THE ORTHODOX LUTHERAN ATTITUDE TOWARD THE STATE AND ITS ROLE IN THE THIRTY YEARS' WAR

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I. The Historiographical Problem

On October 31, 1517, Dr. Martin Luther, priest, professor and monk of Wittenberg posted his 95 Theses on the door of the Schloss Kirche. That simple act, so mixed with faith, anger and piety, had consequences which Luther could not possibly have envisioned at the time. For the date and the act mark the beginning of The Reformation Period in history, during which the mantle of outward unity in the visible church in the West was torn to pieces and the ever-illusive goal of one world and one church was buried forever. The Reformation Period was one of fevered intellectual activity, violent political upheaval, and intense religious passions. Nor is it ever easy to separate the three from one another; indeed many of the participants in the Reformation drama would have had the greatest difficulty making more than a formal distinction between them. No event demonstrates that more clearly than the final act in the drama of the Reformation Period, namely, The Thirty Years' War.

But what of that final act? Is it possible for us at this late date to hear the call of the trumpet in Bohemia in 1618-1619 and understand the reason of its call and the direction of the charging parties in the battle? The Marxist historian, Franz Mehring, asserts that the War was basically a class economic struggle in a religious setting.[1] The Bohemian historian, the 19th century Anton Gindely, sees it as a religious struggle to the death in an age when the notion of "peaceful co-existence" had not yet been imagined, and then wrestles with the criteria by which modern man should judge the protaganists.[2] Benecke, in the introduction to his

book of excerpts from original documents of the time, doubtless states the problem best:

> We must seek to understand the interplay of religious and secular factors, together with the complexities of local and territorial, national and supranational, dynastic and elective, civil and military developments.[3]

> To deny the strength of [the] religious mentality as a basis for the thoughts and actions of those who lived in the period is to exaggerate the power of secular and dynastic politics, with its gamut of ambitious diplomats, ministers, soldiers and officials at territorial or supraterritorial courts .... Of course, the one fed the other and they were inextricably entwined. We must remember that religion was all-embracing, and if politicians like Richelieu or military enterprisers like Wallenstein could handle it cynically, then they still needed it all the more as an effective ideology in order to induce support for their decisions among subjects and ordinary people. Politics without religion was unthinkable.[4]

If we agree with Benecke, that the War had distinctly Reformation roots and branches, without denying that economics, political ambition and dynastic position had significant -- often decisive -- roles to play, then it would seem incumbent on the historian to examine with care the particular religious attitudes at work in the minds of the leaders in the three separate religious groupings in the War, the Catholics, the Reformed, and the Lutheran. If the effort is not made to distinguish these three from one another as clearly as possible, then the historical investigation into the causes of the War, and the motives of its leading protaganists will end in distortion and often simplistic, unfair characterization. It is the contention of this work that such a careful examination of religious attitudes is not taking place, particularly in the case of the orthodox Lutheran Elector of Saxony, John George I. This lack and its consequent distortion is apparent in the work of English and American historians of every age since the War and, to a lesser extent, even in German writers since the middle of the 19th Century. It simply will

not do to speak of a "Protestant" side and a Catholic side to the War, and then merely note in passing that the "Protestant" side consisted of two conflicting parties who opposed one another often with greater vigor than they opposed their common oppressor. Few are the writers who do more than that. They fail to examine the orthodox Lutheran attitude toward the State from a religious or theological perspective which was fundamentally different from that of the Reformed in Germany and the Swiss Cantons. A failure to make such a distinction leaves the historian floundering when he proceeds to understand why the Lutheran behavior from the time of the Smalkaldic League to the conclusion of the Thirty Years' War was so very different from that of the Reformed. Even so eminent an historian as Gardiner misses the mark in this manner, when he accounts for the Lutheran behavior by saying:

> The Lutherans of the North, living far from the sound of strife, and never catching sight of a Roman Catholic priest from one year's end to another, were apt to think lightly of the fears and difficulties of the Protestants of the South, and to preach submission to the existing governments as the one remedy for the evils of the time.[5]

Just as far from the mark is George Clark; he contents himself with a political interpretation of Lutheranism altogether devoid of any religious dynamic to motivate its princely adherents when he declares:

> ... on the whole Lutheranism became sterile. It made no conquests. In its relations with the secular authorities it sank to a dull subjection. From the first it had been closely identified with the power of the princes. The first Lutheran churches had been organized as the state churches of particular countries, but in the spirit of a religious and theocratic view of the state. From this it was, however, an easy transition to the view in which the state's ecclesiastical supremacy is only a branch of its secular and territorial power. ....Their state churches thus became mere teaching and preaching institutions, while religion, losing its influence on the life of emotion and conduct, became a thing apart, having no existence except on Sundays.[6]

Trever-Roper's examination of the Lutheran ethic goes to the opposite extreme, and in so doing his misunderstanding of that ethic appears all but total. In seeking to answer the question of why the humanist successors of Erasmus did not join with the Lutherans, he speaks of "the anarchic, revolutionary doctrines of Luther," and then concludes his comparison of the three contending religious parties in the 17th Century by saying:

> Between the Catholic princes of the Mediterranean and Burgundy, fighting for the preservation of an old supremacy, and the Lutheran princes of Germany, placing themselves at the head of national revolt, arose that slender dynamic force of the surviving free cities of Europe: the Calvinist International.[7]

To speak of anything in Luther's works as being "anarchic" or anything in the behavior of the Lutheran princes as "revolt" is simply a contradiction in terms.

Between the mutually exclusive propositions of Trever-Roper and Clark are the more moderate and sympathetic positions of Benecke and Wedgwood. But even these are not altogether satisfying in their analysis. Benecke is satisfied to note that there were indeed three distinct religious factions operating during the Thirty Years' War, the Counter-Reformation Catholics, the Protestant radicals, and the Lutheran moderates;[8] but he does not give us the rationale at work in the respective positions. Tilting towards a view similar to Clark's, but nevertheless sympathetic, Wedgwood maintains that:

> ... Luther had easily fallen victim to the ambitions of the governing classes: secular rulers had welcomed his teaching because it freed them from the interference of a foreign Pope, and the young movement, too weak to stand on its own feet, had become the servant of the State. Its spiritual force was not destroyed but was at least partly stifled by its material power .... This is not to condemn Lutheranism,

> for men follow their own interests for the highest as well as for the lowest causes, and neither princes nor peoples accepted Lutheranism in the blandly cynical spirit which a later analysis of their motives seems to reveal. They believed, doubtless, because they wanted to believe, but the stress in their own minds was on belief, not on desire. And some at least of them died for their faith.[9]

Wedgwood at least makes the attempt to understand the Lutheran mind of the distinctly Lutheran rulers by a Lutheran criterion, instead of judging them either from a Calvinistic set of presuppositions, or from a totally rationalistic and cynical point of view. But having said that the Lutheran princes had distinctly Lutheran motivations, Wedgwood still does not tell what those motives were, how they were Lutheran (as distinguished from Calvinistic or Catholic), and the manner in which those motives influenced the behavior of the Lutherans during the War.

In a class by himself is the previously cited Anton Gindely, whose history of the Thirty Years' War is a classic, both from the standpoint of detail and character analysis. Precisely because of the thoroughness of his work, his conclusions about the motivations of the Elector John George I of Saxony are the more disappointing. For he does not even consider the possibility that John George acted at least in part on the basis of religious convictions, or that his actions were consistent with his Lutheranism. This failure is the more surprising since Gindely frequently acknowledges (and laments) the fact that Hoë von Eggenberg, the Dresden Court Chaplain, was the most influential of the Elector's advisors. With unaccustomed malice Gindely declares of John George during the 1619 Electoral Diet:

> ... John George not only stood in friendly relations with the Hapsburgs, but was, moreover, concerned about his own Electoral hat in case the insurrection should triumph. The Dukes of Weimar had not forgotten how their ancestor, John Frederic, had been by Maurice of Saxony deprived of his dignity and his land, and the revolution in the public relations which was

> brought about by the Bohemian movement seemed to them a suitable occasion to regain what they had lost. They did not conceal their hopes, and thus strengthened John George in his friendship for the Hapsburgs.[10]

And later, speaking of the whole attitude of John George during the War:

> The Elector's sense of injury at the Bohemian royal election grew deeper with the lapse of time, although it was only through his own forbidding attitude that the votes were directed to the Palsgrave. To this was added his concern about his cousins of Weimar and their claims upon the electoral dignity, and the territories of the Electorate; to all which was added further that his court preacher, Hoe, was daily poisoning him with bitter utterances against the Bohemians, the effects of which increased with time.[11]

Perhaps Gindely's Bohemian patriotism blinds him to the possibility that those who did not rush to rescue his revolutionary predecessors might have had motives at least as noble as those of his countrymen. There are two basic fallacies in Gindely's characterization of the Elector: 1) Gindely supposes that John George was shrewd to understand the role that Bernard of Weimar would have in the War by 1648; all the evidence suggests (as we shall see below) that the Elector was anything but shrewd; indeed, naive would characterize him far better, especially in the early years of the conflict; 2) Gindely takes it for granted that the Elector was forever miffed by the fact that he was not elected King of Bohemia instead of the Palsgrave, while at the same time admitting that it was the Elector's "own forbidding attitude" which prevented his election. Gindely should at least consider the question of why the Elector presented the Bohemians with such an attitude; but the very posing of the question would mandate the possible answers: the Elector had sane political reasons for not wanting the crown, the Elector had religious convictions which made ambition for the crown a matter of conscience, or both. Gindely appears to have an a priori mind set which makes these answers unthinkable.

In sum, the historians surveyed failed to pursue the distinct nature of the Lutheran attitude toward the State and its reasons, when seeking to account for the "moderate" behavior of Electoral Saxony during the Thirty Years' War. They may answer the question: Did the Elector's behavior suit his own political and dynastic self-interest? Or in the unanswerable extreme, they may simply decide that there is no accounting for the Elector's behavior, save the expedient of calling him an indecisive drunk (as Steinberg does). But they do not address the question: To what extent was the behavior of John George I consistent with the religious convictions of an orthodox Lutheran? or: To what extent does his Lutheranism contribute toward an understanding of his often (otherwise?) inexplicable behavior during the War?

While it is not necessary for us to discover why these questions have not been pursued or answered, we may hazard a few tentative guesses. Not the least of these must be the silence of Lutheran historians; their efforts tend to be concentrated in the field of dogmatic or a more strictly confined ecclesiastical history, almost to the exclusion of the political significance of such history. Hence the field in Christian scholarship is left to Calvinist/Reformed scholars in the English speaking world; these have tended to be at best unsympathetic towards the Lutheran attitude with respect to the world and its history. Together with their non-Christian or anti-Christian counterparts they would quite naturally have great difficulty entering into the mind of an orthodox Lutheran of the 17th century without at least a sympathetic guide. Even German historians, who should be expected to understand the difference between a Calvinist and a Lutheran, rarely bother themselves with the internal differences between the two, at least as far as its political significance is concerned. Their failure may be ascribed to the rationalistic invasion of

the German church in the 18th century; that invasion all but buried orthodoxy in the Lutheran state churches, and it reduced the differences between Reformed and Lutheran to little more than the names. Or, from a purely historical point of view, one might note that the King of Denmark and the King of Sweden were both Lutherans too; yet they certainly showed no squeamishness in fighting against the Holy Roman Emperor. That observation may obscure from sight the very different relationship that existed between the Emperor and the Lutheran Elector on the one hand, and that of the Emperor and the Scandinavian kings on the other.

Whatever the reason, then, the significance of John George's Lutheranism for his faction's behavior during the Thirty Years' War has not been sufficiently considered. In order to understand what significance his Lutheranism could have had for his behavior, we need first to grasp the orthodox Lutheran attitude toward the State and its authority. To that task we now turn.

II. The Contrast Between the Orthodox Lutheran and the Calvinist/Reformed Attitudes toward the State

The Electors of Saxony from John the Steadfast through John George I were paradigm Lutheran princes, conscious and proud of their rule over the cradle of the Reformation. Even the perfidious Maurice, who betrayed his co-religionists in the Smalkaldic War in order to snatch the Electoral dignity from his Ernestine cousins, never considered himself anything but a Lutheran. His far more devout and conscientious brother Augustus was not slow in purging the University of Wittenberg of Melancthon's followers, once it had become clear that Melancthon and his fellow-travellers had really ceased to be genuinely Lutheran. As the Elector John Frederick the Magnanimous devoured Luther's writings as quickly as they were published,

no less the Elector Augustus with far greater abilities was determined that his lands and his House should be and remain in the orthodox Lutheran camp.[1] John George, the Albertine Elector of Saxony during the Thirty Years' War, could not help but be steeped in Lutheran Orthodoxy in his formative years.

To determine what the orthodox Lutheran attitude toward the State was, we will examine the writings of Luther himself between 1521-31 (including the Augsburg Confession of 1530, written by Melancthon and presented to Charles V by the Lutheran princes). This time frame has been selected because it is the period within which the attitude toward the State reached its maturity. In 1521 Charles V issued the Edict of Worms and in 1530-31 he rejected the Augsburg Confession. It became perfectly clear to Luther during these ten years that nothing in the way of root and branch reform of the church could be expected from the Emperor, but that on the contrary, only persecution and oppression. The same was expected from the territorial princes who remained Catholic, not the least of them Duke George of ducal Saxony. Luther's attitude toward the State, Chruch-State relations, and the Christian as a citizen in a temporal state is reflected in the Augsburg Confession and did not undergo any subsequent material changes, nor could it in orthodox circles; for the Augsburg Confession had by 1580 become a normative doctrinal statement for the Lutherans.

If Luther cherished any sanguine notions of possible favor from the Hapsburg, those notions should have been effectively crushed by his treatment at Worms. For he was not given the promised hearing, but simply ordered to recant. And if that were not enough, both the procedure for drafting the Edict of Worms, and the Edict itself were grossly unfair. While the strongly Catholic majority at the Diet had agreed to the condemnation

of Luther an his position, Charles and the papal legate, Aleander, saw to it that the Edict itself was not drafted and published until after the close of the Diet on May 25th, 1521. By waiting until the close of the Diet to publish and proclaim the Edict (drafted by Aleander), the Emperor avoided debate and the possibility that the Diet might soften its polemical tone or dilute its draconian content. Nevertheless, the imperial letter announcing the publication of the Edict without blushing declares that it has been drafted "by the consent and will" of the Diet ("mit rat und willen unser und des heiligen reiches churfürsten, fürsten und stende").[2]

Luther is often criticized for being violent and intemperate in his writings; a glance at the language of the Emperor in the Edict will suggest that Luther merely wrote in the spirit of his age, which in Germany at least was unspoiled by the nicities of diplomatic circumlocution. At the very least, the Emperor's Edict can be described as provocative and inflammatory. We quote extensively from the rambling decree in order to understand the background and the setting in which Luther's own soon to be cited works were produced. The Emperor declares:

> After the fatherly admonitions and exhortations made to the said Martin by our Holy Father the pope; after the vocation, citation, obligation, and condemnation of Luther and his works, after the presentation of bulls to us and their disclosure throughout almost all of Germany, ... the said Martin Luther has not only refused to repent, return to the obedience of our Holy Church and renounce his errors, but this man of wickedness and furor against our faith and against our Mother Church wants to continue spreading the detestable and perverse doctrines of his wicked and pernicious spirit.[3]
> Item. He says that the sacred mass does not benefit anybody except the one who says it, and in this way he stops the young people from the practice of praying to God, which the church has until now kept and observed [a totally unfounded accusation, a non sequitor, and an argumentum ad hominem ala the accusation against Socrates, all in one sentence!].
> Item. He says that there are no such things as superiority and obedience. He destroys all civil police and hierarchical and ecclesiastical order, so that people are led to rebel against their superiors, spiritual and temporal, and to start killing, stealing, and burning, to the great loss and ruin of

public and Christian good. Furthermore, he institutes a way of life by which people do whatever they please, like beasts. They behave like men living without any law, condemning and despising all civil and canon laws to the extent that Luther, by excessive presumption, has publicly burned the decretals and (as we might expect) would have burned the imperial civil law had he not had more fear of the imperial and royal swords than he had of apostolic excommunication.[4] [The accusations against the life of Luther and his followers, together with the charge of civil disobedience is, of course absurd, and the Emperor must have known that.] And he seeks so much after new things, to the perdition of mankind, that he has not written anything (however truthful it may appear) that does not contain pestilences or the sting of death. This without mentioning the other books full of blasphemy, errors, and heresies not even worth of mention by the mouth of a good Christian. These books contain as much poison as they have words.[5]

Since the said Luther was so stubborn and obstinate in his opinions, errors, and heresies, the wise people who had seen and heard him said that he was mad and possessed by some evil spirit.[6]

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

For this reason we forbid anyone from this time forward to dare, either by words or by deeds, to receive, defend, sustain, or favor the said Martin Luther. On the contrary, we want him to be apprehended and punished as a notorious heretic, as he deserves, to be brought personally before us, or to be securely guarded until those who have captured him inform us, whereupon we will order the appropriate manner of proceeding against the said Luther. Those who will help in his capture will be rewarded generously for their good work.

As for his accomplices, those who help or favor the said Martin in whatever manner or who show obstinacy in their perversity, not receiving absolution from the pope for the evils they have committed, we will also proceed against them and will take all of their goods and belongings, movable and fixed, with the help either of the judges in the area in which they reside or of our parliaments and councils at Malines .... These laws will be applied regardless of person, degree, or privilege if anyone does not obey our edict in every manner. Item. We desire that the goods of delinquents that might be confiscated according to this edict be divided, one half going to us and the other half to the accusers and denouncers.[7]

The Edict goes on to condemn not only Luther and his immediate supporters but as well any and all who support them, publish, buy or read their books, or who fail to burn the same upon receipt of the Emperor's decree. All such are considered by the Emperor guilty of treason and will be

punished accordingly when apprehended.

And what is Luther's response to the Emperor's violent perversion of justice? How does he treat Charles V and the fire-breathing Duke George and their fellow princes, so bent on death and destruction for any who dared support the restoration of the Gospel? We should not be surprised to hear Luther responding in kind, placing himself or one of the supporting princes at the head of a national movement for the violent overthrow of the Empire. It would not astound us in the least, if he called for the formation of an evangelical Bund of some sort, or for a rising of the faithful against the princes who would not endure the Gospel. But in point of fact Luther consistently did the opposite! He called for submission to the God-ordained authority of the state, whether that of the Emperor or that of the territorial princes, regardless of their religious policies and convictions. He did so, not because it was politically expedient, not because it would gain for him the support of his own prince, but because the authority of the State was from God; his conscience was (as he said at Worms) bound by the Word of God, and so accordingly were his words concerning the authority of the State.

Given the temper of the times, given the unsettled conditions among the peasants and the knights, Luther often had occasion to write on the subject of temporal authority, the distinction between the power of the church and that of the State, and the degree to which they might mix. In 1522, with the ink barely dry on the Edict of Worms, Luther wrote the treatise, "A Sincere Admonition by Martin Luther to All Christians to Guard Against Insurrection and Rebellion." His language, as usual, is crystal clear, and his meaning unmistakable.

> Hence, no insurrection is ever right, no matter how right the cause it seeks to promote. It always results in more damage

> than improvement, and verifies the saying, "Things go from bad to worse." For this reason governing authority and the sword have been established to punish the wicked and protect the upright, that insurrection may be prevented, as St. Paul says in Romans 13 and as we read in I Peter 2.
>
> .... I am opposed to those who rise in insurrection, no matter how just their cause, because there can be no insurrection without hurting the innocent and shedding their blood.
>
> Thirdly, God has forbidden insurrection, where he speaks through Moses, "...Thou shalt follow justly after that which is just," and again, "Revenge is mine; I will repay." Hence we have the true proverb, "He who strikes back is in the wrong," .... Now insurrection is nothing else than being one's own judge and avenger, and that is something God cannot tolerate. Therefore, insurrection cannot help but make matters much worse, because it is contrary to God; God is not on the side of insurrection.[8]

He goes on in the same treatise to answer the question: But what should the faithful do when they are persecuted by the State? Should they encourage the tyranny and wantonness of the government by doing nothing at all? Luther answers:

> There are three things you should do. First, you are to acknowledge your own sins, because of which the strict justice of God has plagued you with this anti-Christian regime, as St. Paul foretold in II Thessalonians 2 ...
>
> Second. You should in all humility pray against the papal regime as Psalm 10 does and teaches us to do ....
>
> Third. You are to let your mouth become such a mouth of the Spirit of Christ as St. Paul speaks of in the text quoted above II Thess. 2 , "Our Lord Jesus will slay him with the mouth of his Spirit." This we do when we boldly continue the work that has been begun... For he must first be slain with words; the mouth of Christ must do it. In that way he will be torn from the hearts of men, and his lies recognized and despised.[9]

In his treatise, "Temporal Authority: To What Extent It Should Be Obeyed." Luther developed still further the biblical concept of the two kingdoms, and at the same time revealed the depth of his devotion to the principle of biblical authority, no matter how inconvenient it might at times prove to be. Contrary to the notion that he fathered some sort of "Lutheran quietism" with respect to the State, he called for both obedience and participation in government, because both are declared by the Word of God to be God-pleasing.

> ...governing authority is God's servant, we must allow it to be exercised not only by the heathen but by all man. What can be the meaning of the phrase, "It is God's servant," [Romans 13] except that governing authority is by its very nature such that through it one may serve God? Now it would be quite un-Christian to say that there is any service of God in which a Christian should not or must not take part, when service of God is actually more characteristic of Christians than of anyone else. It would even be fine and fitting if all princes were good, true Christians. For the sword and authority, as a particular service of God, belong more appropriately to Christians than to any other men on earth. Therefore, you should esteem the sword or governmental authority as highly as the estate of marriage, or husbandry, or any other calling which God has instituted.[10]

Again it must be emphasized that Luther's teaching concerning the Christian and the State were not cynically adopted positions of convenience for him; they stem rather from his deep reverence for the ultimate authority of God's Word. How serious he was about that we may measure from what he says about the Christian's use of his rights before the law of the State:

> Christ does not say, "You shall not serve the governing authority or be subject to it," but rather, "Do not resist evil" [Matthew 5], as much as to say, "Behave in such a way that you bear everything, so that you may not need the governing authority to help you and serve you or be beneficial or essential for you, but that you in turn may help and serve it, being beneficial and essential to it. I would have you to be too exalted and far too noble to have any need of it; it should rather have need of you."[11]

> From all this we gain the true meaning of Christ's words in Matthew 5, "Do not resist evil," etc. It is this: A Christian should be so disposed that he will suffer every evil and injustice without avenging himself; neither will he seek legal redress in the courts but have utterly no need of temporal authority and law for his own sake. On behalf of others, however, he may and should seek vengeance, justice, protection, and help, and do as much as he can to achieve it. Likewise, the governing authority should, on its own initiative or through the instigation of others, help and protect him too, without any complaint, application, or instigation on his own part. If it fails to do this, he should permit himself to be despoiled and slandered; he should not resist evil as Christ's words say.[12]

Luther's own life, one might add in passing, was ample evidence that he practiced what he preached in this regard.

But, if Luther held the State in such high regard as of divine institution, why did he himself not heed the order of the Emperor to recant, but on the contrary continued as though there had been no such order. Luther answers in the same treatise that God Himself has limited the authority of government; at the same time, lest anyone misunderstand him, he is careful once more to assert that, even though the State violate the will of God, that does not give the Christian the right to violate it still more by revolting. We will let Luther speak for himself:

> St. Paul is speaking of the governing authority. Now you have just heard that no one but God can have authority over souls. Hence, St. Paul cannot possibly be speaking of any obedience except where there can be corresponding authority. From this it follows that he is not speaking of faith, to the effect that temporal authority should have the right to command faith. He is speaking rather of external things, that they should be ordered and governed on earth. His words too make this perfectly clear, where he prescribed limits for both authority and obedience, saying, "Pay all of them their dues, taxes to whom taxes are due, revenue to whom revenue is due, honor to whom honor is due, respect to whom respect is due" Romans 13 . Temporal obedience and authority, you see, apply only externally to taxes, revenue, honor, and respect. Again, where he says, "The governing authority is not a terror to good conduct, but to bad," he again so limits the governing authority that it is not to have the mastery over faith or the Word of God, but over evil works.
>
> If your prince or temporal ruler commands you to side with the pope, to believe thus and so, or to get rid of certain books, you should say, "It is not fitting that Lucifer should sit at the side of God. Gracious sir, I owe you obedience in body and property; command me within the limits of your authority on earth, and I will obey. ... Should he seize your property on account of this and punish such disobedience, then blessed are you; thank God that you are worthy to suffer for the sake of the divine word. Let him rage, fool that he is; he will meet his judge.
>
> ,,, If their homes are ordered searched and books or property is taken by force, they should suffer it to be done. Outrage is not to be resisted but endured; yet we should not sanction it, or lift a finger to conform, or obey.[13]

It is clear from the above that Luther did not recognize the Emperor's right to order him to recant. But what if the prince was orthodox, a Lutheran? Luther showed himself to be utterly consistent. He was not

interested in the use of force from the State for establishing conformity to his own views, nor even in its use for the elimination of heresy. Though it must be admitted that at times he had difficulty in perfectly applying this principle, nevertheless the times were rare indeed, and the principle remained clear. We note both in the principle and in its application a spirit far different from that at work among the Reformed and in Calvin. Luther was 100 - 200 years ahead of his time when he declared:

> Heresy can never be restrained by force. One will have to tackle the problem in some other way, for heresy must be opposed and dealt with otherwise than with the sword. Here God's Word must do the fighting. If it does not succeed, certainly the temporal power will not succeed either, even if it were to drench the world in blood. Heresy is a spiritual matter which you cannot hack to pieces with iron, comsume with fire, or drown in water. God's Word alone avails here....
>
> My friends, if you wish to drive out heresy, you must find some way to tear it first of all from the heart and completely turn men's wills away from it. With force you will not stop it, but only strengthen it. What do you gain by strengthening heresy in the heart, while weakening only its outward expression and forcing the tongue to lie? God's Word, however, enlightens the heart, and so all heresies and errors vanish from the heart of their own accord.[14]

If Luther didn't already know it, he would soon discover that many prefer error to truth and darkness to light; nevertheless, in such cases, he continued to advise toleration; in those instances where he advised the use of force, we shall note an altogether different principle being applied (of which more below).

In this treatise on temporal authority, Luther concerns himself primarily with relationships between the State (or the prince) and the subject of the non-noble sort. But he does not neglect the issue of the feudal relationship with the Empire, though he addresses it but briefly. This particular treatise had been requested by the young Duke (later Elector) John. It was therefore fitting that Luther address the question of war and peace, and in so doing he mentions the duty of the prince to

obey the Emperor and not rebel against him. That theme will be taken up again and again by Luther and Lutheran writers; for what the subject owes his prince, the prince owes his overlord, the Emperor, within the limits of established law and custom. The point is a crucial one for the correct understanding of Lutheran behavior from 1547 to 1648. Luther is dealing with the question of whether it is right for a prince to go to war; his answer;

> This is a far-reaching question, but let me answer it very briefly. To act here as a Christian, I say, a prince should not go to war against his overlord - king, emperor, or other liege lord - but let him who takes, take. For the governing authority must not be resisted by force, but only by confession of the truth. If it is influenced by this, well and good; if not, you are excused, you suffer wrong for God's sake. If, however, the antagonist is your equal, your inferior, or of a foreign government, you should first offer him justice and peace, as Moses taught the children of Israel. If he refuses, then - mindful of what is best for you - defend yourself against force by force, as Moses so well describes it in Deuteronomy 20. But in doing this you must not consider your personal interests and how you may remain lord, but those of your subjects to whom you own help and protection, that such action may proceed in love. Since your entire land is in peril you must make the venture, so that with God's help all may not be lost. If you cannot prevent some from becoming widows and orphans as a consequence, you must at least see that not everything goes to ruin until there is nothing left except widows and orphans.
>
> In this matter subjects are in duty bound to follow, and to devote their life and property, for in such a case one must risk his goods and himself for the sake of others.[15]

We would note but one further point in this important treatise on temporal authority: Luther is often accused of all but pandering to the princes and their interests. Perhaps too many post "Enlightenment" cynics cannot imagine that anyone would ever act other than a Voltaire with Frederick the Great and the French court and church. But Luther was no fawning syncophant before even his own prince. Bear in mind that the treatise was requested by Duke John and is addressed to him; speaking of princes in general, Luther says:

> Who is not aware that a prince is a rare prize in heaven? I do not speak with any hope that temporal princes will give heed, but on the chance that there might be one who would also like to be a Christian, and to know how he should act. Of this I am certain, that God's Word will neither turn nor bend for princes, but princes must bend themselves to God's Word.
>
> I am satisfied simply to point out that it is not impossible for a prince to be a Christian, although it is a rare thing and beset with difficulties. If they would so manage that their dancing, hunting, and racing were done without injury to their subjects, and if they would otherwise conduct their office in love toward them, God would not be so harsh as to begrudge them their dancing and hunting and racing. But they would soon find out for themselves that if they gave their subjects the care and attention required by their office, many a fine dance, hunt, race, and game would have to be missed.[16]

All of the above was written when the storm clouds were still gathering over Germany. There had been some violence and some rioting, but nothing on the scale of what was about to be unleashed over the German lands during the Peasants' War in 1525. Luther had often been harshly criticized for his book against the peasants. But rarely have the critics troubled themselves with Luther's relentless strivings for peace between the peasants and the princes before and after the war broke out. Those who blame Luther for disavowing the cause of the peasants after he himself had inflamed them to violence simply have not read or understood Luther. His utter and total loathing for revolution grew as the storm coulds thickened. Again and again, often in very strong language, he warned the peasants against revolt -- not simply because they would never win, but, as was consistently the case, because revolution is contrary to the Word of God! Those who blame Luther for the Peasants' War must blame Henry Ford for automobile accidents and the Wright Brothers for airplane crashes. Because of the considerable misunderstanding of Luther's role in the Peasants' War, as well as for the light they shed on the orthodox Lutheran attitude toward the State, we are obliged to consider in some detail Luther's writings

before, during, and shortly after the Peasants' War.

Luther consistently and vigorously opposed both the methods and the message of the radical revolutionary Zwickau prophets, led by Thomas Münzer. It was due to the disturbances of such that Luther had left the safety of the Wartburg to return to Wittenberg contrary to the wishes of the Elector Frederick. While his return restored order in Wittenberg, the radicals were still agitating elsewhere in Saxony. Luther recognized that their violent theocratic notions could only lead to rebellion and bloodshed to the ruin of both the peasants and the work of genuine reformation. But he clearly distinguished these two evil results of their work from one another. In 1524, he wrote (and the letter was published) his famous letter to the Elector Frederick and Duke John, in which he called on them to vigorously pursue the duty which God had imposed on them. And what was that duty? Was it the persecution of the heretics? Not at all! He makes it quite clear in his letter that that is not their business. Their duty is the suppression of rebellion, riots, and revolution for the sake of the common good. The letter was followed up in 1525 with the treatise, "Against the Heavenly Prophets in the Matter of Images and Sacraments." In this work, he deals at length with the doctrinal errors of the radicals as a pastor and a teacher of the church. In both works he points out that doctrinal error can only be rooted out by the Word of God, not by the sword; but he is equally clear that revolution and rebellion, no matter what the reason or source, must be dealt with by the sword, both for the common good and because that is God's own command. In the following note, the clarity of his position concerning the duty of the princes:

> Though I realize full well that Your Princely Graces will know how to deal in this matter better than I can advise, yet I am in duty bound to do my part and respectfully to pray and exhort you to look into this matter carefully. Your obligation and duty to maintain order requires you to guard

> against such mischief and to prevent rebellion. Your Graces know very well that your power and earthly authority are given you by God in that you have been bidden to preserve the peace and to punish the wrongdoer, as Paul teaches, Rom. 13. Therefore your Graces should not sleep nor be idle. For God will want and require an answer if the power of the sword is carelessly used or regarded. Nor would your Graces be able to give account to the people or the world if you tolerated and endured violence and rebellion.[17]

He is equally clear that the business of the princes is not the suppression of false doctrine with their sword; that is the concern of the spiritual army of God, whose only weapon is the Word:

> Let them preach as confidently and boldly as they are able and against whomever they wish. For, as I have said, there must be sects, and the Word of God must be under arms and fight. Therefore the followers of the Word are called an "army" (Psalm 68), and Christ is designated a "commander," in the prophets. If their spirit is genuine, he will not be afraid of us and will stand his ground. If our spirit is genuine, he, again, will not fear either it or anyone else. Let the spirits collide and fight it out. If meanwhile some are led astray, all right, such is war. Where there is battle and bloodshed, some must fall and some are wounded. Whoever fights honorable will be crowned.
>
> But when they want to do more than fight with the Word and begin to destroy and use force, then your Graces must intervene, whether it be ourselves or they who are guilty, and banish them from the country. You can say, "We are willing to endure and permit you to fight with the Word, in order that the true doctrine may prevail. But don't use your fist, for that is our business, else get yourselves out of the country." For we who are engaged in the ministry of the Word are not allowed to use force. Ours is a spiritual conflict in which we wrest hearts and souls from the devil. .... Our calling is to preach and to suffer, not to strike and defend ourselves with the fist. Christ and his apostles destroyed no churches and broks no images. They won hearts with the Word of God, then churches and images fell of themselves.
>
> We should do likewise, /First liberate hearts from cloisters and monastic orders. If this is done, shrines and cloisters will be empty, and temporal rulers can dispose of them as they see fit.[18]

And in the treatise, "Against the Heavenly Prophets in the Matter of Images and Sacraments, " Luther pursues the identical theme:

> But so it goes, when one brings the disorderly masses into the picture. Due to great fulness of the spirit they forget civil discipline and manners, and no longer fear and respect anyone but themselves alone. This appeals to Dr. Karlstadt. These are all pretty preliminaries to riot and rebellion, so that one fears neither order nor authority.[19]

Unfortunately, Luther's foresight and his consistent efforts to avert the coming disaster did not succeed in turning back the rising tide of disorder. The peasants continued to organize under the guise of true believers. Sometime during the Spring of 1525, Luther saw a peasants' declaration known as "The Twelve Articles," and in yet another attempt to stem the flood about to break through Germany, he answered it with his, "Admonition to Peace, A Reply to the Twelve Articles of the Peasants in Swabia." The "Admonition to Peace" was addressed to both the nobles and the peasants, but as its title indicates, it was intended primarily for the latter. Once more Luther spoke with crystal clarity, as he had when he returned to Wittenberg, as he had in the published letter to the princes, and in the treatise "Against the Heavenly Prophets." In the "Admonition to Peace" Luther undertakes a point by point refutation of the claims made by the peasant agitators that they were acting in accord with the Bible, and demonstrates that the reverse is the case. He makes the point, for example, that the term "Christian rebel" is a contradiction in terms:

> For here is God's Word, spoken through the mouth of Christ, "All who take the sword will perish by the sword." That means nothing else than that no one, by his own violence, shall arrogate authority to himself; but as Paul says, "Let every person be subject to the governing authorities with fear and reverence."
>
> How can you get around these passages and laws of God when you boast that you are acting according to divine law, and yet take the sword in your own hands and revolt against "the governing authorities that are instituted by God"? .... You take God's name in vain when you pretend to be seeking divine right, and under the pretense of his name work contrary to divine right.

> ... you say that the rulers are wicked and intolerable, for they will not allow us to have the gospel; they oppress us too hard with the burdens they lay on our property, and they are ruining us in body and soul. I answer: The fact that the rulers are wicked and unjust does not excuse disorder and rebellion, for the punishing of wickedness is not the responsibility of everyone, but of the worldly rulers who bear the sword.[20]

> For if you claim that you are Christians and like to be called Christians and want to be knows as Christians, then you must also allow your law to be held up before you rightly. Listen then, dear Christians, to your Christian law! Your Supreme Lord Christ, whose name you bear, says, in Matthew 5, "Don't resist one who is evil. If anyone forces you to go one mile, go with him two miles. If anyone wants to take your coat, let him have your cloak too. If anyone strikes you on one cheek, offer him the other too." Do you hear this, O Christian association? How does your program stand in light of this law? You do not want to endure evil or suffering, but rather want to be free and to experience only goodness and justice. However, Christ says that we should not resist evil or injustice but always yield, suffer and let things be taken from us. If you will not bear this law, then lay aside the name of Christian and claim another name that accords with your actions, or else Christ himself will tear his name away from you, and that will be too hard for you.[21]

He continues in much the same vein, citing his own refusal to in-cite to rebellion, in spite of the injustices he had received at the hands of both the pope and some of the princes. He calls on both sides in the dispute to admit that each side is motivated by little else than greed and ambition, ill-clothed in the cloak of the gospel, and warns:

> ... both of you will destroy yourselves and God will use one rascal to flog another. ...
>
> In short, God hates both tyrants and rebels; therefore he sets them against each other, so that both parties perish shamefully, and his wrath and judgment upon the godless are fulfilled.[22]

Luther's admonitions, unfortunately did little or no good; for by the time the treatise was published the rebellion had passed the turning back stage. At the conclusion of the treatise itself, Luther all but conceded that there was little he could do to prevent the conflagration.

The rebellion was short but bloody. Given all that we have seen above of Luther's convictions concerning the God-ordained power of the secular sword, it should come as a surprise to no one that Luther favored the swift suppression of the revolt. But once more the time lag between writing and publication proved most unfortunate. Luther wrote his (in)famous tract, "Against the Robbing and Murdering Hordes of Peasants," while the devastations of the peasants were at their peak; but the tract was not distributed (through no fault of Luther's) until the peasants had already suffered a conclusive defeat. As the tract was spread throughout the Empire, the princes were engaged in a "mopping up" operation with unseemly rigor. While Luther's style left him open to the charge of crude intemperance in his writing, the circumstances out of which he wrote must not be forgotten; at the time of the writing it was not at all clear that the princes would regain control; it was still possible that the revolt would spread and increase in its violence and bloodshed. The principles upheld in the tract are altogether consistent with everything else that Luther wrote both before and after the revolt about the duty of obedience. The charge therefore that Luther stirred the peasants to revolt, and then abandoned them and went over to the princes is clearly absurd. The consistency in principle and to a large extent in style as well is evident in the following extract.

> The peasants have taken upon themselves the burden of three terrible sins against God and man; by this they have abundantly merited death in body and soul. In the first place, they have sworn to be true and faithful, submissive and obedient, to their rulers, as Christ commands them when he says, "Render to Caesar the things that are Caesar's." And Romans 13 says, "Let every person be subject to the governing authorities." Since they are now deliberately and violently breaking this oath of obedience and setting themselves in opposition to their masters, they have forfeited body and soul, as faithless, perjured, lying, disobedient rascals and scoundrels usually do. St. Paul passed this judgment on them in Romans 13 when he said that those who resist the authorities will bring a judgment upon themselves. This saying will smite the peasants sooner

or later, for God wants people to be loyal and to do their duty.

> In the second place, they are starting a rebellion, and are violently robbing and plundering monasteries and castles which are not theirs; but this they have doubly deserved death in body and soul as highwaymen and murderers. Furthermore, anyone who can be proved to be a seditious person is an outlaw before God and the emperor; and whoever is the first to put him to death does right and well. For if a man is in open rebellion, everyone is both his judge and his executioner; just as when a fire starts, the first man who can put it out is the best man for the job. For rebellion is not just simple murder; it is like a great fire, which attacks and devastates the whole land. Thus rebellion brings with it a land filled with murder and bloodshed; it makes widows and orphans, and turns everything upside down, like the worst disaster. ....
>
> In the third place, they cloak this terrible and horrible sin with the gospel, call themselves "Christian brethren," take oaths and submit to them, and compel people to go along with them in these abominations. Thus they become the worst blasphemers of God and slanderers of His holy name. Under the outward appearance of the gospel, they honor and serve the devil, thus deserving death in body and soul ten times over. I have never heard of a more hideous sin.[23]

Who can deny that what Luther says in this analysis of rebellion is correct? But even more important than the correctness of the analysis are two very important points which lie just below the surface of that analysis:

1) The reader should carefully note that Luther's abhorrence of rebellion is rooted not only in loyalty to the Scriptures, but also in compassion for his fellowman; the sooner rebellion can be crushed, the fewer will be the "widows and orphans" not only among the nobles, but among the peasants as well -- not to mention ruined lands, plague and pestilence which exact an even greater penalty than does the sword. 2) Note as well the distinctly "Lutheran" attitude towards Church and State; for Luther and his successors there can be no such thing as a "religious war" fought for the glory of God and the truth of His pure Word; indeed the whole notion of a "Christian rebellion" is a contradiction in terms, as is the idea of "shedding blood for the love of God." Contrast this "Lutheran" attitude

with that of popes like Urban II, Julius II, of the Inquisition, et al. Contrast it as well with Zwingli and Calvin (of whom more below) as they struggle to build "The City of God' on earth. While Luther's language may be judged violent, it should be evident that his goals are altogether pacific, and that compared to those who so eagerly attacked his supposed violence, Luther's principles, when followed, would tend to the peace and order of society in a degree unimagined by his antagonists in both the Catholic and REformed camps.

Henry VIII could never understand why his ambassadors were unable to win the orthodox Lutheran princes in the Smalkaldic League for Henry's plots to unseat CharlesV; one hundred year later the Reformed members of the Union had the same difficulty in understanding why the princes of Hesse-Darmstadt and the Elector of Saxony so stubbornly refused to take up the cause of their "holy war" against the Catholic-Habsburg Reaction in Bohemia; and historians to this day, as already noted, flounder still when they attempt to answer the questions of Henry VIII and the Protestant Union. Why didn't the German Lutherans join in the spirit of the French Revolution, when they could have so easily toppled the existing order? Why didn't the Revolution of 1848 prove more violent than it was, and why didn't subsequent rumors or revolt ever amount to anything? Why didn't the German Lutherans in Russia join the Whites in the Civil War? Why didn't Lutherans do more to rid the Fatherland of the Austrian paper-hanger? We suggest that no answer to these questions from Henry VIII to 1945, from the German North to the Russian Urals is complete without a consideration of the two above mentioned points; for this distinctly Lutheran aversion to violence and rebellion has remained essential to the North German-Lutheran

character since the days of the Peasants' War. In Catholic history one always finds the sword, for all its blood, washed in holy water; in English cathedrals the Cross is hidden by the abundance or regimental standards; but in German Lutheranism, even that of the State Church, the norm ever remained that the Cross and the Sword occupied two different kingdoms, and that the less they had to do with one another, the better. While there were always some occasions when the two were mixed, the principle that such a mixture was exceptional, an aberration, unfortunate, temporary, and to be avoided was the constant ideal of both the Lutheran Church and its temporal counter-part.

Thus, carefully read and understood within the context of the still-raging revolt, Luther's advice to the princes is altogether consistent with his biblically motivated principle, and not really all that intemperate -- again, it must be remembered that diplomatic circumlocution was foreign to German writing as well as to Luther's own temperament. The essence of his advice to the princes was the following:

> First, I will not oppose a ruler who, even though he does not tolerate the gospel, will smite and punish these peasants without first offering to submit the case to judgment. [Note: Luther does not say they must or even should proceed in this manner; he merely says he "will not oppose."] He is within his rights, since the peasants are not contending any longer for the gospel, but have become faithless, perjured, disobedient, rebellious murderers, robbers, and blasphemers, whom even a heathen ruler has the right and authority to punish. Indeed, it is his duty to punish such scoundrels, for this is why he bears the sword and is "the servant of God to execute his wrath on the wrongdoer," Romans. 13.
>
> But if the ruler is a Christian and tolerates the gospel, so that the peasants have no appearance of a case against him, he should proceed with fear. First he must take the matter to God, confessing that we have deserved these things, and remembering that God may, perhaps, have thus aroused the devil as a punishment upon all Germany. Then he should humble pray for help against the devil, for we are contending not only "against flesh and blood," but "against the spiritual hosts of wickedness in the air," [as St. Paul says,] which must be attacked with prayer. Then, when our hearts are to turned to

> God that we are ready to let his divine will be done, whether he will or will not have us to be princes and lords, we must go beyond our duty, and offer the made peasants an opportunity to come to terms, even though they are not worthy of it. Finally, if that does not help, then swiftly take to the sword.
>
> For in this case a prince and lord must remember that according to Romans 13 he is God's minister and servant of his wrath and that the sword has been given him to use against such people. If he does not fulfill the duties of his office by punishing some and protecting others, he commits as great a sin before God as when someone who has not been given the sword commits murder.[24]

Of course, it did not take Luther's enemies long to lay violent hands on what he had written, quote it out of context, and twist it to their own purposes. Catholic princes could quote him whom they had condemned to be blotted out of memory together with all his poisonous words and works (cf. above under the Edict of Worms), and Protestant radicals could use the same passages to further incite the peasants to bitterness against all that Luther had written and done. As today so then, few are there who read the whole, and that both in its theological and historical context. So full of fury were those who wrote against Luther because of the tract, "Against the Robbing and Murdering Hordes of Peasants," that Luther's friends urged him to respond in writing to the attacks. Luther knew only too well that such a response would be twisted as was the original tract. Nevertheless, at their continual pleadings, he wrote, "An Open Letter on the Harsh Book Against the Peasants," also in 1525.

In the "Open Letter on the Harsh Book" he again develops themes that were altogether consistent with the above oft-stated principles. He points out, for example, that to condemn and crush rebellion is not a matter of choice for a prince faithful to his sworn duty, and that a theologian who is faithful to the gospel cannot possibly support that which is rebellion against the gospel. As always, Luther is frank, clear, and blunt:

> Thus we see that both rebels and those who join them are condemned. God does not want us to make a joke out of this but to fear the king and the government. Those who are fellow-travelers with rebels sympathize with them, feel sorry for them, justify them, and show mercy to those on whom God has no mercy, but whom he wishes to have punished and destroyed. For the man who thus sympathizes with the rebels makes it perfectly clear that he has decided in his heart that he will also cause disaster if he has the opportunity. The rulers, therefore, ought to shake these people up until they keep their mouths shut and realize that the rulers are serious.
>
> If they think this answer is too harsh, and that this is taking violence and only shutting men's mouths, I reply, "That is right." A rebel is not worth rational arguments, for he does not accept them. You have to answer people like that with a fist, ... The peasants would not listen; they would not let anyone tell them anything, so their ears must now be unbuttoned with musket balls till their heads jump off their shoulders. Such pupils need such a rod. He who will not hear God's Word when it is spoken with kindness, must listen to the headsman, when he comes with his axe. If anyone says that I am being uncharitable and unmerciful about this, my reply is: This is not a question of mercy; we are talking of God's Word. It is God's will that the king be honored and the rebels destroyed; and he is as merciful as we are.
>
> .... If you want to have mercy, then do not consort with rebels, but respect authority and do good; "but if you do wrong, be afraid," Paul says, "for he does not bear the sword in vain.[25]
>
> Rebellion is no joke, and there is no evil deed on earth that compares with it. Other wicked deeds are single acts; rebellion is flood of all wickedness.[26]

In the same work Luther showed understandable annoyance at the hypocrisy of his critics, and in the process repeated and expanded the biblical concept of the two kingdoms.

> They cast it up to me that Christ teaches, "Be merciful, even as your Father is merciful;" and again, "I desire mercy and not sacrifice;" and again, "The Son of man is come not to destroy souls, but to save them," etc. And they think this hits the nail on the head. "Luther ought to have taught that we should have mercy on the peasants, and he teaches, instead, that we should kill them immediately. What do you think of that? Let us see whether Luther will get out of this! I think he is caught." Well now, I thank you, dear teachers. If these lofty spirits had not taught me, how would I ever have known this or found it out? How should I know that God demands mercy -- I, who have taught and written more about mercy than any other man in a thousand years?

It is the very devil himself who wants to do all the evil that he can, and so he stirs up good and pious hearts and tempts them with things like these, so that they may not see how black he is, and he tries to deck himself out in a reputation for mercy. But it will not help him! My good friends, you praise mercy so highly because the peasants are beaten; why did you not praise it when the peasants were raging, smiting robbing, burning, and plundering, in ways that are terrible to see or even to hear about? Why were they not merciful to the princes and lords, whom they wanted to exterminate completely? No one spoke of mercy then, Everything was "rights;" nothing was said of mercy, it was nothing. "Rights, rights, rights!" They were everything. Now that the peasants are beaten, and the stone that they threw at heaven is falling back on their own heads, no one is to say anything of rights, but to speak only of mercy. ....

"Not at all," they say, "we do not justify the peasants and would not prevent their punishment, but it seems wrong to us for you to teach that the poor peasants should be shown no mercy; for you say that they ought to be slain without mercy." I can only answer that if you really mean that, I am blameless. That is just a cover for your bloodthirsty self-will and your secret pleasure with the peasants. Where have I ever taught no mercy should be shown? Do I not in that very book beg the rulers to show grace to those who surrender? Why do you not open your eyes and read it? Then it would not have been necessary for you to damn my book and take offense at it. But you are so full of poison that you seize upon the one part of it in which I say that those who will not surrender or listen ought to be killed without mercy; and you skip over the rest of it ....

There are two kingdoms, one the kingdom of God, the other the kingdom of the world. I have written this so often that I am surprised that there is anyone who does not know it or remember it. Anyone who knows how to distinguish rightly between these two kingdoms will certainly not be offended by my little book, and he will also properly understand the passages about mercy. God's kingdom is a kingdom of grace and mercy, not of wrath and punishment. In it there is only forgiveness, consideration for one another, love, service, the doing of good, peace, joy, etc. But the kingdom of the world is a kingdom of wrath and severity. In it there is only punishment, repression, judgment, and condemnation to restrain the wicked and protect the good. For this reason it has the sword, and the Scriptures calls a prince or lord "God's wrath," or "God's rod."

The Scripture passages which speak of mercy apply to the kingdom of God and to Christians, not to the kingdom of the world, for it is a Christian's duty not only to be merciful, but also to endure every kind of suffering - robbery, arson, murder, devil, and hell. It goes without saying that he is not to strike, kill, or take revenge on anyone. But the kingdom of the world, which is nothing else than the servant of God's wrath upon the wicked and is a real precursor of hell and everlasting death, should not be merciful, but strict, severe, and wrathful in fulfilling its work and duty. ....

> Now he would confuse these two kingdoms - as our false fanatics do - would put wrath into God's kingdom and mercy into the world's kingdom; and that is the same as putting the devil in heaven and God in hell. These sympathizers with the peasants would like to do both of these things. First they wanted to go to work with the sword, fight for the gospel as "Christian brethren" and kill other people, who were supposed to be merciful and patient. Now that the kingdom of the world has overcome them, they want to have mercy in it; that is to say, they are unwilling to endure the worldly kingdome, but will not grant God's kingdom to anyone. Can you imagine anything more perverse? .... Those who are in God's kingdom ought to have mercy on everyone and pray for everyone, and yet not hinder the kingdom of the world in the maintenance of its laws and the performance of its duty; rather they should assist it.[27]

In the "Open Letter" Luther faces with the same frankness those who accused him of flattering the princes, or at least playing into their hands:

> These advocates of the peasants do not consider this kind of mercy which rules and acts through the temporal sword. They see and talk only about the wrath and say that we are flattering the furious princes and lords when we teach that they are to punish the wicked. And yet they are themselves ten times worse. Indeed, they are bloodthirsty murderers, rebels at heart, for they have no mercy on those whom the peasants overthrew, robbed, dishonored, and subjected to all kinds of injustice. For if the intentions of the peasants had been carried out, no honest man would have been safe from them, but whoever had one cent more than another would have had to suffer for it. They had already begun that, and it would not have stopped there; women and children would have been put to shame; they would have taken to killing each other too, and there would have been no peace or safety anywhere. Has anything ever been heard of that is more unrestrained than a mob of peasants when they are filled with food and got power? As Solomon says, in Proverbs 30, "Such people the world cannot bear."[28]
>
> .... Nor do I intend here to strengthen the raging tyrants, or to praise their raving, for I hear that some of my "knightlets" ["Junckerlin" - a term of contempt] are treating the poor people with unbounded cruelty, and are very bold and defiant, as though they had won the victory and were firmly in the saddle. They are not seeking to punish and stop the rebellion; rather are they satisfying their furious self-will and cooling a rage which they, perhaps, have long nursed, thinking that they now have an opportunity and excuse to do so.
>
> I earnestly ask you, and everyone to ready my book fairly, ... Then you will see that I was advising only Christian and

> pious rulers, as befits a Christian preacher. .... I was writing ... to instruct their consciences concerning this matter to the effect that they ought to take immediate action against the band of rebels both innocent and guilty. And if they struck the innocent, they were not to let their consciences trouble them, since they were by the very act confessing that they were bound to do their duty to God.* Afterward, however, if they won, they were to show grace, not only to those whom they considered innocent, but to the guilty as well.
>
> But these furious, raving, senseless tyrants, who even after the battle cannot get their fill of blood, and in all their lives ask scarcely a question about Christ - these I did not undertake to instruct. It makes no difference to these bloody dogs whether they slay the guilty or the innocent, whether they please God or the devil. They have the sword, but they use it to vent their lust and self-will. I leave them to the guidance of their master, the devil, who is indeed leading them.[29]

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* While this sentence may be offensive to us, it must be remembered that Luther is writing to the princes, some of whom had been frozen into inactivity during this and earlier uprisings for fear of harming the innocent; Luther is simply being a realist, in pointing out that in war, no matter how just, sometimes the innocent suffer along with the guilty.

From all of the above, it should be clear that Luther had an attitude rooted and grounded in the Bible towards the State, an attitude which made riot and rebellion utterly reprehensible, and submission and obedience to the God-given authority of the State (no matter how perverse or corrupt it might be) a virtue of high order. It should be equally clear that this attitude was not motivated by cynical attempts to win favor from the princes; for had that been his motive, he certainly should have proceeded differently when speaking to or about such as Duke George. No, as Luther said at Worms, his conscience was captive to the Word of God, regardless of the consequences to himself in the turning of the peasants against him, or in the continuing venom of the princes and the Emperor himself. At the same time, Luther's early desire to see the Church and the State kept as far from one another as practicable did not change

essentially after the Peasants' Revolt. To be sure, Luther realized that the day for the full exercise of the doctrine of the Universal Priesthood of All Believers had not yet dawned. His and Melancthon's vigorous encouragement of education on the lowest levels as well as at the University were carried on in the hope of hastening that day.

That the ideal of separation had not changed in Luther's mind, and that his continuing experience of imperial disfavor, hatred and injustice had in no way altered the principle of obedience to the higher authority in its proper i.e., God-given, sphere, is evident from his treatise of 1529 entitled "On War Against the Turks." At the time the Turks were once again marching westward. As Germany was divided over every other subject, so it was divided over the proper response to the Turkish invasions. Some Lutherans living under repressive Catholic regimes thought that the rule of the Turks might be an improvement, while not a few of the Catholics blamed Luther for bringing ruin to Europe by dividing it in the face of so formidable an emeny. To be sure, many of the Lutheran princes in the Diet were only too willing to take advantage of the Emperor's difficulties by granting aid to him only at the cost of his granting them religious toleration. But such "Quid pro quo" arrangements at the Diet were perfectly legal, and indeed were a way of life in the struggle between the emperors and estates long before Luther was born.

Luther had long since become thick-skinned towards those who criticized every breath he took and every word he wrote. But he realized that there was a genuine need among those who wanted to be loyal Lutherans as well as faithful princes at the Diets for still further clarification on the matter of Church-State relations, particularly as they affected the princes themselves in their relationship with the Emperor. The treatise, "On War Against the Turks," is Luther's pastoral answer. It is addressed to Philip of Hesse, who,

despite all of the later troubles he brought down on the Lutherans, had begun his Christian race well. Luther clearly applies the principle of the two kingdome to the situation with the Turks: if the war is to be a "Christian war," a Crusade, then he is unalterably opposed to it, because it confuses the two kingdoms in an unnecessary and harmful fashion.

> How many wars, do you think, have there been against the Turk in which we would not have suffered heavy losses if the bishops and clergy had not been there? How pitifully the fine King Lassla was beaten with his bishops by the Turk at Varna. The Hungarians themselves blamed Cardinal Julian and killed him for it. Recently King Louis would perhaps have fought with more success if he had not led a priests' army or, as they call it, a Christian Army, against the Turks. If I were emperor, king, or prince and were in a campaign against the Turk, I would exhort my bishops and priests to stay at home and attend to the duties of their office, praying, fasting, saying mass, preaching and caring for the poor, as not only the Holy Scripture, but their own canon law teaches and requires. If, however, they were to be disobedient to God and their own law and desire to go along to war, I would teach them by force to attend to their office and not, by their disobedience, put me and my army under the danger of God's wrath. It would be less harmful to have three devils in the army than one disobedient, apostate bishop who had given up his office and assumed the office of another. For there can be no good fortune with such people around, who go against God and their own law.
>
> .... that it is not right for the pope, who wants to be a Christian, and the highest and best Christian preacher at that, to lead a church army, or army of Christians, for the church ought not to strive or fight with the sword. It has other enemies than flesh and blood; their name is wicked devils in the air; therefore the church has other weapons and swords and other wars; it has enough to do and cannot get involved in the wars of the emperor or princes, for the Scriptures say that there shall be no good fortune where men are disobedient to God.[30]

But that the above is not to be understood in a sense which would make Luther a pacifist is also clear; he simply wants the distinction between the two kingdoms to remain clear and unconfused:

> In the first place, if there is to be war against the Turk, it should be fought at the emperor's command, under his banner, and in his name. Then everyone can be sure in his conscience that he is obeying the ordinance of God,

> since we know that the emperor is our true overlord and head and that whoever obeys him in such a case obeys God also, whereas he who disobeys him also disobeys God. ....
>
> In the second place, this fighting under the emperor's banner and obedience to him ought to be true and simple. The emperor should seek nothing else than simply to perform the work and duty of his office, which is to protect his subjects; and those under his banner should seek simply to do the work and duty of obedience. ....
>
> Therefore the urging and inciting with which the emperor and the princes have been stirred up to fight against the Turk ought to cease. He has been urged, as head of Christendom and as protector of the church and defender of the faith, to wipe out the Turk's religion, and the urging and exhorting have been based on the wickedness and vice of the Turks. Not so! The emperor is not the head of Christendom or defender of the gospel or the faith. The church and the faith must have a defender other than emperor and kings. They are usually the worst enemies of Christendom and of the faith, as Psalm 2 says and as the church constantly laments. That kind of urging and exhorting only makes things worse and angers God deeply because it interferes with his honor and his work, and would ascribe it to men, which is idolatry and blasphemy.
>
> And if the emperor were supposed to destroy the unbelievers and non-Christians, he would have to begin with the pope, bishops, and clergy, and perhaps not spare us and himself; for there is enough horrible idolatry in his own empire to make it unnecessary for him to fight the Turks for this reason.[31]

Notice that in the above, while Luther takes accurate -- almost humorous -- note of the total Lutheran experience at the hands of the Emperor, there is not a trace of rebellion in his words, not a hint of, "Let him save himself, the rascal."

On the contrary, when speaking of the secular kingdom, Luther makes no distinction between the duty of a faithful "Lutheran" prince and the duty of a Catholic prince or of the Emperor himself. Indeed he strongly urges all to do their duty, including the duty of obedience to the Emperor, and warns against perfidy and unfaithfulness in the carrying out of such duty.

> For I think (so far as I have observed the matter in our diets) that neither emperor nor princes themselves believe that they are emperor and princes. They act as though it were up to them whether to rescue and protect their subjects from the power of the Turk or not; and the princes neither care nor think that they are bound and obligated before God to counsel and help the emperor in this matter with body and goods. Each of them passes it by as though it were no concern of his and as though he were forced neither by command nor necessity, but as though it were left up to him to do it or not. They are just like the common people who do not think they have a responsibility to God and the world when they have bright sons, to send them to school and have them study; but everyone thinks he has the right to raise his son as he pleases regardless of God's Word and ordinance.[32]
>
> It is not difficult to show that up to now the banner [of the emperor] has been regarded as a mere piece of silk, for otherwise the emperor would long ago have unfurled it, the princes would have followed it, and the Turk would not have become so mighty. But because the princes called it the emperor's banner with their lips and were disobedient to it with their fists, and by their deeds treated it as a mere piece of silk, things have come to the state we now see with our own eyes.[33]
>
> Moreover, I hear it said that in Germany there are those who desire the coming of the Turk and his government because they would rather be under him than under the emperor or princes. .... I have no better advice to give against them than that pastors and preachers be exhorted to be diligent in their preaching and faithful in instructing such people, pointing out to them the danger they are in, the wrong they are doing, and that by holding this opinion they make themselves a party to serious and innumerable sins in God's sight. It is dreadful enough to have the Turk as overlord and to endure his government; but willingly to submit oneself to it, or to desire it when one need not and is not compelled - well, the man who does that ought to be shown what kind of sin he is committing and how terrible his conduct is.
>
> In the first place, these people are disloyal and are guilty of perjury to their rulers, to whom they have taken oaths and done homage. In God's sight this is a great sin which does not go unpunished.[34]

One cannot but marvel at the constancy of Luther in calls for loyalty and obedience according to law and custom to an Emperor who showed the Lutheran cause nothing but treachery and unbending hostility. Not even the Lutheran experience at the Diet of Augsburg in 1530 was able to change that unswerving

constancy. In calling the Estates of Augsburg the Emperor had employed language of an unusually cordial nature. His language convinced the Saxon court (though not that of Philip of Hesse) that he had a genuine desire to settle the religious strife in a freindly and peaceful manner. His perfidy however was to become all too apparent; while the Lutheran princes presented their Confession in an altogether irenic fashion, it was dismissed by the Emperor out of hand. He accepted instead the lengthy and bombastic Confutation of the Catholic party, which Confutation in both tone and content made it clear that a settlement was impossible.

In 1531 by which time the details of the Diet of Augsburg were certainly well known to him (the Augsburg Confession of the Lutherans was presented in June of 1530), Luther penned his "Commentary on the Alleged Imperial Edict." In the "commentary" Luther refutes many of the charges made against him and the misrepresentation of his teaching found in the "Confutation" which the Emperor had accepted. But throughout he carefully avoids any attack on the Emperor. He directs his venom against the papacy, and says nothing that could possibly be interpreted as inflammatory or rebellious against the guile-filled Charles. His expressions of respect for the authority of the Emperor -- when he is exercising his God-given authority and not that given to the church and reserved there to God Himself in His Word -- is consistent with all that Luther had written since the Diet of Worms. That attitude of obedience is expressed in the preface to his commentary:

> I, Martin Luther, doctor of Holy Scriptures and preacher to the Christians at Wittenberg, herewith make one reservation in regard to this open letter to the public, namely, that nothing I have written herein against this allegedly "imperial" edict or command is directed or should be construed as written against the Imperial Majesty or any authorities, whether ecclesiastical or secular. But because, as wise King Solomon says, a single scoundrel at court can cause great disasters, and because, on the other hand, a single pious Naaman at court can do much good, I have not aimed this at the pious emperor or the pious lords, but on the contrary at the traitors and scoundrels (be they princes or bishops)

> who have appropriated the imperial name, or (as Solomon says) have taken advantage of their position at court to put their malicious, desperate, capricious plans into effect. And especially I have had in mind that fellow whom St. Paul calls "God's adversary" - I should say "God's viceroy"! - the chief scoundrel, Pope Clement, and his servant Campeggio and the rest. Such is my intention.[35]

From all of the above, it should be abundantly clear that Luther was a firm supporter of the established authority of the State, that rebellion, riot and revolt against legally established authorities could never be justified, and that in principle the roles of the temporal and eternal estates were to be clearly distinguished from one another and, as much as possible, kept free of confusion.*

But what of the children of the Lutheran Reformation? Did they hold these principles as dear as their father? The answer of the Lutheran Confessions is a clear, "Yes!" While only two of the six Lutheran Confessions discuss the State and Church-State relations in any detail, the remaining Confessions either imply (e.g., Luther's Large and Small Catechisms) the same things or else assume them (e.g., The Smalkald Articles of 1537 and the Formula of Concord of 1580). Nor is it necessary in orthodox Lutheranism that all the later Confessions repeat what the earlier Confessions maintained. For in Lutheran orthodoxy the Confessions have a status unknown in the Reformed sects; the Confessions became and have remained a norm of doctrine (-- they are called a "norma normata" as distinguished from the canon of the Bible, which is the only "norma normans"). The orthodox give the Confessions a "Quia Subscription" which binds them to teach according to the doctrinal content of the Confessions and "to not depart so much as a hair's breath from them."

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* A total separation, of course, was impossible in Luther's day, and continues to be in our own. Such mixture as there was in the age of the Reformation will be discussed below; while such mixture has lessened in our day, it does remain; thus the church which does not require a marriage ceremony of itself ("Consensus facit matrimonium.") performs a function of the state at a wedding, while the state in turn obligates the church to legally defined building codes, school regulations and the like in return for which the church receives police and fire protection and a measure of relief from tax laws.

The first of the Confessions to address the subject matter at hand in some detail is the Unaltered Augsburg Confession of 1530 (as distinguished from the considerably altered forms of this Confession knows as the Variata, which alterations Malancthon introduced after Luther's death to the considerable displeasure of the orthodox or Gnesio Lutherans). This Confession was written by Melancthon under the watchful eye of the Lutheran princes assembled at the above mentioned Diet of Augsburg, and presented by the Lutheran Estates to Charles V. The Confession faithfully reflects Luther's biblical understanding of the State and Church-State relations. Article XVI deals specifically with civil government and declares:

> 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 that Christians may without sin occupy civil offices or serve as princes and judges, render decisions and pass sentence according to imperial and other existing laws, punish evildoers with the sword, engage in just wars, serve as soldiers, buy and sell, take required oaths, possess property, be married, etc.[36]
>
> .... The Gospel does not overthrow civil authority, the state, and marriage but requires [Latin text: especially requires] that all these be kept as true orders of God ["wahrhaftige Gottesordung"] and that everyone, each according to his own calling, manifest Christian love and genuine good works in his station in life. Accordingly Christians are obliged [Latin text: necessarily bound to obey] to be subject to civil authority and obey its commands and laws in all that can be done without sin. But when commands of civil authority cannot be obeyed without sin, we must obey God rather than men (Acts 5:29).[37]

Obedience, submission, service: these were to be the hallmarks of the Lutheran's relation to the State, whether subject to prince, or prince to Emperor. The only exception to such obedience, submission and service would be that made by St. Peter in Acts 5, when the Sannhedrin ordered him to speak no more his Savior's name.

With equal clarity the Confession speaks of the difference between the two kingdoms, a difference (as we have seen) about which Luther had a great deal to say (and St. Paul and St. Augustine before him). The distinction between the two kingdoms of Church and State is discussed in Article XXVIII under the heading, "Of the Power of Bishops:"

> 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 not only introduced new forms of worship and burdened consciences with reserved cases and violent use of the ban, but have also presumed to set up and depose kings and emperors according to their pleasure. .... On this account our teachers have been compelled, for the sake of comforting consciences, to point out the difference between spiritual and temporal power, sword, and authority, and they have taught that because of God's command both authorities and power are to be honored and esteemed with all reverence as the two highest gifts of God on earth.[38]
>
> ....Inasmuch as the power of the church or 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 is concerned with matters altogether different from the Gospel. Temporal power does not protect the soul, but with the sword and physical penalties it protects body and goods from the power of others.
>
> Therefore, 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, should not annul temporal laws or undermine obedience to government, should not make or prescribe to the temporal power laws concerning worldly matters.[39]

The cynic, of course, will be only too quick to point out that such provisions were certainly in the best interests of the princes who were presenting this Confession. It must, however, be remembered that the provisions also bound the princes to an Emperor and imperial laws, both of which they at times had the power to change, but would not for the sake of conscience.

Indeed the princes and estates were careful to make clear that they were bound to rulers, as were their subjects, whether the ruler of the moment was favorable to their cause or not. Malancthon makes that point in the "Apology to the Augsburg Confession," which he published in defense [="Apology" used in its original Greek (ἀπολογία) sense of "defense"] of the Confession after it was attached in the Catholic "Confutation." At the same time, this second Lutheran Confession reaffirms what was said in the first concerning the distinction between the two kingdoms, spiritual and secular.

> The Gospel does not introduce any new laws about the civil estate, but commands us to obey the existing laws, whether they were formulated by heathen or others, and in this obedience to practice love. It was made of Carlstadt [who did much to foment the Peasants' War] to try to impose on us the judicial laws of Moses. .... These ideas seriously obscure the Gospel and the spiritual kingdom; they are also dangerous to the state. For the Gospel does not destroy the state or the family but rather approves them, and it commands us to obey them as divine ordinances not only from fear of punishment but also "for the sake of conscience" (Romans 13:1).
>
> .... The Gospel does not legislate for the civil estate but is for the forgiveness of sins and the beginning of eternal life in the hearts of believers. It not only approves governments but subjects us to them, just as we are necessarily subjected to the laws of the seasons and to the change of winter and summer as ordinances of God. The Gospel forbids private revenge, and Christ stresses this so often lest the apostles think that they should usurp the government from those who hold it, as in the Jewish dream of the messianic kingdom; instead, he would have them know their duty to teach that the spiritual kingdom does not change the civil government.[40]

Thus we see from the Confessions that the Lutheran princes, cities, and parishes (for the individual parishes and their clergy were also the ultimate subscribers to the Confessions) not only understood Luther's biblical principles concerning the State and Church-State relations; they also accepted them. Of course, it must be admitted that while the principles in the abstract are quite simple and clear, their application in the concrete can

often be less so. The very fact that the Christian is a member of both kingdoms at the same time makes some measure of practical difficulty inevitable, regardless of the society or the form of its government. That difficulty at once becomes obvious in the case of the Augsburg Confession: it is presented as a statement from the spiritual kingdom by rulers of the temporal kingdom in the legal forum (the Diet) to a secular head (the Emperor) who did not recognize the authority of the Bible and who at the same time claimed for himself the right to judge such things, which right the Lutherans in theory would never recognize (even if he had been a Lutheran). The tension in Lutheranism between the prince as Christian and the prince as secular lord never had any of the odious features associated with the "Whose boss?" -- pope or prince/emperor -- tension in Catholicism of every age. But nevertheless the difficulty was there. In the age of the Reformation the Lutheran church came to live with the reality that the Lutheran prince as both Lutheran and prince had a duty to: 1) be concerned with the preservation of orthodoxy in his church (the same would be said of any layman); 2) make use of his unique lay status to prosper the work of the church and protect her from violent attack; 3) use his authority in what we might call "mixed institutions" for the preservation of the true faith alone; such mixed institutions would include the university and other schools under his patronage, together with parish churches even to which he had a patronal relationship within the existing sacral-state structure inherited from the MIddle Ages. This third point especially placed the church in a very uncomfortable and anachronistic position and opened the Lutherans to the charge that their church was merely the pawn of the ruler. The accusation is a gross exaggeration of the reality, but it did contain the recognition of potential conflict. Luther, for his part, did not seem to be aware of the problem; for while he is speaking in the pre-Peasants' War tracts so clearly of the separation, he at the same time accuses the radicals of

stealing a church in Allstedt from the Elector to whom the right of appointment belonged.[41] That occured in 1523-4, it should be noted -- when the Lutheran Church as such did not yet really exist. It is, of course, very easy to make 20th century arm-chair accusations against a group of both clergy and lay leaders who were plowing in virgin soil. What simply must be remembered is that giant strides were taken in separating the spheres of church and state in both theory and practice. Call to mind, for example, all that was written by Luther and cited above concerning the very limitation of confusion between the two kingdoms: up until the time of Luther it was merely assumed that the two were separate functions of the single entity, and the discussion centered in which function would dominate. No such discussion occurs in Lutheranism; in both theory and practice the notion that one would dominate the other was a contradiction in terms. Already during Luther's life, serious attempts were made to resolve this third point of contact, so as to remove from the prince the temptation even to seek such a domination, and to preserve the church from the risk of persecution in the event that the prince changed his religion. The solution took the form of the Consistorium, of which more below; suffice to say, the solution was not a perfect separation of church and state functions, but it worked reasonably well; the loss of the House of Hohenzollern to the Calvinists demonstrated its practicality in the early 17th century: the Lutheranism of the population was undisturbed by the Hohenzollern apostacy.

For the moment, it is sufficient to note that the Confessions themselves demonstrate the apparent contradiction between the principle of separation on the one hand and the role of the princes in practice on the other. The principle of separation is maintained and the practical involvement of the princes is assumed without any discussion of the apparent contradiction or consideration of the potential problems inherent in that arrangement. The Apology of the Augsburg Confession itself contains one such reference in Article XXI

under the heading of "The Invocation of Saints." The reference occurs in such an innocent fashion that we must assume that neither Melancthon nor the princes recognized the land mine beneath the surface:

> Therefore, gracious Emperor Charles, for the sake of the glory of Christ, which we know you want to extol and advance, we implore you not to agree to the violent counsels of our opponents but to find other honorable ways of establishing harmony - ways that will not burden faithful consciences nor persecute innocent men, as has happened before, nor crush sound doctrine in the church. It is your special responsibility before God to maintain and propagate sound doctrine and to defend those who teach it. God demands this when he honors kings with his own name and calls them gods (Ps. 82:6), "I say, You are gods." They should take care to maintain and propagate divine things on earth, that is, the Gospel of Christ, and as vicars of God they should defend the life and safety of the innocent.[42]

Perhaps Melancthon and the Lutheran princes considered the land mine a dud, simply because the role they were ascribing to the Emperor was a far cry from the role he assumed he had! They call on him not to persecute the "innocent," and not to burden "faithful consciences." The definition of those terms would have been very different in the minds of the Lutherans from the definition in the mind of the Emperor; for the Lutherans the faithful conscience and the innocence consisted in loyalty to the existing order, in a refusal to support or foment rebellion; but to the Emperor with his total loyalty to a sacral-state (he undoubtedly could not imagine any other kind) heresy by definition was treason, as he made abundantly clear in the above cited Edict of Worms.

By 1537 the entire picture had changed considerably. The Lutherans had organized both internally and politically, and the day for possible reconciliation with Romehad long passed. Charled V, who always saw his goal of political and religious unity in the Empire very clearly but whose mind was always a muddle when it came to the reality of the religious situation, finally succeeded in forcing Paul III to summon a Council to meet in Mantua in May, 1537. Now at last, Charles imagined, the Lutheran would have the

Council they had demanded since 1520, all issues would be submitted to its judgment under his own watchful eye, and the Universal Pontiff (himself the font from which all abuses flowed) would implement the decrees of the Council correcting abuses, the Lutherans would return to the fold, and everyone would be happy! To imagine that matters would end so blissfully, of course, required the Emperor to ignore the number of potent realities: 1) Time had not stood still in Germany since the Diet of Augsburg in 1530; the Reformation had proceeded, with more and more married clergy, the Sacrament under both kinds the Mass in the vernacular, schools at every level using Luther's two catechisms (written in 1529), Luther's translation of the Bible, and the abundant evangelical literature produced by Luther an his supporters; the invocation of the saints, purgatory, indulgences, masses for the dead had all disappeared, and the institution of the papacy itself was not uncommonly considered to be the very manifestation of the Antichrist, spoken of by St. Paul in II Thessalonians 2; in short, the papacy could not possibly accomplish reforms of the magnitude which would be required for the return of the Lutherans, even if a free General Council were summoned -- and a genuinely free Council was as inconceivable as the root and branch reform that was necessary, if the Lutherans were to return to the Roman fold. 2) The papal bull, Ad dominici gregis, by which Paul III summoned the Council was not left free for any and all to interpret as he would; the pope had himself interpreted the bull when he declared that the purpose of the council would be "the utter extirpation of the poisonous, pestilential Lutheran heresy;"[43] it was unthinkable that the Lutherans would attend such a Council; in point of fact, since it was clear that the papacy would still be considered the ultimate repository of divine truth by such a Council (rather than the Bible), there really was no basis for a Lutheran attendance; there simply was nothing for them to discuss. 3) The

Lutheran princes and cities had organized themselves into the Smalkaldic League for their mutual defense; the followers of the Elector John Frederick of Saxony (as distinguished from those of Philip of Hesse, who was under the influence of ever more "Protestant" Melancthon, and therefore not totally reliable in a structly Lutheran sense) had no intention of moving against the Emperor in a revolt or a civil war; but they also had no intention of allowing their churches to be re-Catholicized by imperial decree, especially since the Elector of Saxony (1534) had agreed to the election of Ferdinand as King of the Romans in exchange for the promise that Ferdinand would cease his proceedings in the Imperial Supreme Court against the members of the League.[44]

It is from the context of this historical summary of the crucial year, 1537, that our final word from the Lutheran Confessions relative to the State and Church-State relations comes. After the summons of Pope Paul III to his proposed Council in Mantua appeared, the Lutherans were obliged to give an answer. The Saxon Elector requested a statement of faith from Luther which the Lutheran princes could consider as they drafted their answer to the calling of the Council. Luther obliged, and after his statement was revised and accepted by the theologians of Wittenberg, it was brought to Smalkald for consideration first by the theologians (who met separately from the princes) and then by the princes. Due to the machinations of Melancthon, who was already beginning to work behind Luther's back, and Philip of Hesse, Luther's Smalkald Articles were not accepted as the answer of the princes. (Luther did not attend the meeting, due to illness.) Only later did they gain Confessional status. Ironically, the answer of the princes and the theologians came from a tractatus entitled, "Treatise on the Power and Primacy of the Pope," authored by Melancthon. The tractatus, written with unaccustomed polemics, was adopted as an appendix to the Augsburg Confession of 1530, and accordingly had Confessional status for the Lutherans immediately upon its acceptance. It, rather than

Luther's Smalkald Articles, contains a brief reference to the duty of princes, a reference which at once demonstrates the problems discussed under the Augsburg Confession and also lack of any essential change in the Lutheran position from its relatively powerless Diet of Augsburg days to this new and powerful setting in Smalkald in 1537.

> Especially does it behoove the chief members of the church, the kings and 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. Wherefore it would be most shameful for them to use their authority and power for the support of idolatry and countless other crimes and for the murder of the saints.[45]

He says nothing more about it than that. The reader will note the total absence of any reference to the sword, whether for the suppression of errors or for opposition to the Emperor, should be decide to break his (or Ferdinand's) word and move against the Lutherans in his imperial court. Accordingly, we take the sentence, "Wherefore it would be...." as appositional to "see to it that errors are removed." Understood in this way, the position of the Lutherans remained altogether consistent from Luther after the Edict of Worms through the Confession of the theologians and princes in 1537.

We may then summarize the Lutheran attitude toward the State and Church-State relations under the following principle headings:

1, Riot, revolt, and rebellion against legal authority is in principle always contrary to the will and Word of God, because government (regardless of its form) receives its authority from God; those who opposed this principle from within the Lutheran camp (e.g., Philip of Hesse already opposed in in 1530[46]) tended to end up in the Reformed camp.

2. It is not the business of the State to force relgiious conformity on its subjects by means of the sword, nor is it the business of the State to suppress

error with the sword; doctrinal convictions are to be effected by the proclamation of the Word of God alone; of course, if the particular error calls forth violence and rebellion, then it (the violence and rebellion) must be put down, because the duty of the State to maintain order is given to it by God, without reference to the church.

3. If the prince happens to be orthodox, he should not use his position to support error, but rather to promote the true faith; to this end the prince will subscribe and adhere to the orthodox Confessions -- no Christian, after all, should be ashamed to confess his faith; but he will not force that confession on his subjects, nor do violence against the persons of those who reject it. It will be seen below, as it has already been noted to some extent, that this position was an exceedingly difficult one on some few occasions to implement. The important point is that in principle it allowed a far greater degree of liberty to the conscience of the individual than did the Catholic position or, as we shall see shortly, the Zwinglian/Calvinist position. Most importantly, it is our contention that the behavior of the Lutherans, especially the princes, between 1521 and 1648 cannot be understood correctly apart from an appreciation of these three principles.

The Implementation of These Principles

We can do little more than scan and survey the materials at hand and make reference to it not in any conclusive fashion, but as merely typical and representative of the approach of the earliest Lutherans to Church-State relations and their accompanying problems. As noted above, the Consistory was an early Luthern innovation employed with increasing regularity to deal with ecclesiastical government and cases involving church discipline. The Peasants' War and the Saxon Visitation of 1532 both made it clear that Saxony was not ready for the ideal of sovereign parish government; for such localized

control an educated clergy and laity was a necessary prerequisite. And while all possible speed was being employed to bring that about, interim measures would be necessary to keep the life of the church from degenerating into anarchy. Accordingly in 1539, the Elector John Frederick established under his own authority the first Consistory at Wittenberg. It consisted of theologians and lawyers appointed by the Elector. It was Luther's consistent hope that purely civil cases would be kept out of the consistorial courts, and that with the passing of time, a more complete separation of church and state could be effected. He labored to that end until the end of his life. In cases brought before the Consistory, the lawyers regularly yielded to the theologians for decisions that were strictly of concern to the church. In matrimonial cases, both church and state had an interest. But in cases dealing with common morality, cases in which there would be civil penalities quite distinct from excommunication for impenitence, the church endeavored to see such cases settled in purely civil courts. In his sponsorship of the Consistory, the Elector (and the prices in other Lutheran territories) was assuming the legal rights formerly assumed by the bishops, rights which in Lutheran theology belonged to the secular sword in the first place. Indeed, one of the compelling reasons for the establishment of such a Consistory for the sake of order and discipline was the Elector's understandable refusal of the right of persecution to Catholic bishops remaining in his territories; to prevent their persecuting his Lutheran subjects, he assumed for himself their secular powers.

The history of the Consistory is considerably complicated by the legal principals of Cuius regio eius religio, established first at the Diet of Speyer in 1526 after the Peasants' War and then incorporated as an essential aspect of the Peace of Augsburg in 1555 after the Smalkaldic Wars. For that legal principle gave the princes a power and a responsibility over their churches

which from a Lutheran point of view was indefensable. It gave the prince a legal right to interfere in doctrine and practice to his heart's content, and given the Lutheran principle of non-resistance to the tyranny of godless and heretical princes, the door was opened to all manner of mischief. Abuses, however, appear to have been the exception rather than the rule. Though the charge is made that the consistories made the church politically impotent, passive, and/or the tool of the princes, it must be remembered that in principle the church did not want to be politically active or powerful. Since revolt was always excluded as a possible remedy for political or social ills, it is not difficult to understand the charge that the church was the tool of the princes; but to make the Consistory the cause is easier to assert than to demonstrate, and to make the clergy syncophants of the princes is easier to dream than to prove.

But did not the Elector himself, even during Luther's life-time and after Luther's death as well persecute dissenters? The charge is assumed to be proven when it is pointed out that the Elector, apparently with Luther's blessing and at Melancthon's urging drove the "Hedge-Preachers" (Winkelprediger) out of the land, in 1536. Typical of those who assume that the Lutherans became as vigorous as the Catholics had been and as the Calvinists would become in the suppression of dissent is the following (mis)representation of the evolution of Luther's views on the use of the sword to deal with heresy:

> As late as 1528 Luther strongly opposed the brutal persecution of religious radicals, insisting that everyone should be allowed to believe according to his conscience; that the most that might be done to a "false teacher" was to banish him. But after that time, and when it appeared as though the various sectaries might destroy his own work in Saxony, he appealed to the generally accepted law and custom that force could be used in opposing blasphemy and sedition. In a letter which he called "Concerning the Sneaks and Hedge-Preachers," written in 1532, he condemned the surreptitious activities of those unordained persons who carried their apocalyptic and other notions to the uneducated common people in the fields and forests, thus breeding unrest and

> revolt. Such persons who preached without a regular call, should be driven out of the land. After the violence at Munster in 1535, he reluctantly joined Melanchton in agreeing that in extreme cases of blasphemy and treason, the death penalty might be imposed by the civil government. In January 1536, the government of electoral Saxony found three rustics guilty of blasphemy and sedition and executed them.[48]

The reader should recognize at once the error of the above lines: they confuse the Lutheran dread of sedition and rebellion with any and all false doctrine; the cases cited are not at all inconsistent with what Luther had written since the Edict of Worms: rebellion must be suppressed, not because it is false doctrine or the result of false doctrine (even though it may be); it must be suppressed with the sword because that is the duty which God has given the State from the beginning. The author of the above confusing citation mentions no instance in which someone was executed for non-seditious beliefs. To my knowledge there are not such cases. It is true that Melancthon approved of the burning of Servitus in Calvinist Geneva in 1553; but it must be remembered that by 1553, Melancthon was much more of a Calvinist than he was a Lutheran.

The case of 1574 is also reported as an example of the Lutheran use of the State to suppress dissent. Elector Augustus of Saxony (1553-86) in that year imprisoned the leaders of the Philipists and the Cryptocalvinists in his lands (for all practical purposes the two groups were identical.)[49] But again to assert that these arrests constitute use of the State to purge dissent fails to take into account the very special circumstance inherent in the case of the Cryptocalvinists: they -- as their name implies -- had lied to the Elector at the same time that they broke their vows to the Lutheran faith. The Cryptocalvinists attempted to pass themselves off as Lutherans, and accepted appointments at the Lutheran University of Wittenberg, supported by the Elector. They were charged to teach Lutheran doctrine; but secretly they were Calvinists and did all they could to undermine orthodoxy. When the Elector discovered

the truth, he had every right to deal with them in civil law for breach of contract at the very least; nor could these villains have been ignorant of the fact that to lie to the Elector in a matter of such importance to him would be considered treasonous by him.

In short, in all of the cases mentioned in the works used/cited in this study, not a single instance of imprisonment or execution for false doctrine alone is ever alleged; in most works the accusation stands alone and without examples: The Lutherans persecuted dissenters as a matter of course. In those few works which do make mention of examples, rebellion and sedition are almost always at the heart of the government's action -- the only exception being that just cited, where the Elector had legitimate reasons other than open rebellion to act as he did. In saner days even our own government dealt with those in its universities who had advocated the violent overthrow of the State; and even in our own insane days, breach of contract and seditious conspiracy can land the offender in prison. The point is simply this: the very paucity of specific accusations and the beggerly nature of those few examples given suggests at least that the Lutheran principle of conversion by the Word and not the sword was followed more often than not, and that there doubtless was a conscious effort on the part of the best Lutheran princes to hold in check their own zeal for the purity of their church. Indeed such a holding in check of their zeal should have come naturally to them. For, unlike their Catholic and Calvinist counterparts, the Lutherans had always believed that the Communio Sanctorum remains ever invisible and hidden within the visible organization of the church; since the Church on earth never becomes visible, it was always thought by clergy and "the leading laymen" alike that to try and force it to be visible by purging or even by discovering which were believers and which were hypocrites was folly.

But what of the relationship of the Lutheran princes with the Empire and the Emperor? Were Lutheran principles evident in the Diet, in the struggles that resulted in and followed the Smalkaldic War in 1547, in the Peace of Augsburg of 1555 and its practical implementation to 1600? The charge may be brought that the Lutherans had already constituted themselves in a party of revolution by the formation of the (purely defensive) League of Smalkald on December 22-31, 1530. For the Golden Bull of 1356 forbade the formation of leagues within the Empire. Indeed even some of the Lutheran estates were reluctant to join the League for fear of violating their anti-revolutionary principles.[50] While the very reluctance itself demonstrates the seriousness with which the Lutherans took their principles, the formation of the League did not violate the constitution of the Empire in any real sense. To be sure, Charles IV, in the Golden Bull, did prohibit the formation of such leagues.[51] But that prohibition appears as an expression of an ideal, of a dream that the Empire would be so united in purpose that such leagues would not be formed, rather than any expression of legal or historical reality. For Charles IV himself never took that provision of the Golden Bull very seriously; unable to prevent the formation of the Swabian League, he and his son Wenceslaus founded a league of their own in Bavaria and Franconia.[52] Nor was that the end of it: in an unbroken stream leagues were formed and maintained within the Empire after the rule of Charles IV as they had been during his reign. Indeed, some of those leagues made the League of Smalkald look very innocent and harmless by comparison. In 1400, the ecclesiastical electors and the Elector Palatine formed a league against Wenceslaus and deposed him. In 1424, the electors formed a league against the Emperor Sigismund to frustrate his desire for reforming the Empire. In 1488 a renewed Swabian League was formed, consisting not only of cities but of princes and knights as well; the purposes of the Swabian League precluded the formation of alliances with

foreign powers, but it did, nevertheless, often discuss plans to depose the Emperor Frederick III.[53] Since the Emperor himself often was found to be part of a league or in support of one league against another, it is obvious that the leagues as such had at least a de facto legality; should one wish to press the point, the long history of the leagues and the imperial recognition of their reality might argue even for a de jure legality. The fact is that the Smalkaldic Lutheran princes did not move against the Emperor until he -- contrary to all principles of legality and morality -- attacked them with him army and tried to take from them not only their religion but their legal rights within the Empire as well. Their resistence therefore, brief and futile and confused as it was, can in noway be construed as a violation of their non-revolutionary principles.

That non-revolutionary character of the Smalkaldic League is very evident in the charter subscribed to by the princes who formed it. At its renewal in 1537, they spoke very clearly of their purposes:

> ...it is our most duty and necessity, of the office of our magistrate, in case now or hereafter it should happen, that any man would attempt and essay to divert us, or our subjects, by force or deed, from the Word of God, and the truth known; and to bring in again, and restore the ungodly ceremonies and abuses already abolished (which God by his good clemency will forbid, as we trust that no man will attempt such thing) for to repress such violence and peril from the bodies and souls of us and our subjects, by the grace of God, and for to excuse and avoid the same to the praise of God, to the augmentation of the sincere doctrine of the Gospel, and to the conservation of the uniform estate, tranquillity, and honest public, in the empire, for the love of the nation of Alemayne; and also for the commodity, honour, and good of our dukedoms, provinces, lordships, and cities, not to provide for the cause of our defense, and tuicion; the which is permitted to every man, not only by the law of nature and of men, but also by the law written.
>
> Also that this our Christian confederation shall be taken to be in no wise prejudicial or hurtful to the emperor's majesty, our clementissime lord; nor to any state of the empire, or any other: but only for the

> conservation of the doctrine and truth of the Gospel, and of the peace and tranquillity in the empire...; and only in the case of defense ... and none otherwise.[54]

Not that there were not temptations aplenty to change the character of the League from a purely defensive to an offensive one. Henry VIII, for example, bent every effort to induce such a change before and at the Diet of Regensburg in 1541; but to no avail; indeed, the Elector of Saxony refused even to answer Henry's ambassadors when they sought to raise the question of a broad frontal assault on the Emperor at the Diet, aimed at the ruin of the Hapsburg imperial power.[55]

After the defeat of the Smalkaldic League, almost all possibility of effective resistance to Hapsburg tyranny was eliminated by the imprisonment of the Lutheran hero, the Elector John Frederick, and the transfer of the Electoral dignity and power to the perfidious Maurice. It is, however, worthy of note that the resistence to the Augsburg and Leipzig Interims in the Lutheran Church (as horrible as the Interims were, extended to the banishment, imprisonment and even execution of Lutheran pastors) was almost entirely passive.

Two events of a political nature transformed the bruised and bleeding Lutheran estates to renewed life and vigor. The first was the return of a genuine Lutheran to the Electoral dignity of Saxony at the accession of the Elector Augustus in 1553. The second was the signing of the Religious Peace of Augsburg in 1555. The latter gave the Saxon Elector, and all other Lutheran princes the promise of toleration of their religion and legal status to Lutherans:

> In order to bring peace into the Holy Empire of the Germanic Nation between the Roman Imperial Majesty and the Electors, Princes and Estates, let neither His Imperial Majesty nor the Electors, Princes, etc., do any violence or harm to any estate of the empire on account of the Augsburg Confession, but let them enjoy their religious beliefs, liturgy and ceremonies as well as their estates and other rights and privileges in peace; and complete religious peace shall be obtained only by Christian means of amity, ...[56]

The Peace of Augsburg was far from perfect, especially in the clause concerning Ecclesiastical Reservation (about which we shall speak more fully below), which would cause such mischief after 1600. Nevertheless, the re-invigorated Lutherans, whose Formula of Concord in 1580 gave them a clear definition of doctrine and a precise distinction between themselves and the Calvinists, did not use their new found freedom to violently pursue still greater advantage to themselves. To be sure, the Reformation continued to make gains in territories under Catholic prince-bishops in northern Germany; but the Reformation of the cathedrals from Catholic to Lutheran administration was accomplished by peaceful means after the territories were already Lutheran. Grimm sums up the matter well:

> In Saxony, the cathedral chapters of Merseburg and Naumburg, under pressure from Elector Augustus, agreed to elect only Saxon princes as their administrators. Meissen was completely absorbed into the Saxon possessions. A similar procedure was followed in Brandenburg. [He is speaking of the House of Hohenzollern before it became Calvinist.] The great archbishopric of Magdeburg regularly elected only princes of electoral Brandenburg and was completely Protestant by 1566. Halberstadt, Bremen, Lübeck, Verden, and Minden all received Protestant administrators, chosen from the ruling houses of Saxony, Brandenburg, Brunswick, and Holstein. Since these administrators were elected and no conflict existed between the administrator and his chapter, the Protestants maintained that the ecclesiastical reservation of the Peace of Augsburg did not apply to these lands. Although the pope would not give his approval, the emperor gave the administrators the permission to carry out their duties and even to sit in the Imperial Diet.[57]

The "pressure" of the Elector Augustus was not illegal, and the other acts which made numbers of the various royal houses administrators were simply an evangelical adaptation of the long established practice of making the younger sons of rulers into bishops, without any of the odious celibacy consequences. The very recognition of these administrators by the Emperor and their acceptance in the Diet with his approval attests to the basic legality of the

procedures. Whether the Emperor always wanted to give approval or not is quite beside the point -- he gave it, and given the relations between Kaiser and Reich, that was all that counted.

That is not to say that the Lutherans did not have opportunities to act in a revolutionary manner, and perhaps even to get away with it. In 1582, Gebhard II of Waldburg, a bishop elected by only a small mamority and confirmed by both the Emperor and the pope, decided to marry his mistress and become a Protestant and still hold on to his bishopric. While the Lutherans may have wanted him to succeed, his actions appeared a clear violation of the Ecclesiastical Reservation (about which the Lutherans themselves retained some legal misgivings). But only the Calvinist Elector Palatine came to his aid with a military force: the Lutherans stayed home.

Once more the point seems to us to be crystal clear: the behavior of the Lutheran princes conformed with their religion principles, even when there were opportunities to act otherwise. That their legal actions sometimes benefited their houses we will not deny. But Lutheran principles never called on them to act in such a way that they would harm or ruin their houses. The point is that they acted differently from their Hapsburg (later also Bavarian Catholic) and Calvinist counterparts in that they refused to act illegally or violently, even when they might have gotten away with it.

Calvinist/Reformed Principles and Behavior

We turn our attention now to the Reformed Protestant aberration, to the Zwinglians and their successors, the Calvinists. Since our basic purpose has to do with the Lutheran attitude and behavior, we will not dwell over-long on the Zwinglian and Calvinist doctrines and consequent behavior. Instead, we shall but briefly note that it is in consistent and striking contrast to that of the Lutherans. Indeed, it much more closely approximates the behavior of the Catholics and the papist doctrines which prompted that sort of behavior.

While the political temperaments of Zwingli and Calvin may on the surface appear to be poles apart, at the bottom the mind set of the two men was virtually identical. That mind set can be summed up in one word: theocracy -- both men were motivated in their political thinking by the dream of the theocratic state; it would be patterned after that established under Moses in the Old Testament. In reality, it would be little different from the papist sacral state. Both the sacral state of the Catholics and the theocratic state of the Reformed begin with the assumption that the kingdom of God can and should be made visible -- a belief altogether foreign to Lutheranism, as has already been noted, and foreign as well to the New Testament, whose Lord never tired in each of the parables of speaking of a hidden kingdom in the heart of the believer, and who said expressly: "My kingdom is not of this world" (John 18:36), and "Behold, the kindgom of God is within you" (Luke 17:21). Neither of them took any note of the fact that the Old Testament theocracy had one crowning purpose: to keep alive and traeable the promise of the Savior. Once that purpose was served, there was no further use for a theocracy; indeed, all such notions are supplanted and made irrelevant by Christ's commission to take the Gospel to all the world, with the expectation that its proclamation will result in "the little flock," the wheat amidst the tares," the faithful who "have here no continuing city, but seek for one which above." As well, they ignored the fundamental difference in the forms of revelation from God available in the Old Testament theocracy and the New Testament Church: the former had a steady succession of prophets to whom God spoke directly, the latter is bound to the closed canon. Most importantly, they made the mistake of adopting the sovereignty of God as their formal principle in theology rather than the grace of God. All of these errors pushed them forever in the direction of meddling in the affairs of the State, as distinguished from the Lutherans who had an aversion for such meddling in principle, even when the principle could not be or was not perfectly carried out.

It is not surprising, therefore, to find Zwingli "thoroughly convinced that he was God's prophet for spreading the faith, ... preparing to use political means for carrying out the divine will ..."[58] He plots political alliances with Philip of Hesse and Francis I, and finally succeeds in plunging Switzerland into civil war. He himself goes out to battle and is unceremoniously dispatched to meet the King of Peace in October of 1531.[59]

Zwingli was eventually succeeded by the more moderate sounding but nevertheless still theocratic-sovereignty of God-minded Calvin. Since the influence of Calvin was much more far reaching than that of Zwingli, and since the rationale of Calvin was much more thoroughly though out as well, we need to spend a bit more time on his thought than was necessary in the case of Zwingli.

Like Zwingli, Calvin thought of the church as a theocracy which should include the entire community. While he considered church and state to have separate spheres, he, nevertheless, considered an important sphere or state activity the purging of the commonwealth of non-believers. In carrying out that function, the state was obliged to "promote morality, and regulate the lives of its inhabitants according to the Word of God, or moral law." Grimm, together with most English speaking writers, sees Luther and Calvin as essentially agreed on Church-State relations, with the difference being only one of degree. But then Grimm goes on to detail Calvin's endless interference in the machinery of the state, of the very un-Lutheran types of consistories established to probe into every detail of the citizens personal life, even to the point of calling on the children to testify concerning their parents. This sort of harsh legalism may be traced back not only to the formal principle of the absolute sovereignty of God but also to the predestination beliefs which flowed from it, i.e., the elect must prove their election by conformity to the law of the Sovereign God and in the process build the kingdom of God on

earth in which the righteous would dwell. That such an externalization of faith could easily degenerate either to despair in the weak or hypocritical self righteous pride in the proven "elect" does not seem to have occurred to Calvin. With these "elect" ever zealous for the honor of sovereign God and His law, the Calvinist societies could not help but run into difficulty with governments perceived to be obstructing or denigrating the honor of God and His laws. Thus, while Calvin himself opposed the use of force by his followers, his followers failed to see the rationale of Calvin's admonition and limitation of their political activity -- indeed, the limitation, given Calvin's principle, appears arbitrary. Following Calvin's rationale, rather than his limiting admonition, the Huguenots became totally absorbed in political struggles with the Catholics to their ultimate ruin.[60] Indeed, given Calvin's view that heresy was the greatest of insults to God's honor and, therefore, its extirpation man's highest calling, how could it be otherwise? If in Calvin's theocracy, a relapse into heresy was punishable by death (as it was in Geneva), how could his followers elsewhere be expected to eschew force in the search for their own theocracy? In Lutheran thought, too, heresy is considered the gravest of offenses; but as we have seen, Lutherans were convinced that the only appropriate weapon against it was the gladius Spiriti, the Word of God. For Lutherans, the use of the secular sword for the purposes of imposing conformity and eliminating heresy could only be an extreme exception, an embarassment, and aberration; for Calvinists, Calvin's own admonition notwithstanding, the secular sword and its use were consistent, honored, logical implementations of principle. Little wonder that Wedgwood concludes that the Calvinist approach was more like that of the Jesuits than that of the Lutherans.[61]

Indeed, the entire approach of the Calvinists could not but fill the Lutherans with revulsion. In everything it was radical, violent, rationalistic. Wedgwood captures well the early tension between the two non-Catholic camps:

> "The Calvinist dragon, " declared a Lutheran writer, "is pregnant with all the horrors of Mohammedanism." The frantic fervour with which certain of the German rulers adopted and propagated the new cult gave some justification for the statement. The Elector Palatine in particular demonstrated his disbelief in transubstantiation in the crudest manner. Loudly jeering, he tore the Host in pieces, "What a find God you are! You think you are stronger than I? We shall see!" In his austerely whitewashed conventicles a tin basin served for a font and each communicant was provided with his own tin mug. The Landgrave of Hesse-Cassel took the additional precaution of having the toughest possible bread provided for the sacrament so that his people should have not doubt whatever of the material nature of what they were eating.

The horror of the Lutherans is easy to imagine. For though they did not believe in transubstantiation, they nevertheless did know that Christ was physically present in the Sacrament, just as He promised He would be whenever it was eaten and drunk. And of course, the Sacrament of Baptism was held in even higher regard among the Lutherans than it was among the Catholics. The reckless contempt of these sacred means of grace could only bring the Lutherans to repeat over and over again what Luther had said already to Zwingli at the Marburg Colloquy: "Du hast einen anderen Geist!" But let Wedgwood continue:

> The Lutherans were doubly shocked. ....They feared that the Calvinists would discredit the whole Protestant movement and they were panic-stricken when, in direct contravention to the settlement of Augsburg, the Calvinists began to proselytize with ruthless thoroughness. ....
>
> .... The disregard of imperial edicts by a party who declared that all who were not with them were against them, threatened the Lutherans no less than the Catholics, and among the princes of both these religions there were stumbling gestures towards friendship.[62]

Indeed, is it any wonder that the Calvinists were not included in the protection accorded the Lutherans in the Religious Peace of Augsburg in 1555?

Who would support such an inclusion? Certainly not the Catholics, who had already experienced the violence of the Calvinists in Switzerland. Nor could the Lutherans have much enthusiasm for their inclusion, and that not merely, as is often alleged, from a spirit of petty jealousy; the Lutherans could with justification see in the Calvinist doctrines and behavior record the revolutionary spirit of Allstedt and Zwickau, of Thomas Mü nzer, Karlstadt and Zwingli. Given the orderly, anti-revolutionary, pacific nature of the Lutherans in both principle and practice, it would have been a contradiction in terms for them to support the legalization of the radical reformation going on in Switzerland and threatening in France and south Germany.

Nor did the Lutheran experience with the Calvinists following 1555 give them any reason to change their opinion. Quite to the contrary, the Lutheran dread of Calvinism was hardened by the "end justifies the means" ethic employed by the Calvinists in Germany after their exclusion from the Peace of Augsburg. The Peace recognized the adherents of the Augsburg Confession: the Calvinists simply changes those provisions of the Confession which they found unacceptable, and then passed themselves off as Lutherans. Not only did they seek to escape persecution thereby, but they also hoped to infiltrate and subvert Lutheran parishes, schools and especially universities and win them to the Calvinist position.[63] The Lutherans, who held dear the principle of a willingness to "suffer all even death rather than depart from one Word of God" could not understand the political violence coupled with the confessional cowardice of the Calvinists; nor could they respond warmly to those trying to subvert and destroy their precious faith from within by sowing the seeds of heresy and dissension under a false subscription to the Confession. Thus the heated polemic out of which the Formula of Concord came in 1580 was not, as so often thought, a matter of Lutherans loving polemics and doctrinal nit-picking; it was a matter of religious life and death for the Lutheran Church in faith, and

for both religious and political peace in Church-State, prince-Emperor relations. Indeed, it is almost impossible to over-emphasize the difference in faith and attitude, in the entire Weltanschauung, that obtained between the Lutherans and the Calvinist in the crucial last half of the 16th century: the whole Lutheran doctrinal emphasis was on the grace of God which forgives and creates faith through the Word and Sacraments; the Calvinists lived in a spirit of a harsh God, whose judgments must be feared and whose absolute decree of predestination gave the Calvinists a works oriented zeal to prove themselves on the right side of the decree; the Lutherans loved and cherished the two Sacraments as the "visible Gospel;" the Calvinists heaped scorn on the essence of the Sacraments and reduced their observance to mere law works as distinguished from Gospel gifts; the Lutherans strove to conserve the best of the old church, and developed musical and artistic forms to the Glory of God and for the instruction of the people; the Calvinists smashed altars, windows, organs, and the statues of the saints; the Lutherans trusted in the power inherent in the Gospel to create and preserve faith and, therefore, sought to avoid violence and the sword in the interests of the church; the Calvinists with their theocratic dreams and their vengeful picture of God had a long tradition of violence and bloodshed; the Lutherans loathed revolution as one of the greatest sins; the Calvinists logically and in their brief history -- Calvin's protestation notwithstanding -- could well imagine revolution as a legitimate tool in the arsenal of the longed-for theocracy. The list could go on and on.

Is it any wonder then, that the Lutheran princes acted as they did in their relations with the Calvinists? Is it any wonder that the Elector Augustus preferred to support another Habsburg at the Diet of Regensburg (1575) as successor to the ailing Maximilian II, rather than support the Elector Palatine?[64] For certainly a bumbling Habsburg in the person of Rudolph II was

to be preferred to the radical Calvinist, who could be counted on to drive the Empire toward civil war. To describe the inter-confessional strife between Lutherans and Calvinists as petty party strife, in the light of all of the above, should accordingly be viewed as the height of misunderstanding. From their principles it should have been utterly predictable that the Lutherans would favor peaceful accommodation and the Calvinists violence in the matter of Gebhard II, referred to above. Likewise, it is altogether understandable that the Lutherans stood aloof as best they could from the Calvinists' intrigues and alliances with which the 17th century dawned and the age of blood began.

With the close of the 16th century and the beginning of the 17th, all the elements for strife and discord, for revolution and bloodshed were in place. The Calvinists and their theocracy were on the march. The Catholic reaction, the Counter Reformation was also on the march. Both of these idea armies carried with them the sword of the State. Each assumed that the other would never rest until all foes had been vanquished. Neither considered any price in blood and treasure too great for the accomplishment of its ends, especially if the blood and treasure was that of the foe. And between them? Holding them both at arms length and also standing in the breach between the two were the Lutherans, who wanted nothing more than "to live and let live" to be allowed their Gospel in peace together with its proclamation to any who would listen, whether they would receive it or spurn it. But the irresistable force was determined to confront the immovable object. And the peaceful Saxons, the irenic Lutherans could not prevent it. But should we not expect that they would try? And should we not imagine that their effort was at the very least in part motivated by principles held dear for 100 years -- especially since they were so conscious of and had so clearly rejected the contrary positions of both reaction and revolution? To those questions we now turn.

THE CRISIS AND THE CRUCIBLE (1600-1648)

I. Years of Crisis (1600-1617)

To set the stage for the disaster of the Thirty Years' War is exceeded in difficulty only by the task of detailing the events, motives and significance of the War itself. For already in 1600 the political, religious, and military situation in Europe in general and in the Empire in particular was a Gordian Knot, which it appeared only Mars could cut. Perhaps the very confusion in the Empire kept saner minds from thinking about its potential for catastrophy -- everyone expected the lapse in the truce between Spain and her rebel province of the Netherlands in 1621 to provide Mars with his next opportunity to strike.

Not that there were no glimmers of hope in the deepening darkness! In the Diet, the Catholics had failed to light the fuse, though they tried: in 1566 they moved unsuccessfully to outlaw the Calvinists.[1] At the time Maximillian II was Emperor, and that alone inspired reason for hope. Maximilian had toyed with the idea of becoming a Lutheran. Whether typical Hapsburg indecision, Hapsburg family pressure, or the internal strife within the non-Catholic camps was the dominating factor in his failure to do so, or whether it was some combination of the three, is impossible to say with certainty. He stayed a Catholic, but his exposure to Lutheranism left at least a mark on him: he was not the man to lead a violent Catholic reaction.

There was even reason for hope in the two Hapsburgs who succeeded Maximilian II, namely Rudolph II (1576-1612) and Matthias (1612-1619). For even though Spanish and Jesuit interests (= Catholic Reaction) were seeking to control the Hapsburgs of Vienna, it was Rudolph II who granted the Letter of Majesty to the Bohemians and the Silesians in 1609, and Matthias confirmed it in 1612; that in spite of the fact that Rudolph was unstable and finally became insane,

and the fact that Matthias only looked competent by comparison.[2] Indeed, Rudolph's insanity and Matthias' indecisiveness could only help to defer an explosion within the Empire and/or the Hapsburg hereditary lands. To be sure, the Letter of Majesty had only been extracted from this urgainly pair after they had been forced to grant religious liberty in Hungary and Austria (and they were no more eager to grant it in Bohemia and Silesia). Nevertheless, it had been granted, at least to the Lutherans and the Utraquists (though the Utraquists were not really a factor in Silesia).

The very terms of the Letter of Majesty make it a document of considerable significance. It rambles, as do most Hapsburg documents. But its salient points are worth noting. The Bohemian Letter promises both the freedom to practice and to propagate the recognized relitions:

> Item/ wie auch alle und jede/ so wol unter beyder/ als einerley/ und die sich zu der uns übergebenen Confession bekennen/ ihreReligion/ ohne allerley Bedrang - und Verhindernuss/ seye von geistlichen oder weltlichen Personen/ frey üben und fortpflanzen möchten / gnugsamb versichern und versehen wolten.

It even calls on the members of the recognized religions to count one another as friends.

> .../dass sie einander nicht bedrangen/ sondern für einen Mann bey einander stehen als treue Freunde/ und ein Theil das ander nicht schmahen soll/ das soll also bei diesem Articul gänzlich verbleiben.

It even forbids the Archbishop of Prague from interfering with these granted liberties, grants the right to build new schools and churches as needed, provides the liberty to establish cemeteries, and then makes this astounding promise:

> Soll auch ihnen hierinnen ins künfftig / weder von uns/ unsern Erben/ und künfftigen Königen in Böheimb/ noch von andern geist= oder weltlichen Personen/ zu künfftigen und ewigen Zeiten/ einige Verhinderung oder Eintrag nicht geschehen/ noch verstattet werden. Wider solchen obgedachten auffgerichten Landfried/ ... wollen wir nicht das einzige Befehl/ oder etwas dergleichen/ welche die geringste

> Verbinderung dessen verursachen möchten/ von uns/ unsern Erben/ und künfftigen Königen in Böheimb/ oder jemand anders/ aussgehen oder angenommen/ werden sollen. Und im fall dergleichen etwas aussgienge/ oder von jemand angenommen würde/ soll es doch unkräfftig seyn/ und auff den fall/ weder mit Recht noch ohne Recht etwas geurtheilet oder aussgesprochen werden.[3]

Even more astounding is the granting of the right to Defensores who should see to it that those privileges are not infringed, a right which seen needed exercise, as shall be seen below.

The Silesian Lutherans received a Letter similar to that granted the Bohemians a short time later, in August of 1609. Noteworthy in both letters is the wording which grants freedom of religion to those Lutherans and Utraquists (in Bohemia) who are loyal and obedient subjects:

> Diesem nach/ und damit hierinnen eine Gleichheit gehalten werde/ bewillingen wir und geben Macht und Recht darzu/ dass die gehorsamen Fürsten und Stünde/ und also alle und jede Einwohner dess ganzen Landes Schlesien/ sie seyen unter geist= oder weltlichen Fürsten/ Herrn Commendatern, auch in unsern Erbfürstenthumern gessessen/ aussm Land/ Stüdten und in Dörffern/ welche der Augspurgischen Confession verwandt seyn/ und sich zu derselben bekennen/ keinen aussagenommen/ ihre Religion/ ... frey und ungehindert überall ... im Besitz und Gebrauch gehalten/ ruhig und unangefochten gelassen werden sollen.

The term of limitation, "gehorsam" could have used a careful definition, even in 1609, given the circumstances out of which these Letters came; by 1620-23 that word and its definition became bones of considerable contention between Ferdinand II, the Estates and the Elector of Saxony. Had history itself been allowed to define the term in 1609 and the years following, the hopes raised by the letters might not have been so brutally crushed -- but again, more of that below.

In the Silesian Letter, as in the Bohemian, not only peace, but also friendship is called for:

> ...die Geistliche in Weltliche/ under hinwider die Weltlich in geistliche Aempter sich nicht einmischen/

> vielweniger einander schmähen noch verfolgen/ sondern ... als Glieder zu einem Corpore gehörig/ einander lieben/ ehren/ fördern/ und beyderseits für einen Mann/ in allen unsern/ und des Vaterlandes Nothdurfuten und Angelegenheiten/ es sey in Mitleydungen oder andern unvermeidlichen Aufällen/ beysammen also treue Freunde stehen ....

The Silesian Letter also promises these privileges in perpetuity to the "gehorsame Fürsten und Stände."[4]

As the Letter of Majesty contained seeds of hope, so also did the Wahlcapitulation, given by Mattias to the Electors in 1612. He granted all that they asked of him. He promised to do all that he could, with their help and advice, to rid the Empire of harmful leagues and internal unions, and certainly not to support any of them against the interests of the Electors (# 5). He promised to make no foreign alliances without consulting them or without their majority approval (# 6). He promised to bring no foreign armies into the Empire "ohne Vorwissen, Rath und Bewilligung der Reichs Stände, zum wenigstens der 6. Churf," to expel such armies as might enter the Reich at the bidding of one or more of the Estates, and in war to render them all possible help (# 11).[5] With the magic year of 1621 only nine years away, and with that the dreaded end of the Spanish-Netherlands truce, this promise may have afforded the Germans special comfort, should Matthias live long enough to abide by it and keep the Spanish army from using German soil for a highway and battle ground.

Unfortunately, what good reasons for hope that there were between 1600 and 1618 were daily assailed by the flood waters of adversity which finally drowned all hope in a sea of blood. The general direction toward disaster begun in the last half of the previous century continued, and the speed of the descent only accelerated with the passing of the years.

Thus the expelled bishop, Waldburg's Gebhard II, continually agitated the western fringes of the Empire at the close of the 16th century. From Waldburg,

where he had been expelled after deciding to marry his mistress, become Protestant, and grant religious freedom to his subjects, Gebhard fled to Cologne. There he sought an alliance with John Casimir of the Palatinate, Henry of Navarre, William of Orange, and Elizabeth of England for his schemes to make Cologne (the seat of an ecclesiastical Elector) Protestant. Failing that, he fled to Strassburg, where in 1592 a major war almost erupted over the election of a Hohenzollern prince as bishop by the Protestant faction of the cathedral chapter and the election of a French Catholic cardinal by the Catholic faction. Only lack of money kept the crisis from turning into a war.

But Calvinists were not the only ones busy keeping the kettle at a boil. The Lutheran and Calvinist citizens of Aachen, an imperial city, petitioned the Catholic city council for religious toleration, since the Protestants were clearly the majority religion. When it was refused, the Protestants revolted; their case was submitted to the Diet, where it was not resolved, and then to the Emperor's own (and very Catholic) Reichshofrat. The Emperor was only too eager to carry out the Reichshofrat decision, that the Catholic city council be upheld and that the Protestants be eliminated. In 1598, the city was placed under the imperial ban, and the Emperor moved Spanish troops into Aachen to enforce the decree.[6]

Even in Silesia and Bohemia, which should have been islands of stability in the rising sea of chaos, the Letter of Majesty failed to put an end to strife. In Silesia the Lutherans presented a long list of gravamina to the Emperor between 1609 and 1618. They carefully protested their loyalty and obedience to the Emperor and their gratitude for the Letter of Majesty. But with equal care and in detail they pointed out the refusal of Catholic ecclesiastical princes and court officials to honor the Letter. The Bishop of Bresslau came in for particularly severe censure. They charged that the Catholics had even gone so far as to assert that the Emperor did not have the

right to issue the Letter in the first place. Among their complaints: the right to build churches and schools has not been honored (often through specious means, such as the refusal of a permit to sell a parcel of land intended for a Lutheran church), worship services have been hindered, Lutheran clergy humiliated, and even the dead have not been spared: permission for burial was delayed on various pretexts for days on end. In one instance, fines and imprisonment were the penalty for refusal to honor a Corpus Christi procession; in another, fines and imprisonment were common experiences for those attending Lutheran services. Nor did the opposition draw the line at blasphemy: Lutherans were accused of receiving the devil inthe Eucharist, because they received the Sacrament under both kinds.[7] In Bohemia the very Rudolph II who issued the Letter gave a mighty portent of things to come; he granted his cousin, Leopold, bishop of Passau, permission to invade Bohemia in January of 1611 with 7,000 imperial troops. The right of the Bohemian Defensores was put to the test and they passed it. The Archduke Matthias arrived in Prague in March, Rudolph was declared incapable of governing, and Matthias was elected king in his place, promising to uphold the provisions of the Letter of Majesty.[8]

Doubtless the two most famous cases promising the coming conflict were those of the imperial city of Donauwörth and the Jülich-Cleves succession controversy. The Donauwörth crisis reads like a drama whose end is already known at its beginning; it is difficult not to suspect that the violent infringing of the constitution and the Peace of Augsburg was anything but a cynically and carefully thought out plot from beginning to end by the Jesuits and Maximiliam of Bavaria. In Donauwörth, the majority of the citizens and the city council were Lutheran. Contrary to custom and law (not to mention common sense), the Jesuit educated Benedictine monks from the local monastery began staging provacative religious demonstrations in 1606. Not unexpectedly, the provocations ended in a riot. The Emperor subsequently charged Maximilian

of Bavaria -- himself educated by the Jesuits -- with the responsibility of investigating the disturbances; he violently intervened with the authority of an imperial ban, when the incensed city council refused to guarantee the religious rights of the provocative Catholic minority. The city was seized by the troops of Maximilian, incorpoated into the Bavarian state and forcibly returned to the Catholic fold, all in blatant violation of the constitution and the Peace of Augsburg.[9]

Not quite so well scripted and much more complicated was the crisis that began in Jülich-Cleves at the death of its childless duke. His lands of Jülich, Berg, Cleves, Mark, and Ravensburg had four claimants: Elector John Sigismund of Brandenburg, Elector John George of Saxony (to whom the Emperor had promised them), Philip Louis of Palatine Neuburg, and the Emperor Rudolph himself by the (in this case somewhat specious) right of escheat. Waiting for no advice from the Electors (for the obvious reason that two of the Electors had counter claims and none of the others were interested in seeing the Emperor's landed interests in the Empire advanced) Rudolph immediately authorized his ever-embitious nephew, Leopold, the bishop of Passau, to occupy the fortress of Jülich and then with ill-disguised and gleeful anticipation summoned the remaining claimants to appear before his own Catholic dominated Reichshofrat to settle the matter. With a decree in favor of Rudolph a foregone conclusion, John Sigismund's brother and Wolfgang William, the son of Philip Louis occupied the city of Düsseldorf and refused to appear before the Reichshofrat. The Elector of Saxony was left with the usual empty sack in Dresden -- a procedure to which the Saxon electors should have become accustomed when trusting the promises of the Hapsburgs. With the threat of three sided war over the rich inheritance, a political struggle with religious overtones dragged on until 1614, when the Treaty of Xanten was finally signed which settled the manner. To strengthen its claims, the House of Hohenzollern, whose ambitions were ill-suited to pacific Lutheranism, turned Calvinist in order to gain Calvinist

military support from Maurice of Nassau; Wolfgang William turned Catholic and married the sister of Maximilian of Bavaria; out-maneuvered by the wily, rich, and ever more powerful Maximilian, Rudolph was left to sulk with John George. John Sigismund took Cleves, Mark, and Ravensburg, while Wolfgang William received Jülich and Berg.[10]

One cannot help but note that all of the above struggles were settled by the use of raw force, either real or threatened. What had happened to the constitutional machinery of the Empire, which was intended to prevent such things? Where was the influence of the Kurfürstenrate, the Reichstag (Diet), the Reichshofrat (imperial aulic council)? What had become of the so carefully drafted Wahlcapitulation, by which the Emperor pledged himself to consult, consult, and consult still more before drawing a breath in the Empire, and when not consulting to labor night and day to protect the interests of the Electors and the Estates?

The constitution had always assumed at least a grudging willingness of the Emperor and the Estates to cooperate in protecting the interests of the Empire. But even a casual reading of Germanic history all the way back to the time of Charlemagne (Karl der Grosse) makes it abundantly clear that one law dominated all others: Macht macht recht! The Golden Bull did little more than formalize the struggle and focus it a bit more sharply, by legalizing the power of the Electors and idealizing their role in the formula of Kaiser und Reich.

The term "Kaiser und Reich" was supposed to express an entity, a unity; in reality, it came more and more to express the dominant theme of German history, the struggle between centralization and particularism. The battles for centralization were often valiantly fought; but the victories were always Pyrrhic. They but led to a re-invigorated struggle to be won by the Electors at the next election for King of the Romans/Holy Roman Emperor.[11] The Reformation struggles between militant Calvinism and equally militant (not to say

blood-thirsty) Catholic Reaction doomed the forces of centralization and the Thirty Years' War provided the occasion for the funeral. Though the vision and dream of Barbarrosa redivivus soaring down from Kyferhausen would never die, it would take a very different world stage, that of the 19th century, to give it shape and form.

In the first two decades of the seventeenth century, the machinery of the Imperial constitution was already gasping its last breaths, and giving the lie to the neat and tidy expression of the imperial edicts, "unser und des heiligen Reichs Stände." No hope of unity could be found in the first organ of the Empire, the Electoral College. Its divisions only grew. At the beginning of Rudolph's reign, it was divided between the three Catholic ecclesiastical Electors of Trier, Cologne and Mainz, and three non- Catholic Electors, the Lutheran Elector of Saxony, the Lutheran Elector of Brandenburg, and the Calvinist Elector of the Palatinate. The King of Bohemia, himself elected, only counted in the Imperial election. Stalemated and torn by religious dissension and dynastic ambition, the Electoral College was itself a battleground. The apostacy of the Elector of Brandenburg to the side of the Elector Palatine promised increasing friction. The Elector of Cologne at one point almost became a Lutheran together with the electorate; but the Wittelsbach's of Bavaria, in a major coup, forced Cologne to remain firmly Catholic. With the apostacy of the Hohenzollerns and Reaction of Cologne, the possibility of Lutheran Saxony playing any significant irenic role before the outbreak of the War was effectively excluded. Added to these already significant tensions were those between (since 1583) the Wittelsbach Elector of Cologne and the (senior branch) Wittelsbach Elector of the Palatinate, and the mutual hostility (not to say loathing) of the militant Calvinist Elector Palatine toward the Elector of Saxony, and the jealousy between apostate Elector Brandenburg and the Elector of Saxony. Intra-House hostility was not confined to the Wittelsbachs: the

dukes of Weimar had not forgotten how their Wettin cousins in Dresden had stolen the Electoral dignity from their own branch of the family at the time of the Smalkaldic War (1547).[12]

Nor was the state of affairs any more somnolent in the Reichstag. The Diet had always had its traditional divisions, between secular and ecclesiastical estates, between cities and princely estates, between the lower bench estates and the Electoral College. But by the seventeenth century, the divisions deepened considerably along confessional lines, to the point of freezing the Diet in the ice of indecision. Even voting rights in the Diet were an occasion of endless dispute. For while an Electorate could not be divided at the death of the Elector (one of the few successful provisions of the Golden Bull), the princely estates, the duchies could be. The division of a vote provoked heated quarrels, and when the divided House was also divided along religious lines (e.g.,Hesse-Cassel became Calvinst, Hesse-Darmstadt remained staunchly Lutheran), the quarrels could threaten more than words.[13] About the only matter upon which the Estates could agree was the matter of Imperial power and the taxes needed to support it: they were against it! Indeed, they had used the desperation of the Hapsburgs in fighting the Turks and the consequent need of men and money to wrench from the Emperor ever growing liberties for themselves between 1525 and 1606. By 1600, the already over-heated Diet was ready for total collapse simply on the grounds of its patent imbalance: the Catholics controlled the votes, the Protestants the people. Denied the possibility of equity, the Calvinists together with some Lutherans walked out of the Diet in 1608, after they had already for some time refused to recognize its decisions as binding in religious matters.[14]

While the paralysis of the Imperial courts was not of the convulsive sort that obtained in the Reichstag, it nevertheless rendered the court machinery equally ineffective as the Empire careened from crisis to crucible. The

Reichshofrat was Hapsburg and Catholic and accordingly its authority was not recognized by the Calvinists and was suspect even to the Lutherans and the Catholics (when the contest was between centralization and particularism). The Reichskammergericht (supreme court) was controlled by the Archbishop of Mainz or by the Hapsburgs, and therefore Catholic. From 1601, the Calvinists refused to recognize its competence in religious cases and since most cases of consequence had at least a religious overtone, it too was reduced to impotence.[15]

Given the adversary nature of legal proceedings in any age, it has always been too much to expect that legal decisions would be the result of a fair struggle between right and wrong, good and evil. The most that can ever be hoped for is that they would give the appearance of a resolution in a struggle between legally defined rights, a resolution which if not universally popular could at least be universally recognized. By 1600-1618 that possibility had disappeared in the Reich, disappeared from the combined power of the Electoral College, from the tax-voting Reichstag, and from the Imperial organs of the Reichshofrat and the Reichskammergericht. When legally accepted norms for the resolution of disputes collapses, there are only two alternatives for decision and resolution: the anarchy of the mob, and the rule of personalities, of individuals who can dominate forces around them to the exclusion of contradiction at best, total defeat at worst. The triumph of oligarchy in the uprisings of Zwingli, Münzer, and the peasants eliminated the first possibility by 1531. We are left then at the edge of the precipice with a handful of individuals whose character and principles determine the fate of millions as they decide for war one day, peace the next, and war the day after.

Before we begin a summation of the Thirty Years' War, we do well to acquaint ourselves with these men and their character, principles and dominating motivations, all of which will combine to bring about the War and directly or indirectly determine the long contested fate of the Empire. From the House of Hapsburg the chief protaganist was Ferdinand II. Though his reign as Emperor

does not begin until the War is already beginning, he was politically active and a force to be reckoned with since his designation as successor to Matthias as king in Bohemia and Hungary in 1612, and before that as Duke of Styria from 1597. From the House of Wittelsbach came the towering figure of Maximilian I of Bavaria whose influence was crucial at numerous turns during the course of the War; of secondary importance, though not without significance since he it was who lit the fuse which began the War, was the Wittelsbach Elector Palatine, Frederick V. From the Lutheran camp came the Elector John George of Saxony, the figure of greatest importance for this paper; the rulers of Hesse-Darmstadt, to whom he was related by marriage, were his most faithful adherents and allies; his cousin, Bernard of Saxe-Weimar needs to be considered only by making mention of him, since his role is confined to the closing years of the War, by which time elements of principle and religious principle in particular had lost all real importance. The major representative from the House of Hohenzollern was the Elector George William; his significance is always potential but only potential; with the death of the drunkard Bogislaw XIV, the House of Hohenzollern stands as heir apparent to Pommerania -- Bogislaw XIV was the last drunk of a house of drunks, and George William was not that big of an improvement; on the other hand, if anyone had reason to be a drunk, it was doubtless George William: the apostacy of his House to Calvinism had earned him the well-deserved hostility of his devoutly Lutheran subjects and the perpetual plotting of his Lutheran mother against him. On one occasion the good Lutherans of Berlin stoned his motley army as it entered the city, for fear that the army was intended for the elimination of Lutheranism rather than for a role in the War. If his internal troubles were not enough to drive him to drink, he had to contend with Tilly on the east, Wallenstein on the west (and sometimes all over), and Gustavus Adolphus in the north. All of these taken together, coupled with inherent character weaknesses, prevented George William from ever being a

pivotal factor in the War, though he always had a perceived (if not real) importance to the other chief actors in the unhappy drama. Tilly is important only as the agent of Maximilian: Wallenstein is important first as the power of Ferdinand and then as the power; Gustavus Adolphus' significance for our purposes rests chiefly in his role of wrecker of the Edict of Restitution -- he was Lutheran of a sort, but since he was a monarch in his own right and not a member of the Empire, his principles of church-state relations are not of importance here; Christian IV of Denmark was Lutheran, but that notwithstanding he was primarily a nuisance, whose uninvited assistance created more problems for the Lutherans than it could ever conceivably have solved. Thus we are left with the three main characters, Ferdinand II, Maximilian I, and John George I, with the fourth Frederick V of importance only for the beginning and for the significance he has as leader of the Calvinists at the beginning -- his departure leaves the dreamy theocracy rudderless; but having done its irreparable damage, it will continue to float to do still more damage, rudder or not.

Ferdinand II

Ferdinand was not slow nor was he shy in making known to the world what it could expect from him: he was a faithful disciple of the Jesuits and therefore of the Catholic Reaction, an absolutist in the hereditary lands, and as absolutist as he could get away with being anywhere else. Only two things mattered to him, the triumph of his religion and the advancement of his House, and the two were probably inseparable in his mind. Thus after years of indecisive Hapsburg policies under the relatively mild and tolerant Maximilian II, the ever more insane Rudolph, and finally the vacillating Matthias, Ferdinand demonstrated at once that the direction of the Hapsburgs was about to become fixed; in 1599, he ordered the expulsion of all the non-noble Protestants from his lands in Inner Austria (some 10,000 souls) and the burning of their books.[16] In the reaching of his goals for the absolutism of his House and the triumph of

his religion, he was not above intrigues, lies and deceit; the goal was what mattered (a pattern not unusual in the disciplies of the Jesuits -- not to mention in the Jesuits themselves). Thus in 1617, when he already knew that he would by all probability shortly become Emperor, he signed a secret treaty inspired by Count Onate, the Spanish ambassador at Vienna, in which Ferdinand promised to cede his inherited lands in Alsace, Lombardy and the Upper Rhine to Spain.[17] Knowing full well that any Wahlcapitulation would require him to promise that he would not allow foreign troops on German soil, his treaty with Spain assured that Spanish troops would never be off of German soil. Anton Gindely in evaluating Ferdinand calls him a "pious and kind ruler" with not very high marks in deep thought; but then Gindely's remaining characterizations make it clear that the appelation of "pious and kind" only has value for those who supported the Catholic Reaction and Hapsburg absolutism; as far as the description of his thought processes and the accompanying accusation that he was lazy as well as dull and superficial, Germany might have wished that he would have been even more dull and lazy.[18]

Gindely's evaluation of Ferdinand's intelligence and ability perhaps judges the man too much by "Age of Enlightenment" lights. Viewed from the perspective of his goals, Ferdinand may well be one of the more under-rated figures in Hapsburg history; perhaps the description "dumb like a fox" fits him better than Gindely's. To be sure, Ferdinand couldn't count, as witness his give away of Bohemia after the Battle of White Mountain, and his complete inability to grasp the significance of a balanced budget; but then it really was not in the genes of a Hapsburg, early or late, Spanish or Austrian, to be able to count or balance budgets. His mind did not dream the dreams of Maximilian I, who even hoped to be pope one day; nor did he have the opportunity to juggle empires the way Charles V did. But on the stage on which he played, he made the most of his advantages, picked aides and advisors who would further

him on the way to his goals, and behind the scenes knew how to manipulate the constitution to his liking. It is this last skill which requires the greatest ability and requires at least passing comment. As we have noted already, and as Kathrin Bierther points out in her study of the Reichstag of 1640-41, the constitution had a great deal of elasticity in it, what she calls:

> ... genünd Spielraum für eine verschiedene Interpretation durch Kaiser und Stände, wobei das jus pacis et belli, die Aussenpolitik und die Militärhoheit des Reiches, zum Hauptstreitpunkt wurden. Ambition, reale Machtverhältnisse und das Geschick beider Parteien, Schwäche und Uneinigkeit der Gegenseite auszunutzen, waren ausschlaggebend dafür, welche der beiden möglichen Auslegungen die politische Wirklichkeit bestimte.

She goes on to assert that Ferdinand's interpretations in his own favor were not the result of any conscious attempt on his part to undermine the authority of the estates, but then proceeds to contradict that assertion by her description of Ferdinand's constitutional efforts:

> Das politische Programm Ferdinands II. war jedoch keineswegs die gewaltsame Unterwerfung der Reichstände unter den kaiserlichen Absolutismus. Die Festigung der kaiserliche Zentralgewalt ist nicht als Ergebnis eines konsequent verfoltgen Planes, sondern als Resultat der Nutzung einzelner, sich von Fall zu Fall bietender Gelegenheiten zu betrachten. Dabei stand des Streben Ferdinands II. nach einer monarchischen Stellung im Reich ganz im Dienste seiner territorialstaatlichen, dynastischen und zeitweilig auch seiner gegenreformatorischen Ziele, erforderten besonders die Interessen der habsburgischen Grossmachtpolitik seinen bestimmenden Einfluss auf die Aussenpolitik und die Kriegführung des Reiches.[19]

Exactly! He looked and waited for his opportunities to "interpret" the constitution in the interests of centralization, of absolutism. Finding those opportunities where others had missed them, and then taking them, required more than a superficial, lazy dolt. Perhaps both Gindely and Bierther took Ferdinand's frequent protestations that he would never dream of undermining the liberties of the Estates more seriously than they should have been taken. Watch out for the man who says he will never in a thousand years recognize

China! Ferdinand's endless assertions of eagerness to defend the rights of the Estates appear to this writer to have a smoke-screen intent, behind which Ferdinand can busily subvert those rights to his heart's content. Witness, for example, how Ferdinand moved imperial affairs from the Reich's chancellory to his own private Austrian chancellory, away from the nominal influence of the Archbishop of Mainz into his own and his family's private preserve.[20]

In sum, Ferdinand was a man motivated by and consistent with the "ideal" of the Catholic Reaction. No one can seriously doubt that if he could have had his way, Calvinists and Lutherans alike would have disappeared from the Empire; and given his pattern of behavior in Bohemia, his great reluctance to dismiss Wallenstein, the ultimate reasons why Wallenstein was finally dismissed (of which more below) and his above indicated use of the constitution, there is good reason to believe that if he could have gotten away with it (and he did not fail for lack of trying), the Reich would have become a very Catholic and a very hereditary and absolutist Hapsburg monarch.

Maximilian I of Bavaria

The most striking and obvious difference between Maximilian and Ferdinand was that Maximilian did know how to count. Between 1598 and 1618 by the careful management of his duchy of about one million inhabitants and by personal frugality, he managed to accumulate a fortune which was the equivalent of several millions of present day dollary (five million florins). His wealth, coupled with the population and size of his duchy, made him a dignificant force in the War and in the events that led up to it. As the ruler of the single largest Catholic estate and as one of the richest men in the Empire, Maximilian dominated the Catholic League. Indeed, he was powerful and rich enough to single-handedly dissolve it (1599) and then to re-form it again (1610) in answer to the organization of the Protestants in the Protestant Union (of which more below).