May 1521–February 1522), Luther reproved his colleagues Gabriel Zwilling and Andreas Karlstadt for having introduced reforms (e.g., communion in both

kinds) at too rapid a pace, to the accompaniment of violence against opponents and in defiance of the will of Elector Frederick. Reforms, he said, were to be undertaken only after preaching had adequately prepared the people to understand and accept them, lest the "weaker brethren" be alienated from the gospel, and only with the knowledge and approval of the authorities, lest "reform" become synonymous with "rebellion."<sup>31</sup>

As the 1520s wore on and the Reformation continued to spread in Saxony, Luther became increasingly impatient with the obstacles to reform and, abandoning his optimism about what the Word alone could achieve, called on secular authorities to remove the obstacles in question. In so doing, he remained faithful to his distinction between secular and spiritual authority by enlarging the scope of what secular rulers as guardians of peace and order could do to regulate ecclesiastical matters. In Wittenberg, for example, the Catholic canons in the chapter of the All Saints Collegiate Church (*Allerheiligenstift*) continued to celebrate endowed Roman masses after the rest of the community had come to accept that the sacrament was to be distributed in both kinds to a gathered congregation in accordance with its scriptural institution. They were, in other words, not "weaker brethren" with whom one had to be patient but rather hard-necked adherents of error whose offenses had to be curbed. In 1522-23, Luther tried unsuccessfully to get Elector Frederick, who was patron of the chapter, to put an end to the "abomination" of the mass. Toward the end of 1524, he returned to the attack, now decrying the mass not simply as an abomination but also as "idolatry" and "blasphemy." Since "blasphemy of the name of God" was, along with perjury and slander, a crime in secular law, Luther could summon "princes and governors, burgomasters, councillors, and judges" to extirpate it, lest the terrible wrath of God come upon them as well as the idolatrous priests. This inspired the local authorities in Wittenberg to apply pressure and thus secure the agreement of the remaining canons to suspend the celebration of mass. The elector tacitly accepted this development.<sup>32</sup>

In the following year, there was a similar controversy with the canons of the collegiate chapter in Altenburg, which was also under the patronage of the elector. When the new elector, John the Stead-

fast, acting on Luther's advice, ordered the abolition of mass and other "unchristian" ceremonies in the chapter, the Catholic canons objected that, according to Luther's own teaching, the elector could not force anyone to faith. Luther responded with a variation of the argument that he had rejected in *On Secular Authority*, namely that the prince was not forcing anyone to faith or the gospel, but merely forbidding public blasphemy, that is, the celebration of mass. In so doing, he was exercising his routine jurisdiction over public crimes, leaving the canons unmolested in the possession of whatever faith they might wish to practice in private. In a memorandum for the elector written early in 1526, Luther added the argument, borrowed from the reformers in Nürnberg, that secular rulers cannot allow their subjects to be led into disunity and division by discordant preaching, lest tumult and faction be the result. In the interest of public peace and order, only one doctrine can be preached in any community.<sup>33</sup>

In this campaign for the abolition of mass in Wittenberg and Altenburg, Luther had thus availed himself of two ideas that were already very old and that would live on for some time yet as working assumptions of both Roman Catholic and Protestant political thought. One was that a community divided in religion is ungovernable. The other was that the wrath of God is not just the distant fate of private individuals in eternity but rather the impending historical experience of the land and people whose ruler tolerates idolatry and blasphemy. In both cases it is thus the concern of the prince as prince, not just as Christian brother, to intervene in the interests of secular peace and order. At the same time, Luther was also giving expression to the idea (strange to modern ears but taken seriously by Lutheran princes, magistrates, and theologians in this period) that personal freedom of faith does not include freedom of public worship. It should be noted, however, that while Luther had at this stage concluded that secular government has the obligation to abolish false religion on the ground that it is a threat to peace and order, he still resisted the logical corollary (long since adopted by his fellow reformers) that secular government as such has the duty to establish and maintain true religion on the ground that it promotes public peace and order.

In the meantime, two developments had brought Luther to the verge of calling on the elector to impose a common church order in Saxony. The first was the accumulation of evidence that the progress of reform, which had now spread virtually everywhere in the elector's domains, had produced problems so serious and widespread that, as Luther had put it in 1520, there was no hope save with the secular authorities. The second was the death of Frederick the Wise in May 1525 and the succession of the openly evangelical John the Steadfast, something that opened new prospects for fruitful princely action in support of reform.<sup>34</sup> By the end of September 1525, Luther had decided that the elector should inaugurate a territorial visitation, and his letters over the following fourteen months with the electoral court and others about this reveal much about the conditions that needed to be dealt with.<sup>35</sup>

To begin with, church finances were in a state of disorder. Much of the wealth of the abandoned monasteries was being appropriated by nobles and others for their own use rather than being applied, as Luther had recommended, to the religious, educational, and charitable purposes intended by the founders.<sup>36</sup> Moreover, many of the congregations that had been happy to exercise their right to call an evangelical pastor were either unable or unwilling to pay him a decent salary, with the result that material want was undermining the effective performance of the church's ministry. Public worship, too, was in a state of confusion and disorder. In addition to the continued celebration of the Roman mass in certain monastic and collegiate churches, the unrestricted exercise of congregational freedom in externals had produced in the churches where Roman rites had been abolished such a bewildering variety of ceremonies that ordinary people were "confused and offended," again to the detriment of effective ministry.<sup>37</sup> All this drove Luther to the conclusion that, the rights of local congregations and their pastors notwithstanding, a common order in the elector's territories was urgently needed. As if these problems were not enough, it was also clear that many pastors were incompetent and that some were *Schwärmer*.

Once again, Luther distinguished between those things within the routine jurisdiction of secular authority and those that were the province of spiritual authority. He advised the elector that all the aban-

doned monasteries and foundations had automatically fallen under his authority as prince and that he thus had the duty to inspect them, put their affairs in order, and see to it that their resources were used to support those churches and schools not otherwise adequately endowed with income. Moreover, he attributed to the elector, as "supreme guardian of the younger generation," the power to compel communities that had the wherewithal to do so "to support schools, preacherships, and parishes" just as one would compel them "to contribute to . . . the building of bridges and roads, or any other of the country's needs." Otherwise "the land will be filled with wild, loose-living people."

The achievement of uniform ceremonies, on the other hand, was a more complicated problem. While Luther, as already noted, regarded the suppression of "external abominations" and doctrinal divisions as something within the jurisdiction of secular authority, he continued to believe the things he had said about the rights of congregations and the power of the church freely to choose its own ceremonies. So when, in the summer of 1525, he began to urge that a common order of worship should be observed in every principality, he argued that such a common order should be the result of the voluntary cooperation of the pastors, who would consider the edification of the laity more important than their own freedom to alter ceremonies at will.<sup>38</sup> He continued to defend this voluntaristic approach even after he had begun to agitate for the imposition of a common order by means of a visitation.

When, after many delays, the visitation commission was finally established in February 1527 and given its *Instruktion* by the elector in June, it included, as Luther had recommended, experts on property and finance as well as on doctrine and personnel. In early July, the difficult and time-consuming process of visitation began, and the visitors were soon supplied with a set of instructions (a compendium of the doctrines and practices to which the pastors had to adhere) written by Melancthon.<sup>39</sup>

With the benefit of hindsight, it is clear that the visitation that commenced in 1527 was the beginning of *das landesherrliche Kirchenregiment* (church government by the territorial prince) in Saxony.<sup>40</sup> At the time, however, Luther still refused to see it that way. When



Melanchthon's instructions for the visitors were published in 1528, they included a preface by Luther in which he attempted to square the visitation with the view of secular authority to which he had adhered ever since 1520.<sup>41</sup> The original and primary function of bishops, he wrote, was to visit pastors and congregations. But the bishops have neglected this duty for so long that the church has become "grievously confused, scattered, and torn." In this emergency, the Wittenberg theologians wished to have "the true episcopal office and practice of visitation re-established." But, lacking either a call from God or a "definite command" from the Saxon congregations to do so themselves, they have appealed to the elector, "that out of Christian love (since he is not obligated to do so as a temporal sovereign)" he might use his princely authority to "call and ordain" competent persons to perform this episcopal office for the welfare of "the wretched Christians in his territory." Although these visitors will have no authority to "issue any strict commands," as though they were exercising a new form of papal authority, good and devout pastors will "willingly, without any compulsion" accept the common order prescribed to them "until God the Holy Spirit brings to pass something that is better." If any obstinately and perversely refuse to accept the common order, the elector will be asked to take action against them. For while the elector "is not obligated to teach and rule in spiritual affairs, he is obligated as temporal sovereign to prevent strife, rioting, and rebellion" among his subjects, just as the emperor Constantine, refusing to tolerate the dissensions in the Empire caused by Arius, "summoned the bishops to Nicaea and . . . constrained them to preserve unity in teaching and faith."

This justification of the territorial visitation makes clear that Luther's desire for a church that was free to govern itself by voluntary cooperation was now hopelessly at odds with the demonstrated inability of the reformed congregations to achieve order and stability without help in the form of something more substantial than occasional princely intervention in emergencies. The effort to uphold the distinction between the prince as prince and the prince as Christian brother, when in practice he had to be both at once, was approaching the point of absurdity. To say that it exceeded the authority of the prince as prince to establish a visitation and thereby assume

responsibility for the establishment of true doctrine and worship, but that it was well within the ordinary authority of that same prince to abolish false or schismatic doctrine or worship, was to strain the limits of common sense. Moreover, to call upon pastors to conform “willingly [and] without compulsion” to the new order while threatening them with secular penalties if they failed to do so was, to paraphrase Cargill Thompson,<sup>42</sup> to bring the authority of the prince into the church by the back door. Luther himself was fairly quick to perceive that he could not go on arguing his case in this way. The first surviving evidence that he had seriously rethought his position dates from 1530.

*The Commentaries on Psalms 82 (1530) and 101 (1534–35)*

By 1530, the Reformation was becoming, in an ever longer list of principalities and cities, a movement concerned with the establishment and protection of an organized territorial church with an increasingly well-defined and government-imposed orthodoxy of faith and practice. Luther was well aware that his own Doctrine of the Two Kingdoms was being used by those who opposed this development and who wanted to prove that Christian governments had to tolerate all peaceful religious groups in their territories.<sup>43</sup> Long convinced that public blasphemy was a crime and that religious divisions threaten the peace and stability of a community, Luther now saw as well the need of governmental protection for the legitimately called and regularly appointed pastors of the struggling new churches in Saxony and elsewhere against Anabaptist “corner preachers” (*Winkelprediger*) and other troublemakers.<sup>44</sup>

Addressing this situation in his commentary on Psalm 82 (1530),<sup>45</sup> Luther made the psalm’s description of secular rulers as “gods” and as “sons of the Most High” who should show partiality to the godly (vv. 1–2, 6) the basis for an unqualified assertion that the first and highest duty of princes and lords was “to honor God’s Word above all things and . . . to further the teaching of it” by supporting pastors and securing their freedom to preach as well as by warding off sects and false teachers. By serving God in this way, a prince not only pre-

serves peace and unity but also increases God's kingdom and helps many to salvation.<sup>46</sup> Gone here is the old distinction between the prince as prince and the prince as Christian brother. Gone too is the limitation of princely intervention to emergencies. Luther appears to have been the first of the reformers to read this psalm text in this way.<sup>47</sup> Melanchthon praised Luther's commentary highly and immediately added Psalm 82:6 to his arsenal of texts proving that the secular office includes not just the obligation to keep peace but especially the duty to provide for true doctrine and worship.<sup>48</sup> Luther, however, would persist in his refusal to locate princely responsibility in the secular office itself, with characteristically difficult and complicated results.

Luther's last extended treatment of the role of princes in the church is found in the commentary on Psalm 101 that he wrote in 1534 and published in 1535.<sup>49</sup> His comments on verses 2–5 constituted a *Fürstenspiegel* (mirror of princes) for his own prince,<sup>50</sup> Elector John Frederick of Saxony, who had succeeded his father in 1532 and whose piety and good intentions Luther knew and trusted. The personal connection was crucial because Luther, whose opinion of princes in general had not improved much (if at all), attached more importance to the actual qualities of specific princes than to abstract models of what a good prince should be,<sup>51</sup> a predisposition amply evident in this commentary. Where his aim in *On Secular Authority* had been to keep the Duke Georges of this world from frustrating the spread of reform, his aim now was to get the John Fredericks of this world to nurture and protect what the reformers had so far accomplished.

Accepting the common attribution of the authorship of Psalm 101 to King David, Luther treats it as a self-portrait of David in his capacity as a ruler in both spiritual and temporal matters. Unlike the general run of kings and princes, who are the natural enemies of God, David is steadfast in the faith, establishes and maintains true doctrine and worship among his subjects, abolishes heresy and idolatry, and so on. This kind of behavior is so exceptional, such a rare and precious gift of God, that it cannot be taken as a model for all princes. Those kings and princes who, like Elector John Frederick, are equal to the task should follow David's example. The most that can be asked of

ordinary princes is that they should avoid joining forces with those of their fellow-princes who are the enemies of God and Christ.

Having elaborated on this theme at considerable length, Luther then launches into a vehement reassertion of the necessary distinction between the secular and spiritual realms. Even where it exists among the godless, secular government is God's "ordinance and creation," which means that "the secular kingdom . . . can have its own existence without God's kingdom." It is a realm governed by human reason, and the works of the heathen writers concerning it (especially Aristotle, Plato, and Cicero) are better than those of the Christians. For this reason, God sharply separates his kingdom from that of the world. It is the devil who tries to "cook and brew these two kingdoms into each other" by tempting secular rulers into trying "to be Christ's masters and teach him how He should run His church and spiritual government."

