

LUTHER'S WORKS

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LUTHER'S WORKS

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DISPUTATIONS I

Edited by
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VOLUME INTRODUCTION

IT was Martin Luther's *Ninety-Five Theses*, posted on the university bulletin board on the doors of the Wittenberg churches and then printed throughout Germany and circulated throughout Europe, which first catapulted him to the notice of the papacy and the public in 1517.¹ The proposing of theses and the public conduct of disputations was a central part of the scholastic culture of late medieval universities. Yet Luther continued to write theses and conduct public disputations throughout his life, using the traditional form to develop a pointed critique of scholastic theology, to sharpen his theology of justification and the sacraments, to defend and define the true Church, to confess the Holy Trinity and the person of Jesus Christ in keeping with the biblical and patristic witness, and to form the next generation of theologians who would depart from Wittenberg to lead Evangelical churches throughout Europe.

These two volumes of *Luther's Works* (volumes 72 and 73) present theses which Luther drafted (sometimes with the help of his colleague Philip Melancthon) and the records (when they have been preserved) of Luther's prefatory orations and the arguments made by Luther and his students and colleagues in the disputations over which he presided between 1516 and 1545. Together with the seven sets of theses and disputations already translated in existing volumes of *Luther's Works*, they provide the English-speaking reader with Luther's complete work in this genre.²

DISPUTATION IN MEDIEVAL UNIVERSITIES

Disputation—the disputed question or *quaestio disputata*—was central to medieval academic practice: for teaching, for promotion to degrees, and for public debate.³ A master [*magister*] (that is, someone with teaching status at the

¹ See Andrew Pettegree, *Brand Luther* (New York: Penguin, 2015), pp. 71–77.

² On Luther's disputations, see David Luy, "Works: Disputations," in *The Oxford Encyclopedia of Martin Luther*, ed. Derek R. Nelson and Paul R. Hinlicky (Oxford: Oxford University Press, 2017), 3:518–50; Reinhard Schwarz, "Disputationen," in *Luther Handbuch*, ed. Albrecht Beutel, 3rd ed. (Tübingen: Mohr Siebeck, 2017), pp. 372–84; and Bernhard Lohse, "Luther als Disputator," *Luther* 34, no. 1 (1963): 97–111. See also below, "Luther's Theses, Proofs, and Disputations," pp. lii–lix.

³ On medieval disputations, see Alex J. Novikoff, *The Medieval Culture of Disputation: Pedagogy, Practice, and Performance* (Philadelphia: University of Pennsylvania Press, 2013); Brian Lawn, *The Rise and Decline of the Scholastic Quaestio Disputata* (Leiden: Brill, 1993); and

DISPUTATION
ON THE POWERS AND WILL
OF MAN WITHOUT GRACE

*SENTENTIARIUS DISPUTATION
FOR BARTHOLOMÄUS BERNHARDI*

SEPTEMBER 19 [?], 1516

Translated and edited by
Christopher Boyd Brown

INTRODUCTION

THE 1516 *Disputation on the Powers and Will of Man without Grace* is the first preserved disputation over which Luther presided. The disputant defending the theses was Bartholomäus Bernhardi (1487–1551), from Feldkirchen in Austria, who had matriculated at Wittenberg in 1504 after a year’s study at Erfurt. He earned his master’s degree in arts in 1508 and was ordained; after teaching in the arts faculty and serving briefly as its dean, he completed the first degree in theology, the *baccalaureus biblicus*, in 1512. In the fall of 1516, Bernhardi was seeking to advance to the rank of *sententiarius*, qualifying him to lecture not only on the Bible but on Peter Lombard’s *Sentences* as well.¹

Usually, the disputation would have been presided over by the dean of the theological faculty—at the time, Dr. Andreas Bodenstein von Karlstadt.² In Bernhardi’s case, however, an exception was made, and the young Dr. Luther supervised the disputation. The reason seems to have lain in Luther’s close relationship with Bernhardi on the one hand and his somewhat strained relationship with other members of the theological faculty on the other. In a table talk of 1540, Luther recalled that he was regarded at the time as a “heretic” by the other teachers, and that Bernhardi was “my only disciple,” who reported to Luther what the others were saying about him and begged Luther to defend his teaching in a public disputation.³

The theses for the disputation were apparently drafted by Bernhardi, drawing on ideas from Luther’s lectures on Romans which had been completed in the summer of 1516, though Luther as presider was officially responsible for the theses.⁴ The theses are introduced by a question striking at the heart

¹ On Bernhardi, see Helmar Junghans, “Bernhardi, Bartholomaeus von Feldkirchen,” *OER* 1:144–45; Julius August Wagenmann, “Bernhardi, Bartholomäus,” *ADB* 2:459–60; *LW Bio*, p. 266 n. 155.

² Karlstadt (1486–1541) was Luther’s senior in the Wittenberg theological faculty, over which he frequently served as dean, and had conferred the doctorate on Luther in 1512. Trained as a Thomist and Scotist, with a doctorate in theology in addition to doctorates in both canon and civil law, Karlstadt was initially hostile to Luther’s teaching. By 1517, after acceding to Luther’s challenge to read Augustine, Karlstadt became an avid supporter. Later, the two theologians would have a permanent falling out over issues such as iconoclasm and the doctrine of the Lord’s Supper. See Mathesius, *History*, *LW Bio*, pp. 194–99, 213–18, 238–40, 260–62; Ronald J. Sider, *Andreas Bodenstein von Karlstadt: The Development of His Thought, 1517–1525* (Leiden: Brill, 1974); Ulrich Bubenheimer, “Bodenstein von Karlstadt, Andreas,” *OER* 1:178–80.

³ *Table Talk* no. 5346 (1540), *WA TR* 5:76.

⁴ See Brecht 1:166; Volker Leppin, “Zuspitzung und Wahrheitsanspruch: Disputationen in den Anfängen der Wittenberger reformatorischen Bewegung,” in *Reformation und Rationalität*,

of scholastic discussions of grace, human nature, and ethics: "Whether man, created in the image of God, is able by his own natural powers to keep the commandments of God his Creator, or to do or think any kind of good and to earn merit with the help of grace and to recognize these merits?"⁵ The theses themselves consist of three main "conclusions," under each of which three corollaries are drawn.

One chief target of the theses, though not named explicitly in the conclusions, corollaries, and arguments, was the Tübingen theologian Gabriel Biel (ca. 1410–95), whose expansive commentaries on Peter Lombard's *Sentences* and on the Canon of the Mass Luther knew well from his studies in Erfurt.⁶ In particular, Biel had insisted that human beings, by the exercise of their natural faculties alone (*ex puris naturalibus*), could love God and merit grace, at least fittingly (*de congruo*) if not by strict merit (*de condigno*), by doing "what lies in them" (*quod est in se*).⁷ This theology is torn apart by Luther and Bernhardt's theses, which insist that human beings, although in the image of God, remain flesh and vanity and can only subject other creatures to vanity until they are reborn through the Spirit. Although not all unbelievers are equally wicked in their vain deeds, nonetheless human beings are utterly unable to prepare themselves for grace or to keep God's commandments without grace. Their wills are in bondage, though willingly, and they can only sin by doing what lies in them. The righteousness of believers remains hidden while their sin is manifest so that, paradoxically, "none but the righteous are damned, and sinners and prostitutes are saved."⁸ Finally, the scholastic description of charity as requiring a response only in cases of "extreme necessity" is rejected.⁹ Human confidence cannot be based on merits, since only Christ knows the merits of believers. Nevertheless, with Christ's help all things are possible to them, making the assistance of the saints superfluous or superstitious. Thus the original question of the disputation is answered in the negative: man, by his natural powers, is unable to keep God's commandments, or to do or think good, or to discern any merit of his own.

ed. Herman Selderhuis and Ernst-Joachim Waschke, *Refo500 Academic Studies* 17 (Göttingen: Vandenhoeck & Ruprecht, 2015), pp. 46–47.

⁵ See below, p. 57.

⁶ On Biel, see Siegfried Hoyer, "Biel, Gabriel," *OER* 1:172–73; Heiko A. Oberman, *The Harvest of Medieval Theology: Gabriel Biel and Late Medieval Nominalism* (Cambridge, MA: Harvard University Press, 1963); Biel, *Collectorium circa quattuor libros Sententiarum* (1501) (ed. Hans Rückert et al., 4 vols. in 5 [Tübingen: Mohr Siebeck, 1973–92]); *Canonis Misse expositio* (ed. Heiko A. Oberman and William J. Courtenay, 4 vols. [Wiesbaden: Steiner, 1963–67]). Cf. Luther, *Table Talk* no. 3722 (1538), LW 54:264.

⁷ See Oberman, *Harvest of Medieval Theology*, pp. 131–41 (on the human will and grace), pp. 169–72 (on merit); cf. Aquinas, *ST*, 1–2 q. 114 a. 3 resp. (Blackfriars 30:209); Biel, *Collectorium* 2 d. 27 q. 1 a. 1 n. 3 and a. 2 concl. 4 (Rückert 2:510–12, 517); *Canonis Misse expositio* lect. 59 N (Oberman and Courtenay 2:440–47); Luther, *First Lectures on the Psalms* (1513–16/1743–1876), LW 11:396.

⁸ See below, Second Conclusion, Corollary 3, p. 63.

⁹ See below, Third Conclusion, p. 63.

The disputation itself probably took place on Friday, September 19, 1516. The Wittenberg dean's register records Bernhardi's ceremonial promotion on September 25, 1516,¹⁰ and usually (at this point in the evolution of the Wittenberg university statutes) the disputation would have taken place on the same day. However, September 25 was a Thursday, and the undated announcement of the disputation declared that it would take place on the following Friday. The Friday before September 25 would have been September 19.¹¹

In addition to the theses themselves, a set of arguments in support of each of the conclusions and corollaries for the disputation was preserved in manuscript and is translated along with the theses below. It draws on Luther's lectures on the Book of Romans and his citations there of St. Augustine's anti-Pelagian works, in addition to the Bible, as preeminent theological authorities. These notes do not, however, record any objections or any of Luther's interventions, as president, in the disputation itself. It is likely, therefore, that they derive from Bernhardi's notes in preparation for the disputation.¹² However, a letter from Luther to his friend and fellow Augustinian Johann Lang, written shortly after the disputation, describes the circumstances and conduct of the disputation in more detail. Because the letter is not translated elsewhere in *Luther's Works*, the relevant portion describing Bernhardi's disputation is translated here:¹³

So far as my proposition¹⁴ [for disputation] is concerned—or, rather, that of Bartholomäus [Bernhardi of] Feldkirchen—there is no reason for your Gabrielists¹⁵ to be astonished, seeing that they have already been vehemently astonished at me thus far. And, indeed, the proposition was not produced by me, but Master Bartholomäus put it together, provoked by the chattering of the detractors of my lectures. And thus he brought it about that these matters were even discussed publicly (with me presiding, in an exception to the usual order) in order to stop the mouths of the chatterers, or to hear the judgment of others. And, indeed, I gravely offended everyone in denying that the book *On True and False Penitence* was by St. Augustine.¹⁶ For [the book] is altogether insipid and inept, and nothing could be further from Augustine's erudition and

¹⁰ Förstemann, *Liber Decanorum*, p. 19.

¹¹ See Leppin, "Zuspitzung und Wahrheitsanspruch," pp. 45–46.

¹² On the attribution of the explanations to Bernhardi rather than to Luther, see Leppin, "Zuspitzung und Wahrheitsanspruch," pp. 46–47.

¹³ Luther to Lang, October 1516, WA Br 1:65–66.

¹⁴ The unusual singular of "proposition" here probably corresponds to the singular "question" which introduces the set of theses.

¹⁵ I.e., the theological professors at Erfurt who followed the teachings of Biel, such as Luther's former teachers Jodocus Trutvetter [Trutvetter] and Bartholomäus Arnoldi von Usingen. On both men, see above, introduction to *Dialectica* (ca. 1540), p. 16 and n. 8 there.

¹⁶ The treatise *De vera et falsa poenitentia*, ascribed to Augustine, seems in fact to be a spurious work produced in the eleventh century: see PL 40:1113–30; Karen Teresa Wagner, "De Vera Et Falsa Penitentia": An Edition and Study (PhD diss., University of Toronto, 1995), especially pp. 1–4.

he does not deviate so much from the true virtues."⁵² And a little above he says, "Those who are righteous by the natural law do not please God."⁵³

SECOND CONCLUSION⁵⁴

Man, apart from God's grace, is entirely unable to keep His commandments or to prepare himself for grace, either by congruous or by condign [merit],⁵⁵ and instead remains by necessity under sin.⁵⁶

The first part of this conclusion is evident from what the apostle says in Romans 13 [1:10]: "Love is the fulfillment of the Law"; "Knowledge puffs up, but love builds up" [1 Cor. 8:1]. And again: "The letter kills, but the Spirit gives life" [2 Cor. 3:6]. Augustine explains these words by saying, "The scripture⁵⁷ of the Law without love puffs up rather than building up."⁵⁸ And a little later: "Thus the knowledge of the Law makes a proud dissimulator, but through the gift of love he delights in being a doer of the Law." And in many passages he says, "The Law is given so that grace might be sought; grace is given so that the Law might be fulfilled."⁵⁹

The second part St. Augustine proves in many passages. It will be enough for the present to cite a few.⁶⁰ John 15 [5]: "Without Me you can do nothing." Of the same sort is "No one can come to Me unless it be given him by My Father" [John 6:65]. The apostle says in 1 Corinthians 4 [7]: "What do you have that you have not received?" And, in conclusion, this is taught in many other passages of the Old and of the New Testament, especially through Ezekiel the prophet, where God says that He is not moved by any human merits whatsoever to make them good or obedient to His commandments, but rather that

⁵² Augustine, *Against Julian* 4.3.25 (PL 44:750–51; WSA 1/24:395). The Roman statesman Gaius Fabricius Luscinus (fl. 278 BC), who refused a bribe from King Pyrrhus of Epirus, was held up as a model of probity: see Livy (59 BC–AD 17), *History of Rome, Periochae* 14 (Loeb 191 [1926], pp. 550–51); Cicero, *On the Orator* 2.268 (Loeb 348 [1942], pp. 400–401); Plutarch, *Lives, Pyrrhus* 18 (Loeb 101 [1942], pp. 100–101); Valerius Maximus, *Memorable Doings and Sayings* 4.6 (Loeb 492 [2000], pp. 372–73). Catiline (108/106–62 BC), on the other hand, was a debauched young patrician whose conspiracy to overthrow the Roman republic was thwarted by Cicero: see Sallust (86–34 BC), *The War with Catiline* (Loeb 116 [2013]); Cicero, *In Catilinam* (Loeb 324 [1976]).

⁵³ Augustine, *Against Julian* 4.3.23 (PL 44:750; WSA 1/24:394).

⁵⁴ For this argument, cf. *Lectures on Romans* (1515–16/1938–39), Rom. 8:28, LW 25:53–54, 375.

⁵⁵ *vel de congruo vel de condigno*. See the introduction above, p. 52 and n. 7 there.

⁵⁶ Contrast Biel, *Collectorium* 2 d. 28 q. 1 a. 2 concl. 3, 2 d. 27 q. 1 a. 2 concl. 4 (Rückert 2:539, 517–18), where Biel asserts that human beings are able by nature to obey divine Law so far as the substance of the act and thus to merit first grace congruously. Cf. Oberman, *Harvest of Medieval Theology*, pp. 169–72; above, p. 52 n. 7.

⁵⁷ *Scriptura*; Augustine (followed by Cl and Hirsch) reads *scientia*: "knowledge."

⁵⁸ Augustine, *Against Two Letters of the Pelagians* 4.5.11 (PL 44:167; WSA 1/24:194; NPNF¹ 5:421).

⁵⁹ Augustine, *On the Spirit and the Letter* 19.34 (PL 44:617; WSA 1/23:171; NPNF¹ 5:97); cf. *On the Grace of Christ and Original Sin* 1.8.9 (PL 44:364–65; WSA 1/23:407; NPNF¹ 5:219–20). See also Luther, *Sermon on Penance* (1518), WA 1:322 (LW 70).

⁶⁰ The following biblical citations are taken from Augustine, *Against Two Letters of the Pelagians* 4.6.14 (PL 44:618; WSA 1/24:195–96; NPNF¹ 5:422–23).

He renders them this good in exchange for evil, doing it for His own sake, not on their account. For He says, “Thus says the Lord your God: I shall do these things to the house of Israel for the sake of My holy name, which you have profaned among the nations.” And after many other words of the prophet there follows: “‘I am not doing this on account of you,’ says the Lord God, ‘Let that be known to you!’” [Ezek. 36:22, 32]. From all this, St. Augustine, the defender of grace, together with the most holy apostle, the preacher of grace,⁶¹ [concludes that] it is not of man who wills or runs, but of God who shows mercy, who does not punish except where it is deserved and who does not show mercy except where it is undeserved.⁶² Therefore, merits preceding grace shall cease and shall be nothing at all. Thus it is by necessity that a human being without grace remains a son of wrath [Eph. 2:3], for it is only the sons of God who are led by the Spirit of God [Rom. 8:14].

FIRST COROLLARY⁶³

The will of man without grace is not free but in bondage, though not unwillingly.⁶⁴

¹This is evident from Romans 7: “Everyone who commits sin is a slave of sin” [John 8:34; cf. Rom. 6:16–20]. Without grace, the will sins; therefore, it is not free. This is also evident from the words of the holy evangelist, where Christ says, “If the Son shall set you free, you are free indeed” [John 8:36]. Thus Augustine says, “Why do you plead free will, which will not be free to work righteousness unless you are first made a sheep? For He who makes men sheep also frees the wills of men for the obedience of piety.”⁶⁵ And yet it is not in bondage unwillingly, but willingly. This, too, is evident in Augustine, in the first book *Against the Pelagians*, where he says, “It is not free in good, if it has not been freed by [God’s] act of liberation,⁶⁶ but it has free choice in evil, to delight in wickedness; whether secretly or manifestly, it is ensnared in servitude, or has convinced itself”⁶⁷ For Augustine says in the second book *Against Julian*: “For here you wish that man should be perfected; but let it take place by God’s gift and not by free choice—or, rather, one enslaved to its own will.”⁶⁸

⁶¹ Augustine, *On the Spirit and the Letter* 13.22 (PL 44:214; WSA 1/23:164; NPNF¹ 5:92).

⁶² Cf. Augustine, *Against Two Letters of the Pelagians* 4.6.16 (PL 44:621; WSA 1/24:198–99; NPNF¹ 5:424).

⁶³ For this argument, cf. *Lectures on Romans* (1515–16/1938–39), Rom. 6:14, 8:15, and 8:28, LW 25:53–54, 316–17, 356–57, 375–76.

⁶⁴ Cf. *Disputation against Scholastic Theology* (1517), Thesis 4, LW 31:9.

⁶⁵ Augustine, *Against Two Letters of the Pelagians* 4.6.15 (PL 44:620; WSA 1/24:198; NPNF¹ 5:423).

⁶⁶ Augustine (followed by Hirsch and Cl): “by the Liberator”

⁶⁷ Augustine, *Against Two Letters of the Pelagians* 1.3.6 (PL 44:553; WSA 1/24:119; NPNF¹ 5:379). Augustine’s text (followed by Hirsch and Cl): “but in evil it has free choice, in which (whether secretly or openly) the Deceiver [*deceptor* rather than *decepto*] has sown delight in wickedness [cf. Matt. 13:25], or else the person has persuaded himself.”

⁶⁸ Augustine, *Against Julian* 2.23 (PL 44:689; WSA 1/24:322).

SECOND COROLLARY

Man, when he does what lies in him,⁶⁹ sins, since he is unable of himself either to will or to think.⁷⁰

The corollary is evident. For a bad tree cannot produce or make anything other than bad fruits (Matthew 7 [17]). For a human being, apart from grace, is a bad tree, according to St. Augustine in many passages.⁷¹ Therefore, whatever he does, no matter what use he may make of reason, however he may elicit an act, or command and carry out an act without faith working through love [cf. Gal. 5:6], he always sins. The apostle says the same in Philippians 2 [13]: "It is God who works in you both to will and to accomplish in accord with [His] good-pleasure." And elsewhere, in 2 Corinthians 3 [5]: "Not that we are competent to think anything as if it were from ourselves, but our sufficiency is from God." Augustine says, "To think something good is less than to desire it. For we think everything that we desire, but we do not desire everything that we think." From this he also infers: "With respect to that which is lesser, that is, in thinking anything good, we are not competent as if from ourselves, but our adequacy is from God. And with respect to that which is greater, that is, in desiring anything good, shall we be competent without divine help, by free choice?"⁷² Proverbs [16:1] says, "Man prepares his heart, but not without the help of God." The apostle says [1 Cor. 12:3]: "No one speaking by the Spirit of God says, 'Jesus be cursed,' and no one can say 'Jesus is Lord' unless by the same [Spirit]." The Lord sets [both] equally [within human power] [Matt. 7:21].⁷³ Here the apostle is speaking in a spiritual or strict sense. One says "Lord" in the strict sense when expressing one's own will and mind with the sound of one's voice.

⁶⁹ The formula *facientibus quod in se est Deus non denegat gratiam* ["to those who do what lies in them, God will not deny grace"] was a basic principle of late medieval soteriology, criticized in his later teaching by Thomas Aquinas, *ST*, 1-2 q. 109 a. 6 ad 2 (Blackfriars 30:89), but earlier affirmed by him in *Super Sententias*, 2 d. 5 q. 2 a. 1 resp., 2 d. 28 q. 1 a. 4 (Busa 1:140, 208); and also by Biel, *Collectorium* 2 d. 27 q. 1 a. 2 dub. 4 (Rückert 2:523-24); *Canonis Misse expositio* lect. 59 P (Oberman and Courtenay 2:443-44). Having initially accepted the premise (see *First Lectures on the Psalms* [1513-16/1743-1876], LW 11:396), Luther came to identify it as a central error of scholastic theology: see, e.g., *Lectures on Romans* (1515-16/1938-39), LW 25:497; *Heidelberg Disputation* (1518), Thesis 16, below, p. 97 (cf. LW 31:40); *Against Latomus* (1521), LW 32:153-54; *Lectures on Galatians* (1531/1535), LW 26:173; *Examination of Heinrich Schmedenstede* (1542), LW 34:305. Gerhard Ebeling, *Lutherstudien* (Tübingen: Mohr, 1971), 2/3:297-312; Heiko Oberman, "Facientibus quod in se est Deus non denegat gratiam: Robert Holcot O.P. and the Beginnings of Luther's Theology," in *The Dawn of the Reformation* (Edinburgh: T&T Clark, 1986), pp. 84-103.

⁷⁰ Cf. *Heidelberg Disputation* (1518), Thesis 13, below, p. 97 (cf. LW 31:40).

⁷¹ See, e.g., Augustine, *On the Grace of Christ and Original Sin* 1.19.20 (PL 44:370; WA 1/23:413; NPNF¹ 5:224).

⁷² Augustine, *Against Two Letters of the Pelagians* 2.8.18 (PL 44:584; WSA 1/24:155; NPNF¹ 5:400).

⁷³ Hirsch (followed by Cl) emends *Dominus aequaliter posuit* to *Dominus Matth. 7 aliter posuit*: "The Lord [speaks] otherwise in Matthew 7." Cf. Augustine, *Our Lord's Sermon on the Mount* 2.25.83 (PL 34:1307; WSA 1/16:112; NPNF¹ 6:61-62).

DISPUTATION
AGAINST THE PRIVATE MASS

JANUARY 29, 1536

Translated by
Joshua J. Hayes

INTRODUCTION

THE *Disputation against the Private Mass*, held on Saturday, January 29, 1536, followed close upon the January 14 *Disputation concerning Man*, which itself may have taken place within two weeks after the theses on Luke 7:47 were disputed at about the beginning of the month.¹ All of these, but the *Disputation against the Private Mass* in particular, seem to have been intended especially for the benefit of the full English delegation in Wittenberg, led by Bishop Edward Fox (ca. 1496–1538), who had been consecrated bishop of Hereford shortly before his departure for Germany. Fox was Henry VIII's royal almoner and a skilled canonist and diplomat who had defended the king's divorce and the royal supremacy.² Bishop Fox was accompanied by Nicholas Heath, archdeacon of Staffordshire (who would later be promoted to archbishop of York and chancellor under Queen Mary).³ Fox and Heath arrived in Germany in November 1535 to join their fellow Englishman Dr. Robert Barnes, who had been in Wittenberg since September, preparing the way.⁴ The ambassadors' commission was to secure Henry's entry into the Smalcaldic League, involving negotiations both with the Saxon court (and the other members of the league) as well as with the Lutheran theologians.⁵

Henry VIII (r. 1509–47) had been an avowed public opponent of Luther in the early years of the Reformation, responding to Luther's 1520 *Babylonian Captivity of the Church* with his own *Assertion of the Seven Sacraments* in 1521, for which Pope Leo X awarded Henry the title "Defender of the Faith."⁶

¹ See above, introduction to *Disputation on Luke 7:47* (1535, 1536), p. 365; Lewis Spitz, introduction to *Disputation concerning Man* (1536), LW 34:135.

² On Fox [Foxe], see Ben Lowe, "Foxe, Edward," *OER* 2:121–22; Andrew A. Chibi, "Fox, Edward," *ODNB*.

³ Heath seems to have traveled to Germany twice before: with Thomas Cranmer in 1532 and with Thomas Elyot in 1534. On Heath, see David Loades, "Heath, Nicholas," *ODNB*. On his perceived sympathy with the Evangelicals in the 1530s, see Rory McEntegart, *Henry VIII, the League of Schmalkalden, and the English Reformation*, Royal Historical Society Studies in History n.s. 25 (Dublin: Boydell, 2002), p. 22.

⁴ On Barnes, see above, Mickey L. Mattox and Christopher Boyd Brown, introduction to [*Quarterly*] *Disputation on Dan. 4:27* (1535), p. 325 and n. 5 there.

⁵ On religious and political relations between Henry VIII and the Lutheran princes of Germany, see Neelak Serawlook Tjernagel, *Henry VIII and the Lutherans: A Study in Anglo-Lutheran Relations from 1521 to 1547* (St. Louis: Concordia, 1965); McEntegart, *Henry VIII*, especially pp. 26–56 on Fox's embassy. On the disputations in this period, see Atkinson, "Luther and the Wittenberg Disputations 1535–36," pp. 31–57.

⁶ Luther, *Babylonian Captivity* (1520), LW 36:3–126; Henry VIII, *Assertio septem sacramentorum adversus Martinum Lutherum*, ed. Pierre Fraenkel, CCath 43 (Münster: Aschendorff, 1992). On Henry's authorship of the *Assertio*, likely with the help of a commission of

However, the distance between Henry and the papacy grew after 1527 as the pope rejected all Henry's efforts to obtain an annulment of his marriage to Catherine of Aragon. Once the English Parliament had formally declared a separation from the papacy in 1534 by naming Henry "only supreme head on earth of the Church of England," Henry, encouraged by discreetly Evangelically-minded advisers such as his chancellor Thomas Cromwell (ca. 1485–1540) and Archbishop of Canterbury Thomas Cranmer (1489–1556)—both of whom had been appointed in 1533—began to consider diplomatic and military alliances with the Lutheran princes on the continent.⁷

The newly arrived English ambassadors participated in the December 1535 meeting of the Smalcaldic League and on Christmas Day received an answer from the Lutherans stipulating conditions for Henry's accession to the league in fourteen articles: that the king would promote the Gospel and true doctrine according to the Augsburg Confession and Apology (excepting only such modifications as might be made by common consent on the basis of the Word of God), and defend this doctrine and ceremonies consistent with it at any future general council; that Henry and the league would present a common front against the papacy in deciding whether to attend such a council, set its location, or protest against an illegitimate council's convocation or its decrees—and would never concede that the pope should be head of bishops, even for the sake of peace, or have any right to interfere with the jurisdiction of kings. Henry would be given the title of "Defender and Protector of the League" and would contribute significant sums to be held for use in future mutual defense. Once Henry's ambassadors had completed their colloquies with theologians in Germany, the league would send its own embassy with learned theologians to England to consult with King Henry in matters of doctrine and ceremonies. (Henry had been particularly eager to have Melanchthon come to England, but the league stopped short of making this specific promise.)⁸

After departing Smalcald with an outline of what would be involved in Henry's accession to the league, the English embassy came to Wittenberg to continue negotiating on two matters: support for the annulment of Henry's marriage to Queen Catherine and the possibility of theological agreement between the German Lutherans and the English. Among the issues identified for discussion by the English delegation at the outset was the question of the validity and permissibility of the private Mass.⁹

theologians, see Richard Rex, "The English Campaign against Luther in the 1520s," *Transactions of the Royal Historical Society*, 5th series, 39 (1989): 85–106, especially pp. 85–89.

⁷ For the 1534 Act of Supremacy, see Gerald Bray, ed., *Documents of the English Reformation 1526–1701*, 3rd ed. (Cambridge: James Clarke & Co., 2019), pp. 97–98. On Cromwell, see Geoffrey R. Elton, "Cromwell, Thomas," *OER* 2:453–55; on Cranmer, see Diarmaid MacCulloch, "Cranmer, Thomas," *OER* 1:448–50.

⁸ *Responsum ad legatos Anglicos*, CR 2:1032–36. On Henry's interest in bringing Melanchthon to England, see McEntegart, *Henry VIII*, pp. 26–30.

⁹ See McEntegart, *Henry VIII*, pp. 55–56.

A private Mass is “a Mass celebrated for its own sake, with no thought of anyone participating,” whether by a celebrant with one or two servers or by the celebrant alone.¹⁰ Originating about the time of Pope Gregory the Great in the late sixth century as a form of clerical devotion,¹¹ the use of the private Mass exploded in the ninth century with the increase in monastic ordination and the increased popularity of votive Masses—the offering of the Mass for a particular intention said for the benefit of specific individuals, especially for the souls of the dead. Although there were periodic efforts to regulate the practice—especially to urge that there should be at least one server present in addition to the celebrant—the private Mass became a bulwark of Western medieval piety, bound up with both the primary understanding of the Mass as a sacrifice and the spiritual status of the clergy who were ordained to offer it. Private Masses had been of special importance to English devotion and to the individual piety of King Henry, who is reported to have heard as many as five private Masses each day (and three even on days when he was hunting).¹²

In his 1520 treatise *On the Babylonian Captivity of the Church*, Luther categorically rejected the understanding of the Mass as a sacrifice but allowed that, so long as the idea of sacrifice was excluded, a priest might continue to say private Masses for the sake of his own reception of the Sacrament and his prayers for the benefit of others.¹³ In England, Luther’s rejection of the sacrificial character of the Mass was especially provocative to King Henry, who devoted much of his 1521 *Assertion of the Seven Sacraments* to defending the Mass as a sacrifice.¹⁴

For himself, Luther renounced the private Mass forever in 1521¹⁵ in the growing conviction that its association with sacrifice was unavoidable. This was the focus of his Latin and German treatises of 1521—*On the Abolition*

¹⁰ See Josef A. Jungmann, *The Mass of the Roman Rite: Its Origins and Development (Missarum Sollemnia)*, trans. Francis A. Brunner (New York: Benziger Brothers, 1955), p. 215, and in general pp. 212–33; and Martin E. Lehmann, introduction to *The Private Mass* (1533), LW 38:141–45.

¹¹ On this dating of the origins of the private Mass, modern scholarship agrees with Luther: see Jungmann, *The Mass of the Roman Rite*, p. 216; Luther, *Sermons on Matthew 18–24* (1537–40/1796–1847), LW 67:357 and n. 61 there; cf. Melanchthon, AC XXIV 35 (Latin) (Kolb-Wengert, p. 71; *Concordia*, p. 49).

¹² See Alan Kreider, *English Chantries: The Road to Dissolution*, Harvard Historical Studies 97 (Cambridge, MA: Harvard University Press, 1979), chs. 1–3, pp. 1–92; G. W. Bernard, *The King’s Reformation: Henry VIII and the Remaking of the English Church* (New Haven: Yale University Press, 2005), pp. 237–38, quoting the Venetian ambassador Sebastian Giustinian (1460–1543), “Report of England,” September 10, 1519, in Rawdon Brown, ed., *Calendar of State Papers Relating to English Affairs in the Archives of Venice* 2 (London, 1864), no. 1287, p. 559. On the arrangement of the royal chambers so that Henry could hear Mass from a privy closet, see Peter E. McCullough, *Sermons at Court: Politics and Religion in Elizabethan and Jacobean Preaching* (Cambridge: Cambridge University Press, 1998), pp. 14–17.

¹³ LW 36:54–55.

¹⁴ Henry, *Assertio* (Fraenkel, pp. 155–59).

¹⁵ Luther to Melanchthon, August 1, 1521, LW 48:281: “But I also will never say another private mass in all eternity.”

of the *Private Mass* and *On the Misuse of the Mass*¹⁶—though (as with reception of the Sacrament in both kinds) he continued to advocate for the voluntary abandonment of the practice rather than its forced abolition,¹⁷ albeit as “a temporary concession.”¹⁸

At the same time, Luther also came to regard the solitary celebration of the Mass as a problem in its own right. In an October 1521 letter from the Wartburg, Luther wrote: “It is a crime for the mass to be celebrated privately, since it is called *Synaxis* and communion. The order of Christ and Paul commands that it should be celebrated often in public and with a congregation gathered for the proclamation of the Word, that is, in remembrance of [Christ].”¹⁹ However, in his preaching and publications throughout the 1520s, Luther focused on criticizing the sacrificial character of the traditional Mass (whether celebrated publicly or privately).²⁰

Although the private Mass had thus been abandoned in Wittenberg by 1525, the issue emerged again in the 1530 negotiations surrounding the Augsburg Confession. Luther identified “the Sale of Masses or Private Masses” as an abusive innovation which suppressed the communion in favor of sacrifice.²¹ Article XXIV of the Augsburg Confession took up Luther’s concern, rejecting “mercenary Masses and private Masses” and insisting that the Mass “should be a Communion where the priest and others receive the sacrament for themselves.”²² When the Roman Catholic opponents objected strenuously to “the abolition of private masses,”²³ the Evangelical estates discussed whether they might (as Luther had done in the early 1520s) tolerate private Masses so long as they were not required. Luther, rejecting this proposal, wrote back to Elector John that “private masses . . . are a human invention, [and] apart from other abuses in them, have arisen without any foundation in God’s Word.”²⁴ In the end, the Evangelical estates refused to make the concession, and Melancthon’s Apology defended the suppression of private Masses in favor of the public Mass alone as “nothing against the catholic church,” even as he identified the

¹⁶ The Latin *De abroganda missa privata Martini Lutheri sententia*, dedicated to the Wittenberg Augustinians, was written by the beginning of November 1521: WA 8:411–76 (cf. LW 48:324–25). The German version, *Misuse of the Mass*, appeared shortly thereafter: LW 36:127–230.

¹⁷ *Receiving Both Kinds in the Sacrament* (1522), LW 36:257–58.

¹⁸ *Order of Mass and Communion* (1523), LW 53:32.

¹⁹ Luther to Spalatin, October 7, 1521, LW 48:317.

²⁰ *Sermon on the Blasphemy That the Papists Practice Daily* (1524), LW 56:69–80; *Abomination of the Secret Mass* (1525), LW 36:311–28. (Note that the “secret Mass” here refers not to the private Mass as such but to the traditional prayer, the Canon, which was whispered by the priest at every Mass rather than being read or chanted aloud.)

²¹ *Exhortation to All Clergy* (1530), LW 34:22–23.

²² AC XXIV 10–23, 34 (Kolb-Wengert, pp. 68–71; *Concordia*, pp. 48, 49).

²³ *Confutation of the Augsburg Confession* 24, in Kolb and Nestingen, *Sources and Contexts of the Book of Concord*, p. 128.

²⁴ Luther to Elector John, August 26, 1530, LW 49:408–9. See also the introduction by Gottfried Krodel, LW 49:403–6.

central point of the controversy as the question whether or not the Mass was a propitiatory sacrifice.²⁵

Luther returned to the question of the private Mass in 1533 with a series of three draft outlines culminating in his treatise on *The Private Mass and the Consecration of Priests*, published at the end of the year.²⁶ Here Luther returned to the argument he had made in his Wartburg letter of 1521: that the celebration of the Lord's Supper without communicants in addition to the celebrant was in itself a fundamental violation of Christ's institution such that the integrity of the Sacrament—and the presence of Christ's body and blood—was at best made doubtful.²⁷ (To answer the charge that Luther had thereby made himself a Zwinglian on the question of Christ's presence in the Supper, Luther wrote a further clarification and defense of his book in his *Letter concerning His Book on the Private Mass* in 1534.)²⁸

The January 1536 disputation draws on the 1533 treatise (and Luther's preparatory outlines for it) to formulate arguments anticipating the concerns of the English delegation as well as those closer to home. In particular, at least Prince John of Anhalt seems to have wanted to maintain some form of purified private Mass as a form of legitimate Evangelical devotion, at least in the courts of princes.²⁹ Henry's concerns were thus not so far removed from Wittenberg as might be assumed.

Luther had begun work on the theses for the disputation on the private Mass, together with the theses on 1 Corinthians 13, in late October 1535.³⁰ The delay of the disputation to nearly the end of January may be explained by the ongoing negotiations over Henry's divorce and the logistical challenge of returning Melancthon and other members of the faculty to Wittenberg from Jena,

²⁵ Melancthon, Ap XXIV 6 (Kolb-Wengert, p. 258; *Concordia*, p. 220).

²⁶ LW 38:139–214. For a description of the outlines, see the introduction by Lehmann, LW 38:143–44, and the texts—*Cogitationes*, *Ordines*, and *Contra missam privatam*—edited in WA 38:185–95.

²⁷ For Luther's analysis of three parts in the sacraments—element, Word, and mandate or institution—see *Sermon on Holy Baptism* (1534), LW 57:144–45.

²⁸ LW 38:215–33. See WA 38:180, 257–60. For the complaint, see the December 15, 1533, letter of Nicholas Hausmann (the Dessau court preacher) to Georg Helt in Wittenberg: *Georg Helts Briefwechsel*, ed. Otto Clemen, Archiv für Reformationsgeschichte: Texte und Untersuchungen, Ergänzungsband 2 (Leipzig: M. Heinsius Nachfolger, 1907), p. 56, no. 81, though Brecht (3:398 n. 13) rejects the idea that Prince John of Anhalt could have been the chief accuser. On Prince John of Anhalt (1504–51), see LW Bio, p. 374 n. 36.

²⁹ See Lehmann, introduction to *The Private Mass* (1533), LW 38:142; Lehmann, introduction to *Letter concerning His Book on the Private Mass* (1534), LW 38:217–18; below, Argument 8, pp. 398–400. In the December 1533 letter, Hausmann reported to Helt that Prince John had begun reading Luther's book *The Private Mass* and was not pleased with Luther's claim that private Masses were altogether godless: see Clemen, *Helts Briefwechsel*, no. 81, p. 55.

³⁰ Luther to Jonas, October 28, 1535, LW 50:107–8. For the 1535 *Disputation on 1 Corinthians 13*, see above, pp. 349–60. On the request from the English ambassadors, see McEntegart, *Henry VIII*, p. 55.

† ARGUMENT 2

All the parts of the Sacrament are in the private Mass: the element, the Word, and the institution.¹⁰⁸ Therefore, the true Sacrament is in the private Mass, and the private Mass is true.

I prove the antecedent: Blessed Augustine says, “Add the word to the element, and it becomes a sacrament.”¹⁰⁹ [And:] “Not because it is done, but because it is believed.”¹¹⁰ Both of these are in the private Mass. Therefore, etc.

I respond: We do not maintain that there is no Sacrament in the private Mass in every respect. If, however, one wanted to defend [the claim] that there is no Sacrament in it, he might be able to use these arguments and proofs: In the private Mass there is no efficient nor formal¹¹¹ nor final cause of the Sacrament.¹¹² Therefore, (in the absence of the cause of the Sacrament and of the One who made it,)^{C113} there is no Sacrament there.

(In the first place,)^C the efficient cause is (God or His institution.)^{C114} (For Paul and the evangelists say)^B that Christ instituted the Sacrament not for one

¹⁰⁸ For Luther's analysis of three parts in a sacrament—the element(s), the Word, and the divine institution (or mandate)—see *Sermons on Holy Baptism* (1534), LW 57:144–59.

¹⁰⁹ See Augustine, *Tractate on John* 80.3 (PL 35:1840; FC 90:117; NPNF¹ 7:344): *Accedit verbum ad elementum et fit sacramentum* [“The Word is added to the element, and it becomes a sacrament”]. The dictum was quoted in Lombard, *Sentences* 4 d. 3 (PL 192:843; Silano 4:12), Gratian, *Decretum* C. 1 q. 1 c. 54 (Friedberg 1:379), and throughout the scholastic tradition. Luther cites the Augustinian dictum frequently and positively: e.g., *Large Catechism* (1529) IV 18, V 10 (Kolb-Wengert, pp. 458, 468; *Concordia*, pp. 425, 432); *Smalcald Articles* (1537) III V 1 (Kolb-Wengert, pp. 319–20; *Concordia*, p. 278). See zur Mühlen, “Zur Rezeption der Augustinischen Sakramentsformel,” pp. 50–76.

¹¹⁰ This quotation comes shortly after the previously quoted words, in the same chapter (Augustine, *Tractate on John* 80.3): “Whence comes this great power of the water, that it touches the body and washes the heart, except that it is the Word that does it: not because it is spoken [*dicitur*], but because it is believed.” For Luther's use, see above, p. 128 n. 17. The two Augustinian dicta were juxtaposed by Biel, *Canonis Misse expositio* lect. 6 D (Oberman and Courtenay 1:471) and frequently by Luther (usually with the substitution of “is done” [*fit*] for Augustine's “is spoken” [*dicitur*]): see zur Mühlen, “Zur Rezeption der Augustinischen Sakramentsformel,” pp. 55–57; and Luther, *Lectures on Hebrews* (1517–18), LW 29:172; *Proceedings at Augsburg* (1518), LW 31:274; *Against the Armed Man Cochlaeus* (1523), WA 11:301 (LW 71); *Sermons on Holy Baptism* (1534), LW 57:148; and above, *Theses for Investigating the Truth and Comforting Terrified Consciences* (1518), Thesis 10, p. 128. Cf. also Luther's use of the scholastic summary of Augustine's statement as “Not the sacrament, but the faith of the sacrament [*fides sacramenti*] justifies”: *Babylonian Captivity* (1520), LW 36:66; cf. *Sacrament of Penance* (1519), LW 35:20 and 21.

¹¹¹ Relations B and C omit “nor formal.”

¹¹² On the efficient, formal, and final cause, see above, Luther, *Dialectica* (ca. 1540), pp. 26–27 and the associated notes. Compare Luther's analysis of the formal and final causes of the Sacrament of the Altar in relation to Christ's institution in the outline *Contra missam privatam* (1533), WA 38:191–92.

¹¹³ *deficiente causa sacramenti et artifice*

¹¹⁴ On the central importance of Christ's institution of the Sacrament, see *The Private Mass* (1533), LW 38:198–204, where Luther contrasts an account of the Sacrament based on Christ's command and institution with the *ex opere operato* theology of the scholastic theologians which based the Sacrament on the work of the celebrant (see below, p. 391 n. 116).

person to use alone by himself, but for the whole Church, for many. For He said, “As often as you [(in the plural)] do this,”¹¹⁵ etc. [cf. 1 Cor. 11:25]. Nor do we read anywhere that it was instituted ^lso that some adulterer, fornicator, (drunkard),^c or scoundrel should stand in a corner by himself and mumble the Words [of Institution] and thus effect the Sacrament, which is supposed to merit pardon *ex opere operato*¹¹⁶ for (others, and even for the dead)^c souls in purgatory and to be efficacious for whatever one likes.¹¹⁷ That is truly what they used to say ((and still say)):^c that the Mass is efficacious for everything, (not only for human beings but even for beasts),^c and they used to apply their Masses to whatever they wished.¹¹⁸ (Therefore, there is no efficient cause there.)^c ([And] if the cause of the institution is lacking, then the whole Sacrament seems to be absent.)^B

The formal cause is the institution of Christ itself: that we eat the Sacrament of the Altar for the forgiveness of sins. The Papists, however, (have not preserved the institution that was preserved by the apostles [and])^c make it a sacrifice that avails *ex opere operato* for the living and the dead.¹¹⁹

(The final cause is missing as well.)^A The final cause is the proclamation of the Lord’s death until He comes [1 Cor. 11:26]. This is truly the final cause of the Sacrament and the Mass: the commemoration and preaching of Christ’s Passion (and the participation in the body and blood of Christ).^{c120} But now, in the private Mass, (none of these causes exists. For Paul says, “As often as you shall drink,” etc. But)^c how can (the sacrificing priestling)^{c121} proclaim the Lord’s death if he makes his proclamation there alone, (mumbling and making up a new memorial—that is, of the living and the dead)^c—not communing others but devouring it whole by himself? (And if some few are present, they do not know what he is saying or doing.)^A (What is it to me, if the priest is standing there mumbling? What is it to me, since I do not partake? I cannot possibly believe what is being done there; and if I did believe, my faith would be deceived there.)^B (And there was no need to make up such an institution.)^{BC} (It is an astonishing

¹¹⁵ *facieritis*

¹¹⁶ “by the performance of the work.” See above, p. 387 and n. 92 there and pp. 159–60 n. 4. Luther, while emphasizing the objective reality of the sacrament and its promise, insisted that its power was based not on the performance of the minister but on its divine institution and that the benefit of a sacrament could only be received through faith: see *Babylonian Captivity* (1520), LW 36:55; cf. Melancthon, Ap XIII 18 (Kolb-Wengert, p. 221; *Concordia*, p. 186).

¹¹⁷ See Biel, *Canonis Misse expositio* lect. 26 (Oberman and Courtenay 1:240–56), arguing that a priest may apply the virtue of his Masses to whomever he wishes.

¹¹⁸ See, e.g., Jodocus Clichtoveus, “Sermo de valore Missarum,” in *Sermones* (Paris: Yolande Bonhomme, 1534) [USTC 182084], fol. 317r, which declares that the Mass is valid “for obtaining all those things for which it is proper for human beings to pray,” including temporal goods as well as spiritual ones.

¹¹⁹ The section on the formal cause of the Sacrament is missing in some versions of Relation A (manuscript Hamburg Cod. Uffenbach 47) and seems to appear after the section on the final cause in Relation C (where it seems to be called “final cause” again in a scribal error).

¹²⁰ Cf. *The Private Mass* (1533), LW 38:151.

¹²¹ *sacrificulus*

blindness that men stand there credulously¹²² and yet do not know what the priest is mumbling or whether he is even saying the words.)^{B123}

Since these causes are lacking, (this is how)^B someone (who wanted to defend that there was nothing more than bread and wine there)^B could argue that there is no true Sacrament in the private Mass ([and] the body and blood of Christ are not present).^C (Gregory said, "Woe to him who thinks that the Mass of a holier priest is better than that of a bad priest."¹²⁴ This is true, just as we ourselves say about Baptism: that it is consecrated by the institution of Christ, not *ex opere operato*.¹²⁵ Christ left us an exercise of our faith, but they have redirected the Sacrament in such a way that nothing about faith was left there. They compelled men to the Sacrament¹²⁶ and taught how we should become worthy for the Sacrament, namely, so long as it was being done on account of obedience to the Church.¹²⁷ But we do not say such things, but speak this way: [it should be done] because of Christ and for the strengthening of our faith.)^{BA'}

(From these three arguments it follows that there is no true Sacrament in the private Mass.)^{A'} Therefore,¹²⁸ whoever believes that there is no true body and blood of Christ in the private Mass is not sinning since he does nothing contrary to Scripture. (In the same way, one who believes that the body of Christ is present does not sin in his devotion.¹²⁹ Thus if someone believes that it is present there and communes, that person most truly receives the Sacrament. And yet the Mass is not the kind of work that serves to propitiate God.)^C But one who

¹²² *credentes*; or: "believing," though the context seems to imply a negative sense.

¹²³ In the rubrics for the medieval Mass, the Canon, including the Words of Institution, was specifically designated to be said "*sub silentio*": see William Durandus (ca. 1230–ca. 1296), *Rationale* 4.35.1–7 (CCCM 140:360–62, 414–16); Biel, *Canonis Misse expositio* lect. 15 D–E (Oberman and Courtenay 1:122–24); Thompson, *Liturgies of the Western Church*, pp. 72–73; Jungmann, *The Mass of the Roman Rite*, 2:104–5; Luther, *Abomination of the Secret Mass* (1525), LW 36:314. In contrast, Luther's liturgical orders required that the Words of Institution be spoken out loud (or, indeed, chanted) so that they could be heard by the entire congregation: see *Sermon on Worthy Reception of the Sacrament* (1521), LW 42:173; *Order of Mass and Communion* (1523), LW 53:28; *German Mass and Order of Service* (1526), LW 53:80–81. See Robin Leaver, *Luther's Liturgical Music: Principles and Implications*, Lutheran Quarterly Books (Grand Rapids, MI: Eerdmans, 2007), pp. 180–88. For the argument that the priest's inaudible speaking of the Words of Institution makes the Mass at least doubtful, see Luther's outline *Contra missam privatam* (1533), WA 38:195, and *The Private Mass* (1533), LW 38:164–65, 210.

¹²⁴ Cf. the text ascribed to Gregory I in Gratian, *Decretum* 2 C. 1 q. 1 c. 84 (PL 187:616; Friedberg 1:387–88), and Lombard, *Sentences* 4 d. 13 c. 1 (PL 192:867; Silano 4:66). Gratian's text is quoted in part (ascribed to Gregory) and then summarized in a form similar to Luther's quotation in Aquinas, *ST*, 3 q. 82 A. 6 (Blackfriars 59:114–17). Cf. Luther, *Babylonian Captivity* (1520), LW 36:55.

¹²⁵ See *The Private Mass* (1533), LW 38:198; cf. *Sermons on Holy Baptism* (1534), LW 57:144–45.

¹²⁶ The decree *Omnis utriusque sexus* of the Fourth Lateran Council (1215) obliged all Christians to make confession and receive the Eucharist at least once a year: see Denzinger, no. 437.

¹²⁷ *propter obedientiam Ecclesiae*; or: "on account of the obedience of the Church."

¹²⁸ Reading *propterea* with Relation A' for *praeterea* ["Moreover"] in Relation A.

¹²⁹ Conjecturing *in regione* for *e regione* ["from the region"] in Relation C.

believes [that the body of Christ is present] and yet doubts, seems to commit¹³⁰ a sin. (For the peril to his conscience is great. But this danger must be avoided, which is why blessed Augustine bids us)^A “to forgo the uncertain and hold on to¹³¹ what is certain.”¹³²

ARGUMENT 3

If the Sacrament was not present in that [private] Mass, then the Church must necessarily have been in the worst kind of error (and abomination).^C But the Church cannot err. The Church had the private Mass (and approved it for many centuries).^A Therefore, it seems that (it was not an error),^B the Sacrament was present in the [private] Mass, (and the custom should be preserved).^A

I respond (to the minor premise).^B (The Church does not err, nor has the true Church thought of or had that [private] Mass.)^B Paul calls the Church “the seat of truth” [1 Tim. 3:15], because she preserves the true doctrine of the Gospel. (The Church abides in faith in Christ; she retains the sacraments, the Creed, the Lord’s Prayer, and Holy Scripture. Where these are, there is the true Church.)^B Yet even the true Church holds this doctrine more or less clearly and purely at various times and has many weak members, as the Apostles’ [Creed says].¹³³ (Thus the Church has always remained, even though in the papacy she was very small.)^B (See Philip Melanchthon on the Church.)¹³⁴

(The universal church, which is the multitude of those domineering over the church, can err, just as the high priests and priests erred at the time of Jeremiah and of Christ, and yet in addition to that multitude there were some godly people who retained the articles of faith, even though these too, moved by [their bad] examples, gave assent to some errors.)^B

You should not imagine that the Church is so true, holy, and pure that she is without blemish and has no sins or errors. That will never be accomplished here [on earth].¹³⁵ But when the Church has erred, she will (always)^C be excused, (not because she possessed the institution in its perfection, but)^C through the forgiveness | of sins, for the Keys of absolution have been given to the Church [cf. Matt. 16:19], (for we offend in many things [James 3:2]).^C If she has sinned, her sins have been forgiven her. (Therefore, the Church is not without sin, but because she confesses her faults, Christ is present and says, “Your sins have been

¹³⁰ Reading *peccare videtur* with Relation A' instead of *peccare non videtur* [“not to commit”] in Relation A.

¹³¹ Reading *relineamus* with Relation A' for *remittimus* [“relinquish”] in Relation A.

¹³² See Augustine, *On Baptism* 1.3.4, 1.5.6 (PL 43:111, 113; NPNF¹ 4:414, 415). Cf. *The Private Mass* (1533), LW 38:163.

¹³³ Cf. Melanchthon, Ap VII–VIII 20–21 (Kolb–Wengert, p. 177; *Concordia*, p. 146).

¹³⁴ Melanchthon, *Loci Communes* (1535), CR 21:506–10 (cf. J. A. O. Preus, trans., *The Chief Theological Topics: Loci praecipui theologici, 1559*, 2nd ed. [St. Louis: Concordia, 2011], pp. 239–54; CR 21:825–47; MSA 2/2:474–97).

¹³⁵ This sentence is recorded in German. Cf. *The Private Mass* (1534), LW 38:171.

CIRCULAR DISPUTATION
ON THE
RIGHT OF RESISTANCE
AGAINST THE EMPEROR

ON THE THREE HIERARCHIES [MATTHEW 19:21]

MAY 9, 1539

Translated by
G. Brent McGuire and James L. Langebartels

conviction that he was obliged to “pledge body, property, land, and people in order to prevent the Christian and right teaching of the Gospel which has now been recognized from being uprooted by violence and sword and the papacy being set up as idolatry in its place.”¹⁴

In Wittenberg, Luther began to articulate a new rationale for resistance to the emperor, insofar as the emperor might be acting not in his own right as legitimate temporal ruler, but as an agent of the papacy.¹⁵ At the beginning of March, Luther hinted at this argument publicly in admonitions which he delivered from the Wittenberg pulpit and circulated to be read in the surrounding parishes.¹⁶ These texts called for prayer against the Turkish threat but also suggested that the greatest threat to society might be not the Ottoman Empire but the papacy and its would-be defenders.

Although not the first of the Wittenberg theologians to argue that Evangelical princes might rightly use force to defend themselves if their peers or superiors sought to suppress the Gospel with violence—Johann Bugenhagen had offered such advice at least privately to the Saxon elector in 1529, arguing that “when authority wishes to go against God or against God’s Word, then it ceases to have authority”¹⁷—Luther’s own public affirmation of the legitimacy of open, armed resistance to those seeking to suppress the Gospel as agents of the papacy was of crucial practical as well as theological importance.

THE THESES ON THE RIGHT OF RESISTANCE

At the university, the regular quarterly circular disputation, in which one professor published a set of theses to be defended against a rotation of opponents, was due to be held in April.¹⁸ For this occasion, Luther prepared and published seventy theses with the political situation in view: “On the Three Hierarchies: Ecclesiastical, Political, and Oeconomic, and That the Pope Does Not Belong to Any of These, But Is the Open Enemy of All.” These theses quickly received a second printing in Nürnberg, a mark of the political relevance of their content.¹⁹

¹⁴ WA 50:479–80.

¹⁵ Luther to Johann Ludicke [Lubeck], February 8, 1539, WA Br 8:364–68; *Table Talk* no. 4342 (1539), WA TR 4:235–41. Luther’s letter to Ludicke was printed among his writings on resistance in the sixteenth-century editions of Luther: Jena Ger 7 (1558), fols. 385v–387r; Witt Ger 12 (1559), fol. 207v.

¹⁶ *Table Talk* no. 4744 (1539), WA TR 4:464–65; *Admonition to All Pastors* (1539/1546), LW 61:269–74.

¹⁷ See Johann Bugenhagen, “Antwort D. Johannis Bugenhagii. Ob man desz Evangelii halben moege Krieg fuehren/ dasselbe mit dem Schwerdt zuvertheidigen?” dated September 29, 1529, but apparently not published until its incorporation in Georg Dedeken, *Thesaurus Consiliorum* (Hamburg: Hertel, 1623) [VD17 1:083776A], 2:289–92 (translated in Hendel, *Bugenhagen: Selected Writings*, 1:103–10).

¹⁸ On circular disputations in Wittenberg, see the volume introduction above, pp. xxii–xxiii, xxix.

¹⁹ See below. p. 576.

Then unexpected good news from Frankfurt disrupted the planned April disputation. The Truce of Frankfurt, concluded on April 19, renewed the provisions of the 1532 Truce of Nürnberg for another fifteen months, restricted new admissions to the Catholic League, and suspended legal action against the Protestant estates in the imperial courts. For the time being, the threat of imminent war was lifted.

Nevertheless, Luther decided to conduct a public defense of his theses after all, held after a few weeks' delay on May 9. Without altering any of the already published theses, he added twenty-one additional statements focusing on the illegitimacy of papal rule. In his prefatory address, Luther declared that he wanted to leave the clear affirmation and distinction of the three estates as a legacy to posterity, against the confusion and condemnation of the estates by the papacy.

Luther's biblical point of departure for the theses—Jesus' admonition to the rich young man in Matt. 19:21 to sell everything he had—may seem tangential to his announced purpose of discussing the three estates and their relation to the papacy. Yet this text had been central to medieval definitions of the "religious" estate of Christian ascetics, founded upon the "counsels of perfection" which called the elite cadre of monks, nuns, and hermits to renounce and abandon the world through vows of poverty, chastity, and obedience.²⁰ It was, therefore, very much to Luther's point to argue that the ideal for Christian life was not separation from the world and the estates through which it was organized, but engagement with and in the world, with all the complications that entailed.

In the theses, therefore, Luther affirms that Christians should participate in the world, against the monastic claim that truly committed Christians must renounce the world in order to keep the only truly religious estate. Drawing on Augustine's distinction between the "two Tables" of the Decalogue, describing duties toward God and toward the neighbor respectively,²¹ Luther argues that Christians should participate in the world in keeping with the Second Table of the Law, thus keeping and defending property in view of the commandment "You shall not steal" (Exod. 20:15) and marriage in view of "You shall not commit adultery" (Exod. 20:14). "The Christian is a citizen of this world, obligated to do and to bear the things which are proper to his citizenship, in accordance with the Second Table."²² Yet when the obligations of the First Table of the Law are in question—"when confession of faith is at public issue"²³—then

²⁰ On the "evangelical counsels" or "counsels of perfection," see above, introduction to *Disputation on Not Taking Vengeance* (1520), pp. 200–201 and the notes there; and below, Luther, *Twelve Evangelical Counsels of the Papists* (1542?), pp. 635–43. This latter writing appears immediately after the theses on resistance in the sixteenth-century collections of Luther's theses.

²¹ On the two Tables of the Law, see above, p. 223 n. 79.

²² See below, Thesis 30, p. 582.

²³ See below, Thesis 21, p. 581.

Christians should be willing to yield everything which they rightly possess and defend under the Law by the Second Table.

Yet Luther distinguishes between possible agents of persecution. If Christians are subject to illegal violence (such as from a robber), even for the sake of their faith, they should resist with force as members of the political estate, protecting themselves according to the Second Table. But if it is the government itself—“whether secular or falsely Christian”²⁴—that misguidedly persecutes true Christians because of their faith, then Christians should willingly suffer for Christ’s name, without resisting, and yield their claims to worldly goods, thus setting the First Table above the Second.²⁵ It is up to the civil authority to maintain worldly peace, and there is no other authority to which Christians may appeal where the Second Table of the Law and the worldly goods it governs are at stake.

The situation is different, however, with the supposed authority of the papacy. This is because the papacy lies outside of the three estates: it is not in the ecclesiastical estate because it condemns the Gospel; it is not in the political estate because it declares itself superior to secular governments; it is not in the domestic estate because it prohibits marriage for the clergy. Therefore, Luther argues, the papacy, existing outside the three estates established by God, is an unnatural monstrosity, a “werewolf” [*Beerwolf*], which can and must be resisted by everyone no matter what their position or office.²⁶

Indeed, it is not only the papacy itself but also those who defend it, making war as agents of the papal werewolf, who must be resisted—whether they may be “princes, kings, or even emperors themselves.”²⁷ The final twenty theses, added for the May disputation, enlarge on Luther’s argument that the papacy has overstepped all bounds and acted to disrupt the three estates established by God, clearly showing itself to be a malicious beast and werewolf bent on destroying the world.

Luther’s identification of the papacy as a “werewolf” drew on German folklore with its superstition that there were creatures who could transform themselves from human beings into wolves. But it also had precedent in Germanic law codes which in certain particularly abhorrent cases denounced an offender against humanity as a “wolf” [*wargus sit*], meaning that his life was forfeit.²⁸

²⁴ See below, Thesis 36, p. 583.

²⁵ Cf. Paul Althaus, *The Ethics of Martin Luther*, trans. Robert C. Schultz (Minneapolis: Fortress, 1972), pp. 75–76.

²⁶ On the variation in orthography between *Werwolf* and *Beerwolf* (or *Bärwolf*), see DWB 29:504, s.v. “Werwolf.”

²⁷ See below, Thesis 68, p. 586.

²⁸ Although there were classical precedents for the idea of a human being transformed into a wolf—see, for example, Pliny (23–79), *Natural History* 8.24 (Loeb 353 [1938], pp. 58–61) and Petronius (ca. 27–66), *Satyricon* (Loeb 15 [2020], pp. 190–93), where the Latin word *versipellis* or “skin-changer” is used—the idea was strongly rooted in Germanic culture, where the early medieval bishop Burchard of Worms (ca. 950–1025) denounced the werewolf (using the German

Luther took up this identification of the papacy again in his 1545 treatise *Against the Roman Papacy*.²⁹ It served even more pointedly than the term “antichrist” to designate the papacy not merely as a religious opponent but as an enemy of human society as a whole.

THE DISPUTATION: MAY 9, 1539

In the May 9 disputation over the full series of ninety theses, Luther took the leading role as respondent, though (especially in the first half of the disputation) students sometimes took turns offering an initial response, which Luther then often expanded with his own.³⁰ Other members of the university took turns in presenting arguments against Luther's theses—mostly unnamed students, but including the Wittenberg professors Justus Jonas and Caspar Cruciger near the end of the disputation.³¹ As was typical in the Wittenberg disputations, the opponents did not work systematically through the theses but took up individual propositions at will.

In the arguments of the disputation, Luther draws on his earlier criticism of the papal prerogatives found in canon law and defended by its interpreters.³² In his lengthy response to Argument 4B,³³ Luther insists that the feature which distinguishes the papacy from legitimate forms of authority is the papal claim to be above any law. Even tyrants, Luther says, work within established laws, even though they abuse them. The Turk keeps the laws of Mohammed and is bound by them. The pope alone claims superiority to all laws and cannot therefore be legitimate. This idea of political legitimacy as intrinsically bound up with the keeping of law is applied here against the papacy, but it also stands in implicit contradiction to the famous definition of the prince in Roman law as “unbound

word) as one of the superstitions needing to be purged from his people: see his *Decretum*, book 9 (called the “Corrector of Burchard”), chapter 5 (PL 140:971). On the history of the idea of the werewolf, see Jacob Grimm, *Teutonic Mythology*, trans. James Stallybrass (London: George Bell & Sons, 1883–88; repr., New York: Dover, 1966), 3:1093–97; and Willem de Blécourt, ed., *Werewolf Histories* (London: Palgrave Macmillan, 2015). For the legal denunciation of criminals as wolves [*wargi*] in German law, see Katherine Drew, *The Laws of the Salian Franks* (Philadelphia: University of Pennsylvania Press, 1991), p. 118.

²⁹ LW 41:278, 358, 367, 370.

³⁰ Luther offers a second response to Arguments 1, 6, 9, 11, 15, and 19, below, pp. 592, 599, 600, 601–2, 604–5, 607–11. He is noted in the manuscripts or by the WA editors as the primary respondent for Arguments 4, 10, 10A, 12–14, 16–18, 20–27, and 29–35, below, pp. 593, 600, 601, 602–4, 605–7, 611–18, 618–24.

³¹ Jonas offers Arguments 25–27, below, pp. 614–18; and Cruciger, Arguments 30–31, below, pp. 619–20. On Jonas, see above, p. 286 n. 13; on Cruciger, see above, p. 285 n. 4.

³² See especially the catalogs of papal claims in *Why the Books of the Pope and His Disciples Were Burned* (1520), LW 31:383–95, and *The Keys* (1530), LW 40:353–55.

³³ See below, pp. 593–97.

Luther's German works (WA 39/2:55–57, 60–62, 64–66, 75–77, cited here as Relation B^G).

The theses were translated by G. Brent McGuire and the disputation by James L. Langebartels. The final revision of the translation and the annotations are the responsibility of the editor.

C. B. B.

THESES FOR DISPUTATION
ON THE THREE HIERARCHIES: ECCLESIASTICAL,
POLITICAL, AND OECONOMIC,
AND THAT THE POPE DOES NOT BELONG TO ANY
OF THESE BUT IS THE OPEN ENEMY OF ALL⁶⁵

Theses to Be Discussed in Circular Disputation
Mart[in] Luth[er]⁶⁶

1. The Lord, by the very fact that He teaches [us] to sell and to leave everything [Matt. 19:21], concedes—indeed, commands—that [we] should acquire and possess all things.

2. For you cannot sell or leave anything except what you have justly acquired and possessed.

3. Otherwise it should have been said that all things should be “repaid” or “restored,” as things that are stolen, seized, and illegitimate.

4. It is manifest that it is commanded in the Second Table of the Law⁶⁷ to seek and possess all things when it says, “You shall not steal” [Exod. 20:15].

5. That is, you should have what is your own, not what belongs to someone else, or, as St. Paul says, “Let each one labor that he may have something to give to anyone in need” [Eph. 4:28].

6. And Paul sought to support himself by the work of his own hands and possessed his own property [Acts 18:3; 1 Cor. 4:12; 2 Thess. 3:7–8].

7. In the same way, when [God]⁶⁸ prohibits adultery, He compels [men] to have their own wives; as Paul says, “Let each one have his own wife” [1 Cor. 7:2].

⁶⁵ This title is given in the first printing of the initial seventy theses (with “Seventy” at the beginning). See the introduction above, p. 576 and n. 43 there.

⁶⁶ This title is given in the first printing of the expanded series of ninety-one theses. See the introduction above, p. 578. In Witt Lat 1 (1545), the title reads: “Disputation of the Reverend Father Dr. Martin Luther on the saying of Christ: ‘Go, sell, leave everything.’ 1540.” See the introduction above, pp. 576, 578–79.

⁶⁷ See the introduction above, p. 572.

⁶⁸ “God” is supplied as the subject in Relation G.

8. Now, it is certain that Christ did not come to dissolve the Law of the Second Table but rather to confirm it [Matt. 5:17].

9. He everywhere confirms both the civil authority and the laws of the state,⁶⁹ even in the presence of Pilate, saying, “It has been given to you from above” [John 19:11].

10. Therefore, it is heretical for the monks to think that the Gospel of Christ cannot be observed unless they defy the Second Table with their celibacy and poverty.

11. And it is hypocrisy and an outrageous lie for them to allege as an excuse that they are selling and leaving everything.

12. For they must live either from things given by others or from the things they themselves have acquired, as the facts and experience testify.

13. But as long as they are eating, drinking, wearing clothes, and living in a dwelling, they certainly are not selling or leaving everything but are possessing and using all things.

^l14. But [their claim] is a fine, beautiful fiction because they are living in idleness and security from the goods of others. And they make out “poverty,” or leaving everything, to be the same as “possessing in common.”

15. That is, they very sweetly⁷⁰ leave their own possessions (which are scant and uncertain), and in their place they receive the possessions of others (which are abundant and most certain).

16. Christ, however, says that we should sell and leave everything of our own—and much more, without a doubt, things belonging to others and things held in common.

17. Therefore, if they wish to leave and sell all things in the monastic sense, they ought to depart from this world [1 Cor. 5:10].

18. Indeed, it is necessary to depart to someplace where there is no living, eating, drinking, wearing of clothes, or dwelling so that they may thus truly leave everything.

19. For life—or the fact that you live, eat, drink, wear clothes; place, time, and similar things that you use—these are yours by the very fact that you use them.

20. But if they are not yours, then you are a thief or a robber, devouring the property of others and usurping it for your own.

21. Christ is speaking about leaving and selling everything on account of the First Table,⁷¹ or when confession of faith is at public issue.⁷²

⁶⁹ *magistratum et iura polittiae*. Instead of “civil authority . . . state,” Relation G has: “office of the [civil] authority and moral or secular law” [*dz ampt der Oberkeit, und sitliche oder Weltliche recht*].

⁷⁰ *suavissime*. Instead of these two words, Relation G has: “voluntarily and without necessity” [*williglich und on noth*].

⁷¹ See the introduction above, pp. 572–73.

⁷² *propter . . . confessionem et causam publicam fidei*. Relation G: *von der bekantnis und gemeiner des Glaubens sach bewegen*.

22. For when the First Table is at issue, that precious jewel of the kingdom of heaven must be held and bought;⁷³ the field must be sold; all things should be forsaken and lost [Matt. 13:45–46].

23. For then what you rightly have and possess in the Second Table for the sake of this life is to be cheerfully lost for the sake of the First Table, that is, [for the sake of] eternal life.

24. When the First Table or confession is not at issue, all things are to be procured, preserved, defended, administered.

25. For we are obliged to obey the Second Table, that is, to foster, nourish, preserve, and minister to our body and this life in accord with divine and natural right.

26. When the First Table or confession is not at issue, “if anyone does not provide for his own [household], he denies the faith and is worse than an unbeliever”⁷⁴ [1 Tim. 5:8]. And Christ [says], “What God has joined together, let no man rend asunder” [Matt. 19:6].

27. That is, by leaving his own people and selling his own things in this way, one both oversteps the Second Table and sins against the First Table at the same time.

28. Thus, on the other hand, anyone who, when God is at issue, does not say to himself, his own friends, [and] his own possessions: “I do not know you” [cf. Matt. 25:12], keeps neither the Law of the First Table nor that of the Second,

29. Because, contrary to God, he unjustly retains in the face of the call of the First Table what he possesses from God and justly possesses as the Second Table commands.

30.⁷⁵ When confession is not at stake, the Christian is a citizen of this world, obligated to do and to bear the things which are proper to his citizenship, in accordance with the Second Table.

31. Now, if a robber or a thief wishes to do violence against you or rob you because you are a Christian, here you must resist evil, if you wish to be a good⁷⁶ citizen of this world.

32. For just as the civil authority itself, of which you are a member, resists,⁷⁷ even so it commands you to resist⁷⁸ by virtue of the Second Table, which you are obliged to obey.

33. So if a robber on the road wishes to kill you on account of Christ, you ought to defend yourself, even if he must be killed.

⁷³ Relation G reverses the order of the verbs.

⁷⁴ Relation G: “than a Jew and heathen”

⁷⁵ Theses 30–35 were printed in a German translation (different from the 1546 German publication of Theses 1–70) as “Bedencken D. Mart. Luth. Aus derselben Disputation,” cited here as Relation G². See the introduction above, p. 578.

⁷⁶ Relation G² adds: “and pious”

⁷⁷ Relation G² adds: “injustice”

⁷⁸ Relation G² adds: “unjust violence”

34. Because you know that the civil authority has commanded that robbers are to be resisted and that its citizens⁷⁹ are to be defended, you are, therefore, obeying the First as well as the Second Table.

35. Do not worry if he puts forward Christ, that is, the First Table, as a pretext, since it is certain that it is not for Christ's sake but for the sake of your possessions that he is seeking to kill you.

36. But if the civil authority⁸⁰—whether secular or falsely Christian⁸¹—persecutes you on account of Christ, all things are to be left, sold, lost.

37. For the civil authority⁸² is not a robber or thief seizing your body, wife, children, and private possessions, but it defends all these things against thieves and robbers.

38. Therefore, the civil authorities, whether secular or godless,⁸³ are not against us, but with us and for us in the Second Table.

39. In sum, the civil authority, of whatever sort it may be, commands that peace is always and everywhere to be preserved among its subjects, of whatever religion they may be.

40. Therefore, it is not permitted to private persons, of whatever condition they may be, to make commandments nor to exercise private force when this peace exists;⁸⁴ instead, they must call upon the civil authority.

41. On the other hand, godless civil authorities want to seem to be doing what they do for the sake of religion, that is, for the sake of the First Table.

42. Here, if [the civil authorities] refuse to be better informed, the teaching of Christ has a place: Go, sell, abandon, give up, lose all things, even life itself.

43. Because beyond the kingdom of this world there is no other, higher kingdom to stand for us against this kingdom except the⁸⁵ eternal kingdom of God,

44. So⁸⁶ under a civil authority that prohibits evil we are obliged to obey: not to bear but to resist evil by virtue of the Second Table.

45. But a civil authority which⁸⁷ imposes evil for the sake of the First Table (for it can have no other motive) ought not to be resisted

⁷⁹ Relation G² adds: “and subjects”

⁸⁰ Instead of these two words, Relation G has: “power of the [civil] authority” [*der gewalt der Oberkeit*].

⁸¹ *prophanus sive male christianus*. Relation G: *Weltlich oder sonst nicht Christlich*.

⁸² Instead of these two words, Relation G has: “power of the [civil] authority” [*der gewalt der Oberkeit*].

⁸³ *prophani sive impii*. Instead of these three words, Relation G has: “unbelieving or hostile to the faith” [*ongleubig, oder des Glaubens feind*].

⁸⁴ *hac pace*. Relation G: *nach dem der frieden auffgelegt ist*.

⁸⁵ Relation G adds: “mighty” [*gewaltig*].

⁸⁶ Relation G adds: “as said above”; see above, Thesis 32, p. 582.

⁸⁷ Relation G adds: “itself”

ARGUMENT 4¹⁵⁸

Whoever does everything in accordance with his own will without laws is a tyrant. The pope does everything in accordance with his own will [cf. Dan. 11:16]. Therefore, the pope is a tyrant. The pope has not been appointed by natural law or by divine Law.

Dr. M[artin] L[uther]: I respond to the major [premise]: A tyrant is [such] because of the way in which he is appointed. The pope, however, has a kind of appointment, but that appointment is contrary to the law of nature.

† ANOTHER [ARGUMENT 4A]

The civil authority and princes should not be resisted (when they are making war);^c therefore, the pope should not [be resisted] either, because whoever resists a soldier or a duke who fights for the pope [is resisting the pope].

I respond: A duke should not be resisted if he is waging war legitimately, and neither should the pope. But that is not what he is doing. Neither is the pope a civil authority. (Those wars are a matter of brigandage.)^{c159}

[ARGUMENT 4B]

Arms should not be taken up against the civil authority. Emperors are taking up arms on behalf of the pope. (What I mean is that those who are defending him are civil authorities.)^c Therefore, (they should not be resisted).^c

Dr. M[artin] L[uther] (responds):^{c160} If the pope should be resisted, then all those (who defend [him])^c should be resisted. Now, emperors and dukes pretend to be defending (themselves),^{c161} but this is not actually so. The pope wants every soul subject to him, even in matters that are not at all legitimate. But I say that he is not to be obeyed because he is not a legitimate civil magistrate; on the contrary, the pope is the one who wants to deliver me over to hellfire. The definition of the pope is that the pope is the one who seeks all souls, even the entire human race without exception,¹⁶² that is, so that every soul should be placed under him and subjected to his blasphemies; and for his sake souls would even be damned (and go to hell).^{BC} Whoever wants all people to go to hell for the pope's sake is someone who must be killed. He (and) those who fight for him^B must be attacked by all of us and by each of us individually, even through rebellion¹⁶³—(if it cannot be done otherwise)^c—on account of his tyranny.¹⁶⁴ Who would be willing to be damned in eternity because of that wicked man? (Or who is willing to obey that wretched man, who has no authority?)^c

¹⁵⁸ Argument 4 is not found in Relation C.

¹⁵⁹ *Illis bellis est latrocinium*. Cf. Augustine's dictum in *City of God* 4.4 (PL 41:115; WSA 1/6:112; NPNF¹ 2:66) that “when justice is taken away, what are kingdoms but great acts of brigandage?”

¹⁶⁰ This response is included in German in Relation B^c.

¹⁶¹ Relation A: “the pope”

¹⁶² *positive*

¹⁶³ *seditionem*

¹⁶⁴ Relation A (margin): “The pope is to be resisted even by rebellion.”

The emperor has the authority to destroy the body [cf. Matt. 10:28]. (I obey the emperor of necessity);^C (I ought to yield my life to the emperor, but not my soul.)^B The pope is not satisfied (with the body),^C but wants to close heaven to me after my death so that I go down to hell. For¹⁶⁵ this is what he says in the decrees: “If the pope should bring innumerable souls down into hell, (no one)^B should ask him: ‘Why are you doing this?’” [cf. Eccl. 8:4].¹⁶⁶ And the following utterly godless decrees are similar: that “the thrones¹⁶⁷ of all those who judge [receive] their authority from the Roman Church.”¹⁶⁸ Likewise, that he refuses to be judged by anyone.¹⁶⁹ (No council or human being)^B (in the world)^C (is allowed to judge him.)^{B170} (This statement is so blasphemous and damnable that it is horrible to read.)^C Likewise, that Holy Scripture has its authority from him (and not he from Scripture); that blasphemy is confirmed by the great asses who say that the Church is over Holy Scripture and that he [the pope] is not from the Church.¹⁷¹ We must oppose those decrees which assert that the pope does not have his authority from Scripture, but Scripture from him. These, too, must be resisted. (I should not give consent to them and so be lost to hell.)^C

Therefore, this is the greatest ([and most] horrible)^B blasphemy, which we ought to drive away, individually and alone, even through rebellion. If I am the only one able to raise a rebellion, I should do it. To die eternally is too much. It is enough to suffer bodily, but to go down to hell! At this point each one ought to resist with body and all powers against the pope, who is not satisfied that I should lose bodily things. If not the emperors, then (the kings),^B the dukes,¹⁷² or else¹⁷³ it is necessary for all the people (to take action)^{BC} to resist him, (and each individual is obliged to slay him by any means [possible]).^C Who thinks it right that I should be killed by the pope, driven away from my wife, my children, my property, damned for eternity, and sent to hell? Here everyone should

¹⁶⁵ Relation A (margin): “The pope’s blasphemy.”

¹⁶⁶ Gratian, *Decretum* D 40 c. 6 (Friedberg 1:146); cf. Luther, *Why the Books of the Pope and His Disciples Were Burned* (1520), LW 31:386, 393; *The Keys* (1530), LW 40:355.

¹⁶⁷ Reading *throni* with the parallel citations in Luther (see the following note) for *theoriam* in Relation A.

¹⁶⁸ Luther repeatedly cites this as a maxim from canon law under the tag *iudicantium throni*—see *Open Letter to Pope Leo X* (1520), LW 31:342; *Response to Catharinus* (1521), WA 7:771 (LW 71); *The Keys* (1530), LW 40:355—but an exact source could not be found. Cf. Gratian, *Decretum* 1 d. 96 c. 11 (Friedberg 1:341).

¹⁶⁹ Gratian, *Decretum* 1 d. 40 c. 6 and 2 C. 9 q. 3 c. 17 (Friedberg 1:146, 611); Gregory VII, *Dictatus papae*, no. 19 (in Tierney, *Crisis of Church and State*, p. 50); cf. Luther, *Why the Books of the Pope and His Disciples Were Burned* (1520), LW 31:386–87.

¹⁷⁰ Cf. Gregory IX, *Decretals* 1.6.4 (Friedberg 2:50); Luther, *Explanation of the Thirteenth Thesis on the Authority of the Pope* (1519), WA 2:216 (LW 71); *Why the Books of the Pope and His Disciples Were Burned* (1520), LW 31:385.

¹⁷¹ See above, p. 591 and n. 152 there.

¹⁷² Relation B^C adds: “the Turks.”

¹⁷³ Instead of the start of the sentence to this point, Relation C has: “Because there is no civil authority, then”

struggle with his body and [all] bodily strength. No! Before I would (abandon my God [and])^C let my soul go to hell, I will first strive with everything I have to raise a rebellion.¹⁷⁴ For we ought to avenge that blasphemy [even] individually and alone.

Thus the pope wants to live without law, something which no tyrant does, nor the Turk, who only¹⁷⁵ seeks dominion over bodies (and our goods).^C The Turk is also an *arctolucos*,¹⁷⁶ but less fierce.¹⁷⁷ Indeed, the [Tur]k is . . . enou[gh] . . .¹⁷⁸ and has his Mohammed, yet is subject to him [and] directed by his laws,¹⁷⁹ and he exercises dominion over the body. But the pope chiefly destroys souls, seeks souls. He simply wants to strip us of our Christ and eternal life; (he wants to destroy our souls for his sake, for he himself is without laws).^C What he means to say is that “we refuse to be subject to the laws or to be governed by either divine or natural (or civil)^B right,” but that he does everything “from the shrine of his heart.”¹⁸⁰ It is horrible how much he even condemns God and Scripture. All knees are supposed to be subject to that monster. No such monster has ever been (found in the world, who refuses to be under God but wants to be above God).^C Heretics sin greatly and are also (wicked)^{BC} monsters and wolves who fight against Scripture in part. Tyrants also sin¹⁸¹ in large part (against the laws),^C but it is nothing like the sin of the pope. He is not only heedless of the government and invasion of the emperor,¹⁸² but he is even worshiped. If he destroys all human beings, he is even praised as just. We will suffer bodily [when] he afflicts us, and we will abandon our property and goods and willingly, but we refuse to do likewise with the souls which the pope attacks; we will not give them up. A tyrant takes the body but leaves the soul; the one who as the vicar of Christ has the title of Christ takes for himself those pure [bodies],¹⁸³ (and in the same way he snatches the souls of the nations),^C which is the chief evil in the papacy: first, that he snatches souls and afterward bodies, (kingdoms, households).^{C184} And, finally, he lays down (and alters)^C laws about women, etc., (as he wishes).^C As he says, “We have laid down these laws, (but it lies in our choice to change them when we wish).”^C It is most pestilential of all when he says in his decretals: “Our

¹⁷⁴ This sentence is recorded in German.

¹⁷⁵ Relation C: “chiefly”

¹⁷⁶ ἀρκτόλυκος. See above, Thesis 58, p. 585 and n. 108 there.

¹⁷⁷ *mitior*. Relation A (margin): “The Turk is less fierce than the pope.”

¹⁷⁸ Relation A has two gaps: *Est quidem sat . . . cus . . .*

¹⁷⁹ Instead of “and has his Mohammed . . . his laws,” Relation C has: “is subject to laws and is directed by the laws and writings of Mohammed.”

¹⁸⁰ See above, p. 512 n. 12; cf. *Why the Books of the Pope and His Disciples Were Burned* (1520), LW 31:385.

¹⁸¹ Relation C: “fight”

¹⁸² Perhaps a specific reference to the sack of Rome by imperial troops in 1527. See André Chastel, *The Sack of Rome, 1527* (Princeton: Princeton University Press, 1983).

¹⁸³ Relation A: *illa tura* [sic]; reading instead *illa pura* with Relation C.

¹⁸⁴ Relation A (margin): “The twofold evil of the pope.”

judgments, even when they are unjust, must be feared and ought to be adored.”¹⁸⁵ That is: “We are not subject to the laws, but live at our own whim.” Hey! What is that supposed to mean?¹⁸⁶ Who can endure this blasphemy: that unjust judgments are to be adored? “We have laid down unjust judgments, and you ought to adore them regardless!” (No heretic or tyrant says such things.)^C Who can yield at this point? Who would not much more run to attack that pestilential monster? There is no [other] monster like this in the whole world, who is supposed to be far above God. Nevertheless, there are other wolves. But they are not as careless and as cruel as this wolf and brutish beast. We willingly abandon our bodies, but by no means [will we abandon] the soul. To sum up: these are blasphemies which the human heart cannot comprehend. This is the positive definition [of the pope]: He is the sort of monster who is supposed to be the master of the globe. So the pope by definition is the sort of monster¹⁸⁷ who pretends that he possesses imperial rule over the world, (calling himself lord of lords)^B—even though that is blasphemy, because he does not have any civil authority or imperial rule—nor is he the master of the globe (although on this point we could tolerate his blasphemy); nor is he a tyrant, who is in large part subject to the laws. Rather, he is an *arctolucos*¹⁸⁸ who dares to give us orders that for his sake we should destroy souls. (He is the devil, who wants his manifest blasphemy to be worshiped regardless of any laws. That is to say:)^B “I will set up a devil before your face, whom you will recognize [as a devil], whom you are to worship nonetheless.” (Shall we now worship the devil? No, we should rather die.)^B If you say, “I am not comfortable [with this],” he will destroy the body; he is not comfortable¹⁸⁹ unless you lose your soul! (For he says with his own voice that your soul is damned.)^B (That is too hard!)^C Therefore, I shall defend myself (if I can, even with the sword,) and will make no secret of it.¹⁹⁰ He wants us to worship [his] blasphemy because he says that our blasphemy [against him] is unjust. Yes, what devil has listened to him! To sum up: The pope is a far different kind of monster from a tyrant. I will oppose him as much as I can and may because he is not a prince, not a civil authority, not a tyrant, but the devil who snatches away our souls. If I were able, I would take on the devil with a sword, (even at the risk of my life. Do not suppose that the pope is one human being).^B The pope is not

¹⁸⁵ Gratian, *Decretum* 2 C. 11 q. 3 c. 27 (Friedberg 1:652), which applies the maxim to the sentence of any bishop, quoting Pope Gregory I, *Homilies on the Gospels* 2.26.5–6 (PL 76:1200–1201; CCSL 141:222–23; CF 123:205). Cf. Luther, *The Keys* (1530), LW 40:337–38; *Lectures on Galatians* (1531/1535), LW 27:110; sermon of October 31, 1537, WA 45:187–88; *Lectures on Genesis* (1535–45/1544–54), LW 3:349; *Table Talk* no. 5558 (1542), WA TR 5:240; *Abbildung des Papsttums* (1545), WA 54:364–65.

¹⁸⁶ This sentence (and the preceding interjection) are recorded in German.

¹⁸⁷ This portion (to the end of the response) is incorporated in German in Relation B^C.

¹⁸⁸ ἀρκτόλυκος

¹⁸⁹ *contentus* (here and previously in the sentence).

¹⁹⁰ This sentence is recorded in German.

merely a human being, but God and man mixed together.¹⁹¹ That is the way that the Papists, who belong to his sect, define him, and that correctly and truly. He is a “mixed God”—but taking “God” to mean “devil”: the one who gives us orders in order to destroy souls. Just as it is said that Christ is God and that Christ is God incarnate, so also the pope is the devil incarnate because he is against God. Therefore, it is necessary that the Antichrist be god—but the infernal god; (<[whereas Christ] is spiritual and heavenly).^c And it is true that in the last times false prophets will cling to that beast, as Paul says [1 Tim. