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The Challenge of History: Luther's Two Kingdoms Theology as a Test Case

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The task of historical theology is interrogation—to ask questions of the past by investigating the writings of theologians and the experiences of the Church for what they can teach today. Even when the historian does not explicitly justify his work by asserting its contemporary relevance, nonetheless it always reflects the concerns of his own times. What motivates the historian now determines the course of his work; if he wants anyone to read it (let alone publish it), it has to reflect the interests of today even as it presents the record of yesterday.

This truism has special relevance when studying great men, especially great thinkers, and particularly in a seminary like ours that has committed itself to historic continuity with the Church through the ages. For we have pledged ourselves not only to the Scriptures but also to the creeds and confessions of our church. When we consider contemporary questions, therefore, we look for answers in these documents and also in those who wrote them as well as in those who confessed them in succeeding times and generations. The result is that theology in a church like ours always has a strong historical dimension to it. We want to know what the Scriptures, the Confessions, Martin Luther, and C. F. W. Walther all had to say, for example, about worship practices and sexual practices, about war and politics, about the role of women in the Church.

Obviously, this presents great opportunities for historical theology, but also great challenges since we are often asking questions that our predecessors never answered; or, if they did, they were answering them in far different contexts. As a result, the perennial temptation is to read the evidence selectively in a way that may very well answer the question but does so by distorting the history. The distortions can be deliberate but usually are not. Instead, they simply reflect the tyranny of the present over the past.

An example of such historical distortion that is frequently present in the literature of The Lutheran Church—Missouri Synod has to do with Church

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and state relationships, namely, how are these two God-given institutions connected and how should they interact? Appropriately enough, Luther and the Confessions are usually cited by synodical sources when discussing such relationships, but not so appropriately they are often cited partially and sometimes tendentiously. A good illustration of this is the 1995 report of the Commission on Theology and Church Relations (CTCR), entitled *Render Unto Caesar . . . and Unto God: A Lutheran View of Church and State*.[1] In many respects, this is a very fine piece and I have no particular objection to its conclusions. Indeed, as a matter of full disclosure, I must admit to having been a member of the CTCR when it was adopted. But in reviewing this statement, I was struck by how much it demonstrates the challenges of employing history in the service of theology.[2]

Now, as one might expect from a document that treats political questions, it makes extensive use of Luther's "two kingdoms" or "two governments" theology and cites especially his 1523 treatise, *Temporal*

[1] The Lutheran Church—Missouri Synod Commission on Theology and Church Relations (CTCR), *Render Unto Caesar . . . and Unto God: A Lutheran View of Church and State* (St. Louis: The Lutheran Church—Missouri Synod, 1995).

[2] Other works that reflect the same view of history that I criticize in this paper include "The Separation of Church and State," *The Lutheran Witness* 45 (1936): 3-4, 18-19, 35-36, 50-51: "There is no disagreement regarding the proposition that Lutherans teach the separation of Church and State" (p. 3); Theodore Hoyer, "Church and State" in *The Abiding Word: An Anthology of Doctrinal Essays*, ed. Theodore Laetsch, vol. 2 (St. Louis: Concordia Publishing House, 1947), 562-607: "Luther knew what the right relation between Church and State is. Had he been able, he would have organized a Church like ours, congregations like ours. . . . Not until the United States of America was established did the world see a land in which this right and natural and Scriptural relation between Church and State exists—separation" (p. 590); C. F. Drewes, "Luther and Liberty," *Theological Quarterly* 13 (1909): 89-101: "He [Luther] also stood for total separation of Church and State, for a free and independent Church and a free and independent State, for freedom of conscience and worship, and *against* all external force and violence in matters religious" (p. 89); C. F. W. Walther, "Earthly Authorities II: 26th Western District Convention, St. Paul's Church, Concordia, Mo., Beginning Oct. 14, 1885" in *Essays for the Church* (St. Louis: Concordia Publishing House, 1992), 2:270-289: "During its initial period . . . the Lutheran Church held firmly to the doctrine that the government has neither the right nor the power to assume control of the church" (p. 281); and J. Sohn, "Der Staat, die Bibel, und das Papsttum," *Verhandlungen des Kanada-Distrikts der Synode von Missouri, Ohio u. a. St.*, 1909: "Before Luther's thoughts concerning the right form of an independent church of Jesus Christ could be realized, the princes infringed the rights of the church and so forced upon the church the consistory. . . . But here in America we find the right form of the church . . . as Luther had conceived it" (p. 29).

Authority: To What Extent It Should be Obeyed,[3] for in this work Luther distinguishes quite clearly between the Church and the state by ascribing discrete functions and the means for carrying them out to each one. The CTCR document then argues that the Lutheran Confessions operate with this same distinction and quotes the Augsburg Confession (*CA* XVI; *CA* XXVIII, 1-14) and the Apology (Ap XVI, 2-3) in support. In none of this does *Render Unto Caesar* distort the evidence, but it is also true that it does not present all the evidence as it attempts to articulate "a Lutheran view of Church and state."

Many historians share the perspective of *Render Unto Caesar* that Luther's "two kingdoms" theory is of critical importance in understanding his attitudes toward the state.[4] It is also true that his 1523 treatise is one of Luther's most deliberate expositions of his thinking in this area and thus an important document for revealing Luther's theology.[5] In this work, Luther argues that God relates to human beings in two very different ways: one is through the Church for the sake of eternal life and the other is through the state for this life. Both institutions find their origins and authority in God.[6]

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[3] Unless otherwise noted, citations of English translations of Luther in this essay are from Jaroslav Jan Pelikan, Hilton C. Oswald, and Helmut T. Lehmann, eds., *Luther's Works*, 55 vols. (Phildelphia: Fortress Press; St. Louis: Concordia Publishing House, 1955-1986); hereafter cited as *LW*. For the original language texts, see Martin Luther, *Luthers Werke: Kritische Gesamtausgabe* [*Schriften*], 65 vols. (Weimar: H. Böhlau, 1883-1993); hereafter cited as WA. For Luther's *Temporal Authority*, see *LW* 45:81-129; WA 11:245-280.

[4] See, for example, J. W. Allen, *A History of Political Thought in the Sixteenth Century*, rev. ed. (New York: Barnes & Noble, 1957), 20-22; Quentin Skinner, *The Foundations of Modern Political Thought*, 2 vols. (Cambridge: Cambridge University Press, 1978), 2:14-17; Oliver O'Donovan and Joan Lockwood O'Donovan, eds., *From Irenaeus to Grotius: A Sourcebook in Christian Political Thought, 100-1625* (Grand Rapids: William. B. Eerdmans Publishing Co., 1999), 581-584; and *The Oxford Encyclopedia of the Reformation*, 4 vols. (New York: Oxford University Press, 1996), s.v. "Two Kingdoms."

[5] Luther referred to the significance of his 1523 treatise in later works. See *Whether Soldiers, Too, Can be Saved* (1526) (*LW* 46:95; WA 19:625,14) and *On War Against the Turk* (1529) (*LW* 46:163; WA 30.II:109,16-19). For a discussion of its significance, see also Per Frostin, *Luther's Two Kingdoms Doctrine: A Critical Study* (Lund: Lund University Press, 1994), 50-51.

[6] "God has ordained two governments: the spiritual, by which the Holy Spirit produces Christians and righteous people under Christ; and the temporal, which restrains the un-Christian and wicked so that . . . they are obliged to keep still and to maintain an outward peace." *LW* 45:91; WA 11:251,15-18. There is an extensive body of literature regarding the "two kingdoms." For a basic bibliography, see Donald K. McKim, ed., *The Cambridge Companion to Martin Luther* (Cambridge: Cambridge

With respect to his spiritual rule, God deals with people by means of the gospel, that is, he calls them into his service by the message of Christ, crucified and raised for the sake of sinners. Responding in faith by the power of the Holy Spirit, believers enter into a new relationship with God that is based upon the righteousness of Christ imparted to them as a gift—free and comprehending all that they need to become one with God, namely, the forgiveness of sins, life, and salvation. Thus liberated from bondage to the law, its punishments, and its threats, believers lead a life of love directed both toward God and their fellow men. Transformed by the Holy Spirit, they willingly expend themselves in service to those who need them. Thus, in God's spiritual kingdom, he creates a people for himself whose lives are characterized by faith and love.[7]

This is not the only way, however, that God relates to humanity; indeed, Luther believed that only a relatively small portion of humanity ever experiences his spiritual rule. In his mercy God also exercises temporal authority over mankind, a rule for this life and for regulating the things of this life. On account of man's sinfulness, people would continually tear each other apart if God had not appointed some means to control them. Therefore, in order to rule sinners in this world and to check the worst outbreaks of evil, God has instituted government. Here not the gospel but the law prevails, known not only from the Scriptures but also by reason and from nature; this authority is coercive, for God authorizes those who govern to use force in punishing the wicked and promoting the good.[8]

University Press, 2003), 309–310. Especially helpful analyses are Per Frostin, *Luther's Two Kingdoms Doctrine,* and Paul Althaus, *The Ethics of Martin Luther* (Philadelphia: Fortress Press, 1972), 43–82. Bernhard Lohse summarizes the 1523 treatise and later discusses the concept of the two kingdoms more comprehensively in *Martin Luther's Theology: Its Historical and Systematic Development* (Minneapolis: Fortress Press, 1999), 153–157, 314–324.

[7] "[T]hese people need not temporal law or sword. . . . They would serve no purpose, since Christians have in their heart the Holy Spirit, who both teaches and makes them to do injustice to no one, to love everyone, and to suffer injustice and even death willingly and cheerfully at the hand of anyone." *LW* 45:89; WA 11:249,36–250,4.

[8] "All who are not Christians belong to the kingdom of the world and are under the law. There are few true believers . . . . For this reason God has provided for them a different government beyond the Christian estate and kingdom of God. He has subjected them to the sword so that, even though they would like to, they are unable to practice their wickedness . . . . In the same way a savage wild beast is bound with chains and ropes so that it cannot bite and tear as it would normally do, even though it would like to." *LW* 45:90; WA 11:251,1–11.

Unlike many medieval theologians and papal defenders in Luther's time who placed the state under the Church as the temporal is subordinate to the spiritual,[9] in this treatise Luther distinguished sharply between the two and contended that each had its own unique responsibilities as instituted by God. To spiritual authority God assigned matters connected with the soul and entrusted it with his word; to temporal authority he assigned everything that has to do with human beings relating to one other in the affairs of this life. In Luther's experience, however, the two authorities often neglected their proper spheres in order to interfere in that of the other.[10]

In spiritual matters, Luther found no place for law or coercion or government, but in the affairs of state he also found no place for the gospel. Indeed, if each form of authority does not keep to its own sphere and employ its own means, the result will be the corruption of both and the failure of each to accomplish the purposes for which God had established them in the first place. Laws and coercion in spiritual affairs mislead people into false belief or hypocrisy, burden consciences, and destroy souls.[11] Gospel in temporal affairs unleashes sinners and leads to rebellion and uproar.[12] Therefore, failing to distinguish the two kingdoms and to assign to each its proper competence and means results in both temporal and spiritual calamity.

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[9] Perhaps the most extreme expression of this idea is Boniface VIII's *Unam Sanctam* (1302). In more moderate forms, even sixteenth-century supporters of the papacy like Francisco de Vitoria and Robert Bellarmine persisted in it. See Robert Bireley, *The Refashioning of Catholicism, 1450–1700* (Washington, DC: Catholic University Press, 1999), 78–81. For the Middle Ages, see Joseph R. Strayer, ed., *Dictionary of the Middle Ages* (New York: Charles Scribner's Sons, 1982–1989), s.v. "Two Swords, Doctrine of."

[10] "For my ungracious lords, the pope and the bishops, are supposed to be bishops and preach God's Word. This they leave undone, and have become temporal princes who govern with laws which concern only life and property. . . . They are supposed to be ruling souls inwardly by God's word . . . . Similarly, the temporal lords are supposed to govern lands and people outwardly. This they leave undone. . . . [T]heir temporal rule has sunk quite as low as that of the spiritual tyrants. For this reason God so perverts their minds also, that they rush on to the absurdity of trying to exercise a spiritual rule over souls." *LW* 45:109; WA 11:265,7–18.

[11] "Where temporal authority presumes to prescribe laws for the soul, it encroaches upon God's government and only misleads souls and destroys them." *LW* 45:105; WA 11:262,10–12.

[12] "If anyone attempted to rule the world by the gospel and to abolish all temporal law and sword . . . what would he be doing? He would be loosing the ropes and chains of the savage wild beasts and letting them bite and mangle everyone." *LW* 45:91; WA 11:251,22–27.

Given these basic assertions regarding the two kingdoms in Luther's *Temporal Authority*, one can readily see how easy it is to read the confessional documents from the same perspective as found in *Render Unto Caesar*.[13] Against the Anabaptists, the Augsburg Confession affirms the divine institution of government for the sake of this life—"It is taught among us that all government in the world and all established rule and laws were instituted and ordained by God for the sake of good order"—and permits Christians to serve in government offices in which they would "render decisions and pass sentence according to imperial and other existing laws, punish evildoers with the sword, engage in just wars, [and] serve as soldiers" (*CA* XVI, 1–2).[14]

Later, also as cited in *Render Unto Caesar*, the Augsburg Confession uses "two kingdoms" theology to describe the office of bishop and to correct medieval corruptions:

> Many and various things have been written in former times about the power of bishops, and some have improperly confused the power of bishops with the temporal sword. Out of this careless confusion many serious wars, tumults, and uprisings have resulted because the bishops, under pretext of the power given them by Christ . . . have . . . presumed to . . . depose kings and emperors according to their pleasure. (*CA* XXVIII, 1–2)

Instead of interfering in the temporal realm, the bishops, according the Augsburg Confession, are to exercise spiritual power by spiritual means:

> Our teachers assert that according to the Gospel the power of keys or the power of bishops is a power and command of God to preach the Gospel, to forgive and retain sins, and to administer and distribute the sacraments. . . . Inasmuch as the power of the church or of bishops bestows eternal gifts and is used and exercised only through the office of preaching, it does not interfere at all with government or temporal authority. Temporal authority does not protect the soul, but with the sword and physical penalties it protects body and goods from the power of others. (*CA* XXVIII, 5, 10–11)

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[13] *Render Unto Caesar*, 34–41.

[14] Unless otherwise indicated, quotations from the Lutheran Confessions are from Theodore G. Tappert, ed., *The Book of Concord: The Confessions of the Evangelical Lutheran Church* (Philadelphia: Fortress Press, 1959). For the original language versions of the Lutheran Confessions, see *Die Bekenntnisschriften der evangelisch-lutherischen Kirche*, 11th ed. (Göttingen: Vandenhoeck & Ruprecht, 1992).

Finally, the *Render Unto Caesar* citations from Article 28 conclude with the insistence that "the two authorities, the spiritual and the temporal, are not to be mingled or confused, for the spiritual power has its commission to preach the Gospel and administer the sacraments. Hence, it should not invade the function of the other, should not set up and depose kings . . ." (*CA* XXVIII, 12–13).

Now, none of these citations is inappropriate in a document that addresses questions of Church and state; nor are the additional citations from the Apology (Ap XVI, 2–3, 4, 6) also used by *Render Unto Caesar* inappropriate since they too make the case that Church and spiritual authority are one thing while the state and temporal authority are entirely different.[15]

There *is* a problem, however, with the treatment of this topic in *Render Unto Caesar*, and that is the part of the story that the document chooses not to tell. Of course, one cannot expect a CTCR document to encompass all of Luther's writings that pertain to Church and state, but is it enough to cite only the evidence that appears most congruent with modern American notions of separating Church and state when presenting an ostensibly "Lutheran" view of the question? Is it not also important to know that, both before and after his treatise of 1523, Luther encouraged and relied upon the territorial rulers of his day to reform the Church and thus to establish Lutheranism as the replacement for medieval Catholicism?[16] Is it not also relevant to point out that, subsequent to 1523, Luther came to the conviction that godly rulers should suppress false religion because it was blasphemous and subversive of the social order?[17] Such data may not be helpful in answering *our* church/state questions, but it is integral to Luther's own theology and that of the Lutheran Confessions with respect

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[15] *Render Unto Caesar*, 41.

[16] See, for example, Luther's 1520 *Address to the Christian Nobility of the German Nation* (*LW* 44:123–217; WA 6:404–469), which is discussed below. He came to this position on account of the failure of church authorities to reform the church and he referred to the territorial rulers as "emergency bishops." Nevertheless, he relied upon government to effect the Lutheran Reformation. See Lewis W. Spitz, "Luther's Ecclesiology and His Concept of the Prince as *Notbischof*," *Church History* 22 (1953): 113–141, and James M. Estes, "Luther on the Role of Secular Authority in the Reformation," *Lutheran Quarterly* 17 (2003): 199–225.

[17] See, for example, his 1530 interpretation of Psalm 82 (*LW* 13:42–72; WA 31.I:189–218), which is also discussed below. For a good analysis of how Luther came to this conclusion, see Estes, "Luther on the Role of Secular Authority," and Eike Wolgast, *Die Wittenberger Theologie und die Politik der evangelischen Stände: Studien zu Luthers Gutachten in politischen Fragen* (Gütersloh: Gütersloher Verlagshaus Mohn, 1977), 64–75.

to the "two kingdoms." Luther drew the line between them at a far different place from that of our own contemporary institutions.

Render Unto Caesar states that Luther "acquiesced" in the assertion of authority by the princes to carry out church visitations and that he "permitted" them to take control of the church in Germany while also asserting that Luther "recognized that temporal power, with its coercive powers, was fundamentally ill-suited for preserving and protecting the Gospel."[18] The implication then is that institutional Lutheranism somehow took shape in sixteenth-century Germany in opposition to Luther's fundamental ideas regarding Church and state. But this is hardly the case. Luther was active, not passive, in soliciting help from the princes, and he offered a theological rationale for doing so.[19]

Furthermore, with respect to the Confessions, besides the citations to which *Render Unto Caesar* refers, is it not also relevant to the topic of "a Lutheran view of Church and state" to include Melanchthon's appeal to Emperor Charles in the Apology? There Melanchthon wrote,

> 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. (Ap XXI, 44)

Similarly, a few years later, when Melanchthon penned his Treatise on the Power and Primacy of the Pope, he included this statement regarding Christian rulers:

> Especially does it behoove the chief members of the church, the kings and the princes, to have regard for the interests of the church and to see to it that errors are removed and consciences are healed. God expressly exhorts kings, "Now, therefore, O kings, be wise; be warned, O rulers of the earth" (Ps 2:10). For the first care of kings should be to advance the glory of God. (Tr 54)

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[18] *Render Unto Caesar*, 18 and 36.

[19] This is discussed in John Witte, Jr., *Law and Protestantism: The Legal Teachings of the Lutheran Reformation* (Cambridge: Cambridge University Press, 2002), 108–113.

Even Luther, in the Preface to the Small Catechism, tells pastors and preachers to warn those who refuse to learn the Catechism "that the prince is disposed to banish such rude people from his land" (SC Preface, 12).[20]

Such statements provide important evidence for understanding the "two kingdoms" theology in its original historical context. Far from excluding rulers from concerns about the Church or simply "acquiescing" to some sort of power grab by the state over the Church, Luther and his colleagues insisted that Christian rulers have a positive obligation to use their authority on behalf of the Church. Indeed, contra *Render Unto Caesar*, they believed that temporal authority in Christian hands was well-suited for "preserving and protecting the Gospel."[21]

In the course of the Reformation, the first Lutherans resorted again and again to temporal authorities in order to advance the cause of true religion, as is evident in the charter of Lutheranism itself, the Augsburg Confession. In addition to what *Render Unto Caesar* cites from Articles XVI and XXVIII regarding "two kingdoms" theology, there is more evidence. For one thing, any interpretation of what the Augsburg Confession has to say about Church and state must take into account the political nature of the document itself. After all, it was seven territorial princes and the mayor and council of two imperial cities who presented the Augsburg Confession to the diet of the Holy Roman Empire in the first place. Unless the confessors were perpetrating a fraud or were deluding themselves, they did not understand their own description of civil government in Article XVI—which dealt with good order, enforcing the law, punishing the wicked, and engaging in just wars—in such a way as to preclude them from participating in a council called by the emperor for the purpose of restoring religious unity in his realm. Nor did they understand it as precluding them from presenting a statement of their faith in such a context, "setting forth how and in what manner, on the basis of the Holy

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[20] At the same time that Luther was acknowledging that "we cannot and should not compel anyone to believe," he justified compulsory religious instruction on the grounds that "anyone who desires to reside in a city is bound to know and observe the laws under whose protection he lives." SC Preface, 13.

[21] *Render Unto Caesar*, 36. According to James M. Estes, in 1521 Melanchthon was already arguing for a positive role for government in the care of religion but Luther only gradually came to this conviction; nevertheless, by the end of his life he had endorsed Melanchthon's view. See "Luther on the Role of Secular Authority," 221, and "The Role of the Godly Magistrates in the Church: Melanchthon as Luther's Interpreter and Collaborator," *Church History* 67 (1998): 468. For a more comprehensive treatment of both men together, see his *Peace, Order and the Glory of God: Secular Authority and the Church in the Thought of Luther and Melanchthon, 1518–1559* (Leiden: Brill, 2005).

Scriptures, these things are preached, taught, communicated, and embraced in our lands, principalities, dominions, cities, and territories" (*CA* Preface, 8).

Although written principally by theologians, the Augsburg Confession is a declaration by temporal authorities of what they have established as true religion in their territories.[22] Thus, whatever the two kingdoms theology meant for Luther and his contemporaries, it did not mean excluding temporal authority from the affairs of the Church. In fact, it meant quite the contrary, for the main use of this theology in the Confessions is not to separate the state from the Church but the Church from the state.

Going back again to Article XXVIII of the Augsburg Confession, one can see that the confessors apply their teaching only to an aggressive Church and not to the state. For after maintaining that "the two authorities . . . are not to be mingled or confused," the document proceeds only to indict spiritual authority for invading the sphere of the other (*CA* XXVIII, 12). It "should not set up and depose kings, should not annul temporal laws or undermine obedience to government, should not make or prescribe to the temporal power laws concerning worldly matters" (*CA* XXVIII, 13).

Even at this point, however, while insisting that church officials not presume to interfere in the affairs of state, the document concedes that the same man may exercise authority in both realms as was still true of many bishops at the outset of the Reformation. One might have thought that the confessors would insist that such arrangements be terminated on the basis of two kingdoms theology, but that was not the case. The Augsburg Confession is content with asserting that when bishops exercise temporal authority, they do so by human arrangement only and may not claim that such authority is intrinsic to the office of bishop: "In cases where bishops possess temporal authority and the sword, they possess it not as bishops by divine right, but by human, imperial right, bestowed by Roman emperors and kings for the temporal administration of their lands. Such authority has nothing at all to do with the office of the Gospel" (*CA* XXVIII, 19–20). So even when a bishop employs it, temporal authority remains temporal and therefore subject to the oversight of other temporal

[22] For historical background to the Augsburg Confession, see *The Oxford Encyclopedia of the Reformation* s.v. "Augsburg Confession"; Wilhelm Maurer, *Historical Commentary on the Augsburg Confession* (Philadelphia: Fortress Press, 1986), 3–57; Franz Lau and Ernst Bizer, *A History of the Reformation in Germany to 1555* (London: Adam & Charles Black, 1964), 74–83; and Johann Michael Reu, *The Augsburg Confession: A Collection of Sources with Historical Introduction* (Chicago: Wartburg Publishing House, 1930).

authorities, the princes, who must see to it that justice is done and that peace prevails even in episcopal realms. Nevertheless, distinguishing the two kingdoms does not demand excluding the clergy from the exercise of political authority. Only when they claim that such power is inherent in their church offices do they violate the confessional teaching.[23]

But what about temporal authority? If Luther and the Confessions insist upon restricting church authority to spiritual matters even if church officials can by human arrangement also wield the temporal sword, do they insist that temporal authority restrict itself to temporal matters? The answer is yes—but a highly qualified yes. For when God has placed temporal authority into the hands of Christians, rulers need to exercise that authority in the interests of the Church.

One often misses this feature of Luther's thought by relying too much on Luther's 1523 treatise on temporal authority. Although clearly revealing Luther's basic convictions about Church and state, one should also remember that he was addressing a political situation in which the enemies of the gospel were everywhere in power. Prior to its composition, various political entities had taken steps to suppress Luther, his followers, and their message. In May of 1521, the emperor had issued his Edict of Worms declaring Luther an outlaw and ordering his books to be burned; in January of 1522, the Imperial Council of Regency had condemned religious innovations like communion in both kinds and clerical marriage; and, in November of 1522, Luther's neighbor, Duke George of Saxony, had issued a decree commanding his subjects to turn in their copies of Luther's German New Testament.[24] No wonder, then, that in his treatise Luther was insistent that temporal authority has no power over faith or conscience and that the believer is free to disobey temporal authority when it orders compliance to false religion:

> If your prince or temporal ruler command you to side with the pope, to believe thus and so, or to get rid of certain books [presumably Christian ones], 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 . . . . But if you command me to believe or get rid of certain books, I will not obey;

[23] See also Luther's letter to Melanchthon (July 21, 1530) in which he discusses this very point: "I want to keep the persons separate, just as the governments, even though the same man can represent both persons, and the one Pomer can be a parish pastor and a householder. . . . So the same man, Conrad von Thüngen, is duke of Franconia and bishop of Würzburg, even though the duke of Franconia cannot be bishop of Würzburg." *LW* 49:383-384; WABr 5:492,19-24.

[24] *LW* 45:77-78, 84 n. 11.

for then you are a tyrant and overreach yourself, commanding where you have neither the right nor the authority."[25]

At a time when Luther had come to believe that temporal rulers were "generally the biggest fools or the worst scoundrels on earth" and that "therefore, one must constantly expect the worst from them and look for little good, especially in divine matters which concern the salvation of souls,"[26] the reformer had every reason for delineating a theory of government that would restrict political authority as much as possible to the earthly realm. And so he did. In fact, in this treatise, when Luther wrote about the unlikely case that a ruler is a Christian—which he described as "the most precious token of divine grace upon that land"[27]—even then the prince should not use force against false teachers and heretics. That is the job of the bishops who are to employ God's word. "God's word must do the fighting," Luther contended. "If it does not succeed, certainly the temporal power will not succeed either, even if it were to drench the world in blood."[28]

Even if a Christian prince is not supposed to use violence against false teachers, that does not mean he should avoid using his authority to advance the Christian religion. This is only hinted at in this treatise, but it is an important part of Luther's understanding of temporal authority in the context of the two kingdoms. When in Part 3 of his treatise Luther turned to the situation of a temporal ruler who is a Christian, he argued that such a ruler should exercise his authority in a Christian manner, that is, motivated by love, he should devote himself to the well-being of his people. The scope of love in Luther's description is comprehensive, "[Works] are done in love . . . when they are directed wholeheartedly toward the benefit, honor, and salvation [*Heil*] of others, and not toward the pleasure, benefit, honor, comfort, and salvation of self."[29] Although Luther did not here elaborate on all the possible works of love that rulers could do for their subjects, he hardly envisioned a situation in which a Christian prince would not use his power in the interests of the Church.

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[25] *LW* 45:111–112; WA 11:267,1–8.

[26] *LW* 45:113; WA 11:267,31–268,3.

[27] *LW* 45:113; WA 11:268,13–14.

[28] *LW* 45:114; WA 11:268,24–26.

[29] *LW* 45:118; WA 11:272,3–5. Although Luther's term for "salvation" can mean prosperity more generally and not just eternal salvation, the point of my argument is that Luther used a comprehensive term and not one that must be construed narrowly as physical well-being only.

Quite the contrary. Both before and after his 1523 treatise, Luther called upon rulers to advance the cause of true religion in their lands.

In one of his more important, earlier writings, his *Address to the Christian Nobility* (1520),[30] Luther created a theological framework for relying upon the princes to reform religion in their territories. Frustrated by the failure of the bishops and the papacy to undertake needed changes, Luther articulated a doctrine of the priesthood of all believers in this work. This means that all of the faithful—clergy and laity alike—enjoy the same status before God and are recipients of the same blessings and same spiritual privileges. What distinguishes them from each other is vocation, a God-given calling by which they exercise their talents and responsibilities in the service of others. Although ordinarily it is the vocation of clergy to reform the Church, when they fail to do so and instead erect obstacles to the proclamation of the gospel, lay Christians have the right and duty to take the necessary steps.[31]

As Luther envisioned it at the time he wrote *Address to the Christian Nobility*, what Christendom needed was a Church council to take up the issues that were plaguing the Church. Over against the papacy that claimed the exclusive right to summon such a council, Luther asserted that all believers have this right. "When necessity demands it," he wrote, "and the pope is an offense to Christendom, the first man who is able should, as a true member of the whole body [of the Church], do what he can to bring about a truly free council."[32] But who in the Church could actually do it? Knowing that the first several councils in church history were summoned by emperors, Luther had no trouble in relying upon the Christian princes: "No one can do this so well as the temporal authorities, especially since they are also fellow-Christians, fellow-priests, fellow-members of the spiritual estate, fellow-lords over all things. Whenever it is necessary or profitable, they ought to exercise the office and work which they have received from God over everyone."[33]

Even though this work was written well before Luther's first-hand experience with the princes at the Diet of Worms, namely at a point when he still had confidence that many of them were Christians, nonetheless he

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[30] *LW* 44:123–217; WA 6:404–469.

[31] The classic discussion of Luther's doctrine of vocation is Gustaf Wingren, *The Christian's Calling: Luther on Vocation* (London: Oliver and Boyd, 1957), but see also Althaus, *Ethics*, 36–42, and Kenneth Hagen, "A Critique of Wingren on Luther on Vocation," *Lutheran Quarterly* 16 (2002): 249–273.

[32] *LW* 44:137; WA 6:413,27–29.

[33] *LW* 44:137; WA 6:413,29–33.

was still operating with a distinction between temporal and spiritual authority inasmuch as there were some items that he thought the princes could change on their own while there were other points that church authorities had to address in a church council.[34] Nevertheless, for our purposes, the main point is that Luther believed that rulers *who were Christian* had an obligation to use their temporal power for the sake of the Church.

Luther was still thinking this way in 1524 when he had to deal with Andreas Carlstadt who, after his failures in leading the reform movement in Wittenberg while Luther was in hiding at the Wartburg, had broken with Luther. In fact, Carlstadt left Wittenberg in order to become a parish pastor in Orlamünde. This meant not only abandoning his post at the university but also ousting the lawful incumbent in Orlamünde. For Luther, this was a matter that involved the temporal authorities who were responsible for such arrangements, so he called on the elector to intervene and he charged Carlstadt with violating the rights of the prince. In other words, at a time very close to his composition of his treatise on temporal authority, Luther was relying heavily on that authority for the support of church offices. Moreover, in Carlstadt's activities Luther began to see a connection between what he viewed as false teaching and social disruptions.[35]

Then, during the Peasants' War, this connection became all the clearer. False religion—itself an indication of the devil's activities—led to rebellion and violence. Writing in 1525 against Carlstadt, who was *not* advocating bloodshed, Luther explained that his erstwhile colleague was nonetheless encouraging rebellion:

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[34] For example, Luther urged the secular authorities to abolish payment of annates, appointment to benefices by Rome, and obtaining the bishop's cloak from Rome, but at the same time he maintained that the local bishops—not the temporal rulers—should administer benefices and consecrate other bishops. *LW* 44:156–158; WA 6:427–429. See Hermann Sasse, "Church Government and Secular Authority according to Lutheran Doctrine," in *The Lonely Way: Selected Essays and Letters*, vol. 1, trans. Matthew C. Harrison et al. (St. Louis: Concordia Publishing House, 2001), 190–192.

[35] See especially Luther's *Against the Heavenly Prophets*, Part I (1525), *LW* 40:100–117; WA 18:85–101. Already in a letter to George Spalatin (Wittenberg, March 14, 1524), Luther talked about having to arraign Carlstadt before the prince if he did not return to his duties in Wittenberg. *LW* 49:73; WABr 3:254,15–17. For Luther's dealings with Carlstadt in these years, see Martin Brecht, *Martin Luther*, trans. James L. Schaaf (Minneapolis: Fortress Press, 1985–1993) 2:157–172.

> If it were really true, and I could believe, that Dr. Karlstadt does not intend murder or rebellion, I would still have to say that he has a rebellious and murderous spirit . . . as long as he continues with wanton image breaking and draws the unruly rabble to himself. I well see that he neither strikes nor stabs, but since he carries the murderous weapon and does not put it aside, I do not trust him. . . . By the murderous weapon I mean the false interpretation and understanding of the law of Moses. Through it the devil comes and the masses are aroused to boldness and arrogance.[36]

A Christian prince could hardly be indifferent to those whose teaching encouraged disrespect and disobedience for constituted authority. For Luther, therefore, this came to mean not only opposing heretics by teaching and preaching the word of God, but also by using the sword to suppress and punish them. Thus, after the Peasants' War, Luther saw an inexorable tie between heresy and rebellion; and therefore heresy—*like other crimes*—had to be addressed by the Christian prince. In the light of his experience, Luther could not maintain his position of 1523, that the ruler should not oppose heresy. Not however because it was heresy, but because of its social consequences, Luther believed that the state must suppress false teaching.[37]

Initially, Luther was careful to distinguish between what a prince does as the holder of temporal authority and what a *Christian* prince may do to advance the interests of the Church. Government activity in support of the Christian religion presupposes a Christian ruler.[38] This is evident in Luther's preface to the *Instructions to the Visitors*,[39] which marks a milestone in the development of the territorial Lutheran churches in

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[36] *LW* 40:105–106; WA 18:88,22–30.

[37] Wolgast, *Die Wittenberger Theologie*, 64–75.

[38] This is the point of Melanchthon's remark about kings in his Treatise on the Power and Primacy of the Pope, 1537: "Especially does it behoove *the chief members of the church*, the kings and the princes, to have regard for the interests of the church and to see to it that errors are removed and consciences are healed." Tr 54, emphasis added. C. F. W. Walther made this a major argument in his 1885 essay on Church and state in defense of the proposition that "during its initial period . . . the Lutheran Church held firmly to the doctrine that the government has neither the right nor the power to assume control of the church." Walther, "Earthly Authorities II: 26th Western District Convention," 277–284. But this is unconvincing, seeing that the power that Christian rulers exercised on behalf of the Church was their power *as rulers*, not as members of the Church.

[39] *LW* 40:269–320; WA 26:195–240. While Melanchthon wrote the *Instructions*, Luther's preface, written at the request of Elector John of Saxony, showed his support for them. *LW* 40:266.

Germany. In 1527, Elector John the Constant authorized an official visit of the churches in his domain. This obligation traditionally belonged to the bishops who were exercising their authority to supervise the faith and morals of the people in their dioceses. With the ongoing opposition of the hierarchy to the Reformation, the evangelical princes, led by John, began to carry out such episcopal functions for the sake of their people.[40]

Already by that time, Luther had long been importuning the elector to use his authority on behalf of the church. In October of 1525, for example, Luther had written the elector to request his help in maintaining the pastors and parishes of Saxony. Otherwise, Luther wrote, "in a short time there will not be a parsonage, a school, or pulpit functioning, and thus God's Word and worship will perish."[41] The matter might be temporal—finding the money to pay the preachers—but the consequences were certainly spiritual. One of Luther's friends and disciples, Nicholas Hausmann, apparently was the first to urge Duke John to conduct a visitation, but it was a suggestion with which Luther heartily concurred in a letter to the elector in November of 1525: "Your Electoral Grace should have all the parishes in the whole territory inspected."[42] Once again, Luther was concerned with financial support of the ministry, but it was for the sake of the gospel, he wrote, that "thus a true ministry of the gospel would be given to the people, whom the pastors ought to nourish."[43]

Duke John sent teams of visitors into the parishes of Saxony in 1527–1528 to inquire not only into the material well-being of the parish but also into the doctrine being taught and the life being lived in the name of the Christian faith. Melanchthon wrote up instructions for the visitors that specified parameters for their inquiry, including what people were being taught about religion, and Luther wrote a preface to justify the entire initiative.

In his preface, Luther was clear that the visitation derived not simply from the fact that Elector John exercised temporal authority but that he was a *Christian* with temporal authority. Given the condition of the

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[40] For the story of the visitation, see Brecht, *Martin Luther*, 2:259–273, and Karl Trüdinger, *Luthers Briefe und Gutachten an weltliche Obrigkeiten zur Durchführung der Reformation* (Münster Westfalen: Aschendorffsche Verlagsbuchhandlung, 1975), 68–77.

[41] Martin Luther to Elector John, Wittenberg, October 31, 1525. *LW* 49:135–136; WABr 3:595,44–46.

[42] Martin Luther to Elector John, Wittenberg, November 30, 1525. *LW* 49:138; WABr 3:628,7.

[43] *LW* 49:139; WABr 3:628,27–28.

Christian Church in Germany—"confused, scattered, and torn"—Luther maintained that he and his colleagues "would like to have seen the true episcopal office and practice of visitation re-established because of the pressing need," but they lacked the requisite call and authority to do so.[44] Therefore, they appealed to the elector as a Christian to use his authority in this cause:

> Preferring to follow what is certain and to be guided by love's office (which is the common obligation of Christians), we have respectfully appealed to the illustrious and noble prince and lord, John, Duke of Saxony, . . . our most gracious lord and prince, constituted of God as our certain temporal sovereign, that out of Christian love (since he is not obligated as a temporal sovereign) and by God's will for the benefit of the gospel and the welfare of the wretched Christians in his territory, His Electoral grace might call and ordain to this office [of visitor] several competent persons.[45]

Luther did not understand the visitation as something that a ruler *as ruler* was obligated to do, but he did think that Christian love obligated a *Christian* ruler to use his authority on behalf of the gospel. Given the circumstances, Luther called on his prince to sponsor the visitation and expressed the hope that this would "become a happy example which *all other German princes* may fruitfully imitate."[46]

Significantly, Luther also justified the visitation by referring to the temporal disadvantages of religious dissent in the prince's territories: "While His Electoral grace is not obligated to teach and to rule in spiritual affairs, he is obligated as temporal sovereign to so order things that strife, rioting, and rebellion do not arise among his subjects."[47] It was for this reason, Luther argued, that Constantine summoned the Council of Nicaea: "since he did not want to tolerate the dissension which Arius had stirred up," so he constrained them "to preserve unity in teaching and faith."[48] Similarly then, the elector needed to take steps for the preservation of such unity. After all, argued Luther, "the devil has become neither pious nor devout this year, nor will he ever be so. So let us be on guard and anxious to keep . . . the spiritual unity in the bond of love and peace."[49] Indirectly

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[44] *LW* 40:271; WA 26:197,15–16.
[45] *LW* 40:271; WA 26:197,19–29.
[46] *LW* 40:272, emphasis added; WA 26:198,5–199,2.
[47] *LW* 40:273; WA 26:200,28–31.
[48] *LW* 40:273; WA 26:200,32–34.
[49] *LW* 40:273; WA 26:201,4–7.

but still necessarily, a ruler who is Christian maintains temporal peace by establishing religious unity in his lands.

Once Luther became convinced that religious dissidents threatened the peace, he abandoned his 1523 position about a ruler tolerating false believers. Instead, Luther came to rely upon the state to suppress heresy and false doctrine. A good example of Luther's new thinking in this regard comes from his 1530 interpretation of Psalm 82,[50] in which he once more distinguished the two kingdoms but insisted nevertheless that godly rulers should advance true religion.[51] That also raised the following question, "Since the . . . rulers . . . are to advance God's Word and its preachers, are they also to put down opposing doctrines or heresies . . . ?"[52] While admitting that "no one can be forced to believe," Luther sketched four situations in which Christian government should suppress heretics on account of the temporal consequences of their teaching.[53]

First of all, there were heretics who explicitly advocated disobedience to temporal rulers and the abandonment of secular callings. "These teachers," maintained Luther, "are immediately and without doubt, to be punished by the rulers, as men who are resisting temporal law and government (Rom. 13:1, 2). They are not heretics only but rebels."[54] In Luther's second instance, he equated heresy with blasphemy and blasphemy with crime. He wrote, "Rulers are in duty bound to punish blasphemers as they punish those who curse, swear, revile, abuse, defame, and slander."[55] With no modern sensitivities regarding "freedom of speech," Luther held that government should punish words directed against God as well as those against men.[56] While still maintaining that a person can *believe* what he wants, Luther argued that he cannot *teach* what he wants. False teaching, Luther thought, is a crime against the community in which it occurs: "For

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[50] *LW* 13:39–72; WA 31.I:189–218.

[51] "For if God's Word is protected and supported so that it can be freely taught and learned, and if the sects and false teachers are given no opportunity and are not defended against the teachers who fear God, what greater treasure can there be in a land?" *LW* 13:52; WA 31.I:199,7–11.

[52] *LW* 13:61; WA 31.I:207,33–36.

[53] *LW* 13:61; WA 31.I:207,35–36.

[54] *LW* 13:61; WA 31.I:208,4–8.

[55] *LW* 13:61; WA 31.I:208,18–20.

[56] For Luther, blasphemy included contradicting "an article of faith clearly grounded in Scripture and believed throughout the world by all Christendom." *LW* 13:61; WA 31.I:208,11–15. Although it is not completely clear which doctrines Luther had in mind, he explicitly mentioned the divinity of Christ, the resurrection of the body and everlasting life, and the vicarious atonement. *LW* 13:62; WA 31.I:208,22–28.

by so doing, he [a false teacher] would take from God and the Christians their doctrine and word, and he would do them this injury under their own protection and by means of the things all have in common. . . . He who makes a living from the citizens ought to keep the law of the city, and not defame and revile it; or else he ought to get out."[57]

Luther's third circumstance makes the rulers actual judges over doctrine. This is the case when papist and Lutheran preachers are preaching against one another and both claim the Scriptures, but there is no possibility of either side leaving off the debate. Then, Luther advised, "Let the rulers take a hand. Let them hear the case and command that party to keep silence which does not agree with the Scriptures."[58] Thus, the temporal authorities will actually adjudicate a *doctrinal* dispute. So how did Luther justify this apparent "mingling" of the kingdoms? On account of the temporal consequences of such division: "It is not a good thing that contradictory preaching should go out among the people of the same parish. For from this arise divisions, disorders, hatreds, and envyings which extend to temporal affairs also."[59]

It is similar in Luther's fourth case—when two sets of preachers are publicly clamoring over items not found in the Scripture such as "tonsures, holy water, the blessing of herbs, and similar unnecessary things."[60] The authorities should order both sides to keep the peace, "for love and peace are far more important than all ceremonies."[61] If this doesn't help, then the rulers must take the next step and order that side to be silent which would bind men's consciences and insist on ceremonies as necessary to salvation.

Throughout this discussion, therefore, Luther made it clear that the temporal authorities are to maintain law and order against anyone who threatens it in the name of religion. Again, the reformer insisted that "anyone may read what he likes and believe what he likes," but he may certainly not advocate it by unauthorized preaching and secret ceremonies.[62] "All Christians are priests," Luther said, "but not all are pastors. For to be a pastor one must be not only a Christian and priest but must have an office committed to him. This call and command make

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[57] *LW* 13:62; WA 31.I:208,32-37. Luther also advanced this opinion in his Preface to the *Small Catechism*, paragraph 13.

[58] *LW* 13:63; WA 31.I:209,24-26.

[59] *LW* 13:63; WA 31.I:209,28-31.

[60] *LW* 13:63; WA 31.I:209,34-35.

[61] *LW* 13:63; WA 31.I:210,3-4.

[62] *LW* 13:64; WA 31.I:210,11-12.

pastors and preachers."[63] Those who preach without such authorization are "sure emissaries of the devil."[64] They should be turned over to the authorities for, in Luther's thinking, their purpose is "to start a rebellion, or worse, among the people."[65]

In this entire discussion regarding the need for a Christian ruler to suppress false teaching, one can see that Luther connected such false teaching to the proper sphere of temporal authority. Far from opposing state intervention in the affairs of the Church, Luther demanded it, while at the same time maintaining the two kingdoms framework. Obviously, this could play into the hands of rulers looking for opportunities to enhance their own powers. By involving temporal authority so heavily in ecclesiastical affairs, Luther went far toward making the institutional Church a protectorate of the prince.

This is not the whole story. For Luther was not only concerned that Christian princes act on behalf of the Church; he was also troubled by temporal rulers who overstepped the bounds of their authority to act unjustly or to interfere with the work of the Church. As we have already seen, in his 1523 treatise Luther placed clear limits on the obedience owed to temporal authority. Since temporal authority has no power over faith or conscience, the believer must disobey when the ruler makes demands of his people that violate the word of God.[66] Perhaps even more significantly, Luther went beyond simple disobedience in such cases to recommend actually resisting an unjust government, but not by force. Rather, he wrote, "By confession of the truth [*sondern nur mit Bekenntnis der Wahrheit*]."[67] One should not use violence against a superior, but one should speak out

[63] *LW* 13:65; WA 31.I:211,17–20.

[64] *LW* 13:65; WA 31.I:211,26–27.

[65] *LW* 13:66; WA 31.I:212,4–5.

[66] *LW* 45:111–112; WA 11:267,1–8. Interestingly, Luther extended the obligation to disobey beyond the strictly religious, at least in one instance, to the command of a ruler to fight an unjust war. If a ruler is "in the wrong," then his people are not bound to fight on his behalf, for "it is no one's duty to do wrong; we must obey God (who desires the right) rather than men (Acts 5:29)." *LW* 45:125; WA 11:277,28–31. See also *Whether Soldiers, Too, Can Be Saved*, where Luther repeated this advice. *LW* 46:130–131; WA 19:656,21–657,10.

[67] *LW* 45:124; WA 11:277,3–4. Later, convinced by jurists, Luther would agree that in the Holy Roman Empire lesser magistrates had the right to use force in order to protect their subjects from a tyrannical emperor. See Wolgast, *Die Wittenberger Theologie*, 165–185, and Brecht, *Martin Luther*, 2:411–415.

against unjust and wicked rulers. In this matter, Luther definitely practiced what he preached.[68]

When, for example, the Peasants' War was brewing, Luther publicly rebuked the princes for their sins against their subjects. He wrote, "You [princes] do not cease to rant and rave against the holy gospel . . . . In addition, as temporal rulers you do nothing but cheat and rob the people so that you may lead a life of luxury and extravagance. The poor common people cannot bear it any longer."[69] Although Luther had no use for rebellion by the people, nonetheless he saw it as inevitable that God would punish tyrants with violence and bloodshed. "Both Scripture and history are against you lords," he warned them, "for both tell how tyrants are punished. Even the heathen poets say that tyrants seldom die a dry death, but are usually slain and perish in their own blood."[70] This he ascribed to God's judgment upon their wickedness.

Throughout his career, Luther leveled some of his harshest attacks against princely enemies of the Reformation.[71] He used the two kingdoms theology to do so. For example, in his *Vindication against Duke George's Charge of Rebellion* (1533), he rejected the accusation that he was advocating insurrection among the Duke of Saxony's subjects, but contended instead that he had counseled obedience *except* when the duke overstepped the limits of temporal authority to interfere with the faith of his people.[72] At that point, Duke George no longer had authority but had become an "apostle of the devil [*des Teufels Apostel*]."[73] Still Luther did not counsel insurrection. The faithful were to disobey an unjust command—in this case

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[68] According to Gordon Rupp, "The passages in which Luther criticizes the crowd are far outnumbered by those in which he delineates the vices and temptations of the Princes." *The Righteousness of God: Luther Studies* (New York: Philosophical Library, 1953), 304

[69] *Admonition to Peace, LW* 46:19; WA 18:293,29-34.

[70] *LW* 46:41; WA 18:329,29-32.

[71] See, for example, *Against Hanswurst, LW* 41:185-256; WA 51:469-572. The title alone was an insult to Henry of Braunschweig. In a table talk, Luther accused George of Saxony of having committed the sin against the Holy Ghost. *LW* 54:60; WATR 1:168,26-28 (no. 388).

[72] *Verantwortung der aufgelegten Aufruhr von Herzog Georg*, WA 38:96-127. Although it is not available in *LW*, there is a modern German version in *D. Martin Luthers Sämmtliche Schriften, herausgegben von Dr. J. G. Walch*, neue rev. stereotypausg., 23 vol. in 25 (St. Louis: Concordia Publishing House, 1880-1910) 19:1826-1841. For background to this work, see Brecht, *Martin Luther*, 3:65-70.

[73] WA 38:99,19-20. In this work Luther explained why George was truly an "apostle of the devil" who enjoyed the same "honor" as Pilate, Herod, and Judas.

to receive communion in the old way (one kind)—and then accept the punishment of exile that the authorities were imposing.

Luther also continued using two kingdoms theology to rebuke princes who dared to interfere with preaching. In the late 1530s, for example, Luther accused some rulers of intruding temporal authority into the realm of the Church by mandating what the preachers should preach. In a 1538 sermon on the "cleansing of the temple" in John 2, Luther discussed the two kingdoms again, this time distinguishing between the "fisted sword [*das Faustschwert*]" given to princes and the "oral sword [*das mündliche Schwert*]" given to preachers of the gospel.[74] Once again, Luther insisted that the two swords "must be kept apart and separate, so that the one does not infringe on the province of the other," and he charged the Anabaptists, Thomas Müntzer, the pope, and the bishops with grasping at the temporal sword.[75] He also warned the princes against interfering with their spiritual counterparts, and he protested those rulers who wanted to control the Church's message: "The civil governments—the princes, kings, the nobility in the country, and also the judges in the villages—take it upon themselves to wield the oral sword and to tell the pastors what and how to preach and how to administer their congregations."[76]

As in 1523, Luther had in mind primarily temporal authorities who were not really Christian at all, since he referred to princes who were "expelling from the church . . . the true teachers and preachers."[77] "Stern edicts and mandates," Luther wrote, "are nailed to all the church doors, ordering the laity to receive Holy Communion only in one kind and commanding the clergy to preach what pleases them."[78] Even so, however, it is important to note that the line Luther drew between temporal and spiritual authority in

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[74] *LW* 22:225; WA 46:735,1–3.

[75] *LW* 22:225; WA 46:735,5–8.

[76] *LW* 22:225–26; WA 46:735,10–13. In 1543, Luther also complained about the mixing of the kingdoms when the secular authorities of a now reformed ducal Saxony were setting up regulations for church discipline. See Martin Luther to Daniel Greiser, Wittenberg, October 22, 1543. WABr 10:436. Also Lau and Bizer, *A History of the Reformation in Germany*, 133; Brecht, *Martin Luther*, 3:294–295; and Eric W. Gritsch, "Luther and the State: Post-Reformation Ramifications," in *Luther and the Modern State in Germany*, ed. James D. Tracy, Sixteenth Century Essays and Studies 17 (Kirksville, MO: Sixteenth Century Journal Publishers, 1986), 53. In a table talk from 1545, Luther complained about government authorities who were giving orders regarding ceremonies, apparently unacceptable ones. WATR 5:647–648 (no. 6407), and WATR 5:617–618 (no. 6354).

[77] *LW* 22:227; WA 46:737,6–7.

[78] *LW* 22:227; WA 46:737,8–10.

this work has to do with preaching and teaching and not with the support and protection of the Church. After all, these remarks occurred roughly contemporaneous with Luther's preparations for the publication of the Schmalkald Articles, which he had written upon the request of his prince for presentation at a meeting of the Schmalkald League that temporal authorities had organized to defend the Reformation.[79]

Nevertheless, Luther's language in his 1538 sermon was categorical; the problem he cited was not bad rulers but mixing the kingdoms. Quite simply, princes should not confuse the two realms by instructing preachers in what to preach. Luther concluded his admonition in emphatic fashion:

> After the abolition of the Law [of Moses] the secular emperors, kings, and princes were entrusted with the sword of iron, and the oral sword was assigned to the apostles and to us preachers. This distinction must remain intact . . . . *But if the princes continue to jumble the two, as they are now doing, then may God in His mercy shorten our lives that we may not witness the ensuing disaster. For in such circumstances everything in the Christian religion must go to wrack and ruin. This is what happened in the papacy when the bishops became secular princes. And if the secular lords now become popes and bishops and insist on sermons that defer to their wishes, then let the devil preach to them; for he preaches too. But let us pray that neither the spiritual nor the secular realm abuses its office that way!*[80]

Luther's highly charged language demonstrates his willingness to speak truth to the powerful. For him, "mixing" the kingdoms did not occur when rulers promoted and protected preachers of the gospel nor when preachers rebuked temporal rulers for transgressing the legitimate bounds of their authority. As far as Luther was concerned, "two kingdoms" theology was no reason for silence in the face of wickedness in high places.

Once again, Luther was probably thinking about Duke George of Saxony in this sermon when he railed against princes who insisted on obedience while interfering with preaching and administering the sacraments.[81] When George died the very next year and his brother, Duke Henry,

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[79] Written at the end of 1536, the Schmalkald Articles were published in 1538. See William R. Russell, *The Schmalkald Articles: Luther's Theological Testament* (Minneapolis: Fortress Press, 1995), 18-19. Although Russell's main point is that Luther wrote these articles in view of his impending death, he still recognizes the role of the elector in requesting a statement from Luther for potential use at a church council. For the political circumstances surrounding their composition, see also Lau and Bizer, *A History of the Reformation in Germany*, 123-131.

[80] *LW* 22:228, emphasis in original; WA 46:737,24-738,3.

[81] *LW* 22:227 n. 20.

succeeded him, Luther adopted an entirely different tone regarding political intervention into the affairs of the Church.[82] In fact, he wrote to the new ruler of ducal Saxony about his duty to abolish the mass. Referring both to the Old Testament kings and to Christian rulers like Constantine and Theodosius, Luther argued that the princes and lords of his day were just as responsible for maintaining true religion in their territories as their predecessors.[83] Duke Henry proceeded to follow Luther's advice by authorizing a visitation; for this he used Melanchthon's instructions with a slightly altered version of Luther's introduction, in which the reformer commended the duke for taking steps to spread the pure Christian doctrine and prayed God that his actions would be an example for all the other German princes to follow.[84] Later, Luther wrote again to the duke about measures to follow. It was not enough, he said, to do away with abuses. One also had to examine the teaching of the pastors, install capable people, and pay them. Luther wrote that "the furtherance of the Gospel and the maintenance of the Church are the highest worship of God, to which especially princes and potentates are commanded."[85] Clearly, Luther still did not see a ruler's promoting true religion in his territory as a violation of the "two kingdoms" theology that he had described in his sermon just the year before.

Furthermore, Melanchthon's new version of the Augsburg Confession, the so-called Variata, that he prepared for the evangelical princes and which they employed as their platform at the Colloquy of Worms (1540),[86] still included the "two kingdoms" theology of the first version in Articles XVI and XXVIII. Although Melanchthon modified the confession in other respects to accommodate a new situation, apparently he felt compelled by none of the political changes since 1530 to amend what he had previously written about the scope of each kingdom or the dangers of mixing them.[87]

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[82] For Luther's role in Duke Henry's reformation, see Brecht, *Martin Luther*, 3:287–295, and Trüdinger, *Briefe und Gutachten*, 87–92.

[83] Martin Luther to Duke Henry, Wittenberg, July, 1539. WABr 8:482–84.

[84] WA 26:197, note regarding the omission of l. 26 (that the prince is not obligated to act as a temporal ruler but only out of Christian love) in a still later printing, and WA 26:198–199. The second version does not appear in *LW* but it is in the St. Louis edition 10:1632–1633.

[85] Martin Luther to Duke Henry, Wittenberg, July 25, 1539. WA 8:507,38–40.

[86] *The Oxford Encyclopedia of the Reformation*, s.v. "Augsburg Confession."

[87] For the text of the Variata, see *Die augsburgische Konfession*, ed. Theodore Kolde (Gotha: Friedrich Andreas Pertes, 1896), 170–224. Melanchthon revised Article XVI slightly, but he still affirmed that the government (*politia*) is an ordinance of God in which one is free to participate and which one must obey unless sin is commanded.

However, in Article XXVI, "The Marriage of Priests," Luther's associate directly asserted the responsibility of rulers for the Church with these words:

> It belongeth not to the bishops alone, but also to the godly princes, and most of all to the Emperor, to understand the Gospel in its purity, to judge of doctrines, to be watchful that no godless opinions be received or confirmed, and to make every effort to abolish idolatry. . . . The proper gifts that kings are to bestow upon the Church are to search out true doctrine, and to see that good teachers be set over churches; to pay attention to the correct decision of ecclesiastical controversies; not to take away godly doctrine, but to raise it up and propagate and defend it; and rightly to order and maintain the peace of the Church.[88]

Of course, from Melanchthon's (and Luther's) point of view this statement described what the evangelical princes were actually doing; now in his revised version of the Augsburg Confession, Melanchthon stated that such tasks belonged also to the emperor. Indeed, Melanchthon wrote, Christ "required [*requirit*]" them of the emperor in response to the Church's need.[89]

Clearly, such a statement constitutes just one more piece of evidence that, throughout the Reformation period, no one understood the two kingdoms theology as requiring a Christian ruler to refrain from establishing authentic Christianity in his state. Indeed, quite the opposite, temporal rulers were supposed to support and maintain the Church.

Obviously, then, the first Lutherans drew the line between the two kingdoms in a far different way from what we know today as the separation of Church and state in the United States. For Luther, temporal

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Melanchthon also revised Article XXVIII, but all of the beginning paragraphs regarding the distinction of the two powers and the necessity of not mixing them (*"Non igitur commiscendae sunt potestates, ecclesiastica et civilis"*) remain essentially the same. For an English version of the Variata, see Henry D. Jacobs, ed., *The Book of Concord: or, the Symbolical Books of the Evangelical Lutheran Church with Historical Introduction, Notes, Appendixes and Indexes*, (Philadelphia: G. W. Friedrick, 1893) 2:103–147.

[88] Jacobs, *The Book of Concord*, 144; Kolde, *Die augsburgische Konfession*, 2:207–208.

[89] Jacobs, *The Book of* Concord, 144; Kolde, *Die augsburgische Konfession*, 2:208. Similarly, at the conclusion to Part One, the doctrinal articles, Melanchthon urged the emperor to follow the examples of Constantine and Theodosius in the summoning of a church council and described the emperor's duties with these words: "We desire that Caesar both may undertake the care of the Church when reformed, and may restrain the unjust cruelty." Jacobs, *The Book of Concord*, 123; Kolde, *Die augsburgische Konfession*, 2:189. See also Lau and Bizer, *A History of the Reformation in Germany*, 95

rulers who promoted true religion even to the point of punishing heretics were not mixing the kingdoms but those who took measures that inhibited the gospel were. In our times, therefore, we cannot really use this instance of historical theology very effectively as a model for structuring our relationships between Church and state. Luther and the Confessions help us to identify the essential functions of each but do not permit us to draw the conclusion that we must rigorously separate them. While clergy *must* preach the gospel and administer the sacraments, they *may* also exercise temporal power by human arrangement. While rulers *must* use their power to punish evildoers and to protect the lives and property of their people, as Christians they *should* also use their authority to establish and care for the Church in their lands. If then we wish to use the two kingdoms theology as the first Lutherans conceived it, we must do so very modestly. We can be clear about what both Church and state must do. Depending upon circumstances and institutional arrangements, however, each may do a great deal more.