Luther, however, knows that "proponents of logic" will object that in this psalm David "mixes the spheres of spiritual and secular authority together and wants to have both." He responds by drawing a distinction between commanding and obeying, ruling and serving. God is the one supreme authority over all creation, and all without exception owe obedience to him. It follows that, if David or some other godly prince, having heard from the preachers that everyone (princes included) must fear God and keep his commandments, orders his subjects to fear God and heed his word, he is simply doing his duty as a faithful and obedient servant and not meddling in spiritual government at all. For, with respect to the service of God, there is no distinction between spiritual and secular. "All should be identical in their obedience and should even be mixed together like one cake, everyone . . . helping the other to be obedient." To be sure, princes have no authority to change the Word of God or to dictate what shall be taught. But princes who are God-fearing Christians can and should serve God by supporting true preaching and abolishing what is contrary to it, and those who object to this with whining quibbles about the confusion of spiritual and secular authority are talking nonsense.<sup>52</sup> The spiritual and secular realms are, in other words, separate but not opposed, each in its own way serving the will of God in cooperation with the other.<sup>53</sup>

With the commentary on Psalm 101 Luther had thus arrived, in his own good time and by his own tortuous route, at a somewhat long-winded and convoluted affirmation of the *cura religionis* of secular magistrates that later generations of Lutheran court preachers and theologians would perceive to be essentially the same as that in Philip Melanchthon's contemporary second edition of the *Loci communes*.<sup>54</sup> Although he still refused to say (with Melanchthon and many others) that *all princes* have been commanded to establish and maintain true religion, he allowed that *all princes who happen to be genuinely pious Christians* and who can be trusted to act for the good of the church have been called to do so. Though Luther did not spell it out, the clear implication of this was that the office of Christian prince extends to the First Table of the Decalogue as well as to the Second Table and that princely intervention is not limited to ecclesiastical emergencies or to circumstances in which public peace is threatened. Where Luther's language and logic coincided most closely with those of Melanchthon was in his emphasis on the prince's role as *servant* of the church rather than its master. Both viewed the Christian prince as someone burdened with obligations to the church rather than endowed with power over it, and as someone subject to the Word of God as interpreted by the theologians rather than free to impose his own version of the truth. Above all, the rights of the pastors in the exercise of their ministry were not to be trampled by princes and their officials.<sup>55</sup>

As his writings from 1530 onward demonstrate, Luther's reservations concerning the princely class and his old fears that princely authority was likely to be extended farther than was appropriate persisted to the end of his life. He still sometimes spoke of the prince as prince and the prince as Christian as though they were different people.<sup>56</sup> And it was only in later years (1539-42) that he referred to secular rulers as "emergency bishops" (*Notbischöfe*), "bishop" being his normal designation for the ecclesiastical visitors and superintendents, whom he wanted to operate with as little governmental interference as possible.<sup>57</sup> Interference by city hall or the princely court in the free exercise of the pastoral ministry invariably aroused his ire.<sup>58</sup> Nevertheless, he did not retreat from the position that he had taken in the commentaries on Psalms 82 and 101. Quite the con-

trary. On at least two occasions (in 1536 and 1543) he gave his unqualified endorsement to Melanchthon's view of the *cura religionis* of Christian secular rulers.<sup>59</sup> In 1545, moreover, for a new edition of Melanchthon's visitation instructions, he revised the preface that he had written in 1528, eliminating the passages about the elector's not being obligated as temporal sovereign to rule in spiritual matters, and adding a passage praising those German rulers who, "driven by the dire need of the church," had undertaken the reformation of their lands.<sup>60</sup> That was his last word on the subject.

## NOTES

1. The following abbreviations are used in the notes. LW: *Luther's Works*, ed. Jaroslav Pelikan, Helmut T. Lehmann, et al., 55 vols. (St. Louis: Concordia Publishing House; Philadelphia: Fortress Press, 1955–1986). Trüdinger: Karl Trüdinger, *Luthers Briefe und Gutachten an weltliche Obrigkeiten zur Durchführung der Reformation (Reformationsgeschichtliche Studien und Texte*, 111) (Münster Westfalen: Aschendorff, 1975). WA: *D. Martin Luthers Werke, Kritische Gesamtausgabe*, 60 vols. (Weimar: H. Böhlau, 1883–1980). WA-Br: *D. Martin Luthers Werke: Briefwechsel*, 15 vols. (Weimar: H. Böhlau, 1930–1978). When quoting the LW text, I have sometimes made slight adjustments. Most of these were inspired by my conviction that the proper translation of *weltlich* is usually "secular" or "worldly" and not "temporal."

2. On the late-medieval development of princely responsibility for religious reform and the emergence of *Landeskirchen* (territorial churches), see Manfred Schulze, *Fürsten und Reformation Geistliche Reformpolitik weltlicher Fürsten vor der Reformation* (Tübingen: Mohr [Siebeck], 1991).

3. Although the topic of Luther's views on church and state is a very old one, literature on the subject that takes account of all the available evidence is rare. There was long a tendency to concentrate narrowly on Luther's thought in the 1520s and to leave out of account important evidence from 1530 and later. A prime example of this was the "classic" essay, "Luther und das landesherrliche Kirchenregiment" (1911), in which Karl Holl provided much shrewd analysis of the writings of the 1520s but had nothing to say about the copious evidence that in the 1530s Luther's views had changed. See Holl's *Gesammelte Aufsätze zur Kirchengeschichte I* (7<sup>th</sup> ed., Tübingen: Mohr [Siebeck], 1948): 326–80. The closest thing to a comprehensive work in English is W. D. J. Cargill Thompson, *The Political Thought of Martin Luther*, ed. Philip Broadhead (Brighton, Sussex: Harvester Press, 1984), especially chapters 3, 4, 8, and 9. Unfortunately, Professor Cargill Thompson did not live to revise his manuscript or supply it with notes. Moreover, though he was aware of Luther's later thought, he had not yet managed to do full justice to it. This, plus numerous errors in the transcribed text that distort or defeat meaning, has resulted in a work that must be used with caution and is not as useful to non-experts as the author clearly intended it to be. My

own recently published thoughts on the subject are cited in the notes that follow, as are the most useful works by German scholars.

4. Luther's stubborn refusal to accept the then common belief that the political commonwealth and secular authority have an intrinsically religious purpose is difficult to explain. Suffice it to say here that it probably derived initially from his training as a scholastic theologian in the school of Ockham (rather than as a humanist in the school of Erasmus), and that it was reinforced by (1) his conviction that authority in the church belonged to all Christians equally, and (2) his unhappy experiences with the princes of his day. See James M. Estes, "Luther's First Appeal to Secular Authorities For Help With Church Reform, 1520," in *Continuity and Change: The Harvest of Late Medieval and Reformation History*, Essays Presented to Heiko A. Oberman on his 70th Birthday, ed. Robert J. Bast and Andrew C. Gow (Leiden: Brill, 2000), 48–76; here 72–3 with footnotes 72 and 73.

5. See James M. Estes, "The Role of Godly Magistrates in the Church: Melancthon as Luther's Interpreter and Collaborator," *Church History* 67 (1998):463–483. For more on the historical origins of the majority view represented by Melancthon, see idem, "Erasmus, Melancthon, and the Office of Christian Magistrate," *Erasmus of Rotterdam Society Yearbook Eighteen* (1998), 21–39, and idem, "Officium principis christiani: Erasmus and the Origins of the Protestant State Church," *Archiv für Reformationsgeschichte* 83 (1992):49–72.

6. Scott Hendrix, *Luther and the Papacy: Stages in a Reformation Conflict* (Philadelphia: Fortress Press, 1981), 1–32.

7. LW 44:21–114; WA 6:202–76. The *Treatise* is a discussion of Christian ethics in the traditional form of a commentary on the Ten Commandments, which Luther (again following tradition) divides into the First Table (commandments 1–3) and the Second Table (commandments 4–10), making the fourth commandment the occasion for his discussion of the obedience owed to the secular and spiritual authorities.

8. The pamphlet was written in response to one by the Leipzig Franciscan, Augustine Alveld, in defense of the divine right of the pope to govern the church. The full title was *On the Papacy in Rome, Against the Most Celebrated Romanist in Leipzig*: LW 39:55–104; WA 6:285–324.

9. For a more detailed and fully annotated summary, see Estes, "First Appeal" (as in note 4), 52–9.

10. LW 44:92; WA 6:259.

11. LW 44:91; WA 6:258.

12. *To the Christian Nobility of the German Nation on the Reform of the Christian Estate*: LW 44:123–217; WA 6:404–69. Cf. the much longer discussion in Estes, "First Appeal" (as in note 4), 58–70.

13. For the reasons that Luther may have had for believing that the authorities might respond positively to his appeal, see Estes, "First Appeal," 61–2.

14. LW 45:113; WA 11:267.30–268.3.

15. LW 51:77–8; WA 10:18–19 (the "Invocavit Sermons" cited below in note 31): "[F]aith must come freely, without compulsion. Take myself as an example. I opposed indulgences and all the papists, but never with force. I simply taught, preached, and wrote God's Word; otherwise I did nothing. And while I slept, or drank Wittenberg beer with my friends Philip [Melancthon] and [Nicholas von] Amsdorf, the Word so greatly weakened the papacy that no prince or emperor ever inflicted such losses upon it. I did nothing; the Word did everything. . . . [The Word] is almighty and takes captive the hearts, and when the hearts are captured, the [devil's] work will fall of itself."

16. LW 45:67-9; WA 8:682-3 (*A Sincere Admonition to All Christians to Guard Against Insurrection and Rebellion*, March 1522).

17. *That a Christian Assembly or Congregation Has the Right and Power to Judge All Teaching and to Call, Appoint, and Dismiss Teachers, Established and Proven by Scripture*, published in May 1523: LW 39:305-14; WA 11:408-16. See also the treatise *Concerning the Ministry* (1523): LW 40:7-44; WA 12:169-96.

18. LW 53:19-40; WA 12:205-220 (*An Order of Mass and Communion for the Church at Wittenberg*, 1523).

19. LW 45:77-129, where it is given the title *On Temporal Authority*; WA 11:245-80. An elaboration of ideas first worked out in sermons of October 1522 (WA 10/3:371-85), the treatise had been completed by Christmas 1522 but it did not appear in print until the following year, probably in early March.

20. As presented for the first time in *On Secular Authority*, the doctrine of the Two Kingdoms seems simple and straightforward, and for present purposes it can be treated as such. In fact, however, the *Zwei-Reiche-Lehre*, as Luther developed it over the years, was a complex set of doctrines whose inherent difficulty was compounded by his imprecise use of terms that have several possible meanings: *Reich*, *regnum*, *Welt*, *weltlich*, and more. No other aspect of Luther's social and ethical teaching has produced so much discussion or controversy. W. D. J. Cargill Thompson has done a particularly good job of sorting out the difficulties and bringing clarity to the subject. See his "The 'Two Kingdoms' and the 'Two Regiments': Some Problems of Luther's *Zwei-Reiche-Lehre*," *Journal of Theological Studies*, New Series 20 (1969):164-85; reprinted in idem, *Studies in the Reformation: Luther to Hooker*, ed. C. W. Dugmore (London: Athlone, 1980). Cargill Thompson's first note provides a list of the most important books and articles on the topic available at the time.

21. LW 45:88-104; WA 11:249-61.

22. Two years earlier (13 July 1521), Luther had made this point even more forcefully in a letter to Melancthon. Referring to the use of the sword by secular government as "a necessity of life," Luther observed that if people obeyed the gospel, the sword of government would not be necessary. "If the sword were abolished, however, how long would the church of God exist in this world, since, of necessity, the wicked are in the majority. Owing to the lawlessness of the wicked, no one could be safe from bodily harm or the destruction of his property." LW 48:259; WA-Br 2:357.44-7.

23. LW 45:104-18; WA 11:261-71.

24. Similarly, in 1524, in his *Letter to the Princes of Saxony Concerning the Rebellious Spirit* (the "rebellious spirit" in question being Thomas M ntzer in Allstedt), Luther argued that since only the word of God can destroy heresy, secular rulers should take no action against sects that "fight with the word" and do not engage in actual rebellion: LW 40:49-59; WA 15:210-21. As we shall see, however, he soon changed his mind about this.

25. Melancthon had already done so in his *Themata ad sextam feriam discutienda*, written at the same time that Luther was working on his *On Secular Authority*. See Estes, "Erasmus, Melancthon," 30-31.

26. The treatise concludes (LW 45:118-29; WA 11:271-80) with a section of advice to the "very few" princes who would like to be genuinely Christian rulers on how they should use their authority. It is an entirely conventional "murmur of princes" in which the prince is admonished to pray to God for wisdom, to enforce the laws without undue severity, to devote himself with Christian selflessness to the welfare of his subjects, to beware of flatterers among his courtiers, to deal justly with evildoers, and so forth. There is not one



word to indicate that responsibility for the establishment and maintenance of true religion is any part of the job of a Christian prince

27 For an early example of this, see the so-called "Anonymous Memorandum" of 17 March 1530 in James M. Estes, trans. and ed., *Whether Secular Government Has the Right to Wield the Sword in Matters of Faith: A Controversy in Nurnberg in 1530 over Freedom of Worship and the Authority of Secular Government in Spiritual Matters* (Toronto: Centre for Reformation and Renaissance Studies, 1994), 41–54 (Authorship of the memorandum has since been attributed to Georg Frohlich, a *Kanzleischreiber* in Nurnberg)

28 For three early examples, see the memoranda by Johannes Brenz and two Nurnberg theologians in *ibid.*, 55–118

29 On the problem of finding pastors, see Trudinger, 54–7, on the difficult matter of church property and income and the payment of pastors, see *ibid.* 57–62

30 In May 1522, for example, he wrote to Georg Spalatin, urging that the elector should admonish the town council in Eilenburg to appoint a new pastor "Nam et principis ut Christiani fratris etiam principis nomine interest lupis [false preachers] aduersari et pro sui populi salute sollicitum esse" WA-Br 2 515 In their introduction to the LW translation of *On Secular Authority* (vol. 45 78) the editors cite this letter as evidence that Luther made princes responsible for promoting the "salvation" of their subjects. In so doing, they read far too much into the word *salute* (the ablative of *salus*) and make Luther say something that he was at pains to deny in the treatise being introduced. Like the German word *Heil*, the Latin *salus* can mean "salvation" in the theological sense, but the root meaning is simply "health, welfare, safety." So all Luther is saying here is that it is in the elector's interest, both as Christian brother and as prince, to be concerned for the *welfare* of his people, without troubling himself to elaborate further.

31 See the *Eight Sermons at Wittenberg 1522* (the so-called "Invocavit Sermons") LW 51 7–100, WA 10/3 1–64. See also Ulrich Bubenheimer, "Luthers Stellung zum Aufbruch in Wittenberg 1520–1522 und die fruhreformatorischen Wurzeln des landesherrlichen Kirchenregiments," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanonistische Abteilung*, 71 (1985) 147–214. Although Bubenheimer is, in my opinion, too eager to see Luther already far advanced on the road to *das landesherrliche Kirchenregiment* in 1522, this is nonetheless an important and illuminating study.

32 In addition to the sources cited in Trudinger, 45–7, see *The Abomination of the Secret Mass* (LW 36 311–28, WA 18 22–36), which Luther wrote in the wake of the controversy in Wittenberg and published in 1525. In the present connection, see particularly the concluding paragraphs of the treatise.

33 Trudinger, 48–50. As Trudinger notes on p. 50, Luther subsequently upheld this principle even when it worked to the disadvantage of the reform movement and evangelical preachers had to leave a political jurisdiction in which they were not welcome. On the other hand, for instances in which Luther advised against enforcing the same principle against Catholics, see note 52.

34 This can be viewed as an early example of Luther's tendency to moderate his wariness of princely intervention in proportion to his trust in the good intentions of the prince in question. The tendency reached its peak in the 1530s in the works to be discussed below.

35 Trudinger, 68–71. Only one of the letters dealt with by Trudinger (Luther to Elector John, 31 October 1525) has been translated LW 49 133–3. Evidence in addition to that provided by Trudinger is cited in the notes that follow.

36. See LW 45:169–76; WA 12:11–15 (Luther's preface to the *Ordinance of a Common Chest*, 1523).

37. LW 53:46–8, 61; WA 18:417–18, 19:72 (cf. following note).

38. See LW 53:45–50; WA:18:417–21 (*A Christian Exhortation to the Livonians Concerning Public Worship and Concord*, 1525). See also LW 53:61–2; WA 19:72–3 (Luther's preface to *The German Mass and Order of Service*, 1526); and WA–Br 4:157–8 (Luther to Philip of Hessen, 7 January 1527).

39. Trüdinger, 71–4. At Luther's insistence, Melanchthon was elected to the visitation commission by the theology faculty of the University of Wittenberg.

40. There has been scholarly controversy on this point: see Trüdinger, 72, with footnote 23. See also *Archiv für Reformationsgeschichte* 61 (1970):144–7 (review by Irmgard Höss of Hans-Walter Krumwiede, *Zur Entstehung des landesherrlichen Kirchenregiments in Kursachsen und Braunschweig-Wolfenbüttel* [1967]).

41. *Instructions for the Visitors of Parish Pastors in Electoral Saxony*: LW 40:269–320; WA 26:195–240. Luther's preface is on pp. 269–73 in LW and pp. 195–201 in WA. The published text of the *Instructions* bore the name of no author, only the personal seals of both Luther and Melanchthon on the title page.

42. Thompson, *Political Thought* (as in note 3) p. 146.

43. He had, for example, received a report of the arguments of the "anonymous memorandum" in Nurnberg (see note 27): WA 31/1:183–4.

44. See LW 13:64–67; WA 31/:211–13 (the psalm commentary cited in the following note). See also the treatise *On Infiltrating and Clandestine Preachers*: LW 40:383–94; WA 30/3:518–27. "Clandestine preachers" is the LW rendering of *Winkelprediger*.

45. [Commentary on] *Psalms* 82: LW 13:41–72; WA 31/1:189–218.

46. LW 13:51–67; WA 31/1:198–213.

47. At least his is the earliest such use that I have so far been able to identify.

48. The reference occurs for the first time in a letter to Archbishop Albrecht of Mainz, 3 June 1530 (*Melanchthons Werke*, ed. Robert Stupperich et al., vol. 7/2, [Gütersloh: Gerd Mohn, 1975], 164) but is a regular feature of Melanchthon's writings on the subject thereafter (e.g., the Apology of the Augsburg Confession and all future editions of the *Loca*).

49. [Commentary on] *Psalms* 101: LW 13:145–224; WA 51:200–64.

50. LW 13:166–201; WA 51:216–45.

51. See Wolfgang Sommer, *Gottesfurcht und Fürstentherrschaft. Studien zum Obrigkeitsverständnis Johann Arndts und lutherischer Hofprediger zur Zeit der altprotestantischen Orthodoxie* (Göttingen: Vandenhoeck und Ruprecht, 1988), 26. See note 34.

52. An important qualification not expressed here but made clear in other contexts was that secular government could undertake ecclesiastical reformation only where there was no clear legal impediment to its doing so. In particular, Luther and the other Wittenberg theologians took the view that the rights of Catholic patrons who would not cooperate with governmental reform efforts could not simply be set aside. With respect to specific disputes in Bremen, Frankfurt/M., and Augsburg in 1533–36, they argued that respect for the legal rights of important Catholic patrons was more important to the cause of peace in the Empire than observance of the principle that two competing confessions could not be tolerated in one territorial jurisdiction. See Trüdinger, 50–54.

53. This argument is so similar to one of those used by two of Luther's colleagues during the controversy in Nurnberg in 1530 (see *Nurnberg Controversy*, as in note 27,

pp. 73–118), one of whom was probably Luther's personal friend Wenceslaus Linck, that one suspects this to be another case of influence from that quarter.

54. See Sommer, *Gottesfurcht und Furstenherrschaft* (as in note 51), 82–104 and *passim*. On the likelihood that Luther took account of Melanchthon's views in rethinking his own position, see Estes, "Role of Godly Magistrates," esp. 474–83.

55. Particularly in the period of institutional consolidation that followed the Religious Peace of Augsburg in 1555, the organizers of the Lutheran territorial churches sought to guarantee this clerical independence by placing supervision of the pastors in the hands of a hierarchy of professional churchmen that was responsible directly to the prince as governor of the church rather than to his secular administration. The earliest and best example of this known to the author was the system of church governance established by Johannes Brenz in Württemberg in 1551–1559 and much imitated elsewhere. See James Estes, "Johannes Brenz and the German Reformation," *Lutheran Quarterly* 16 (2002): 373–414. However much the clergy may in fact have proved subservient to the interests of the state, especially in the period after the Peace of Westphalia, this system of ecclesiastical self-administration lasted until the reforms of the Napoleonic period formally turned the German churches into the useful instruments of the state that the Enlightenment believed they should be.

56. WA 32:440: (Sermon on Matt. 5–7, 1532): "A prince can indeed be a Christian, but it is not as a Christian that he must rule; and in so far as he rules, he is not called a Christian but rather a prince. The person is a Christian, but the office or principality has nothing to do with his Christianity" (my translation).

57. Trüdinger, 78–9, with note 69.

58. See, for example, the letter to Daniel Greiser, 22 October 1543 (WA–Br.10:436), in which he objects sharply to the new excommunication ordinance of Duke Maurice of Albertine Saxony, according to which secular officials were to control the imposition and enforcement of excommunication. See also the letters to Gabriel Zwilling, 30 September 1535 (WA–Br. 7:280–1); to Sebastian Steude, 24 August 1541 (WA–Br. 9:501–2); and to the mayor and city council of Creutzberg, 27 January 1543 (WA–Br.10:255–8).

59. *Melanchthons Briefwechsel: Kritische und Kommentierte Gesamtausgabe. Regesten* Ed. Heinz Scheible. Vol. 2 (Stuttgart/Bad Cannstatt: Frommann–Holzboog, 1998), number 1739.2–3 (Luther's signature to a memorandum of 23 May 1536 in which Melanchthon summarized his view of the Christian magistrate as custodian of both tables of the law); and WA 54:14–15 (Luther's enthusiastically laudatory preface for the published texts of declamations by Elector John Frederick's two sons, written for them by Melanchthon and summarizing his view of the office of a godly prince).

60. WA 26:197–8.

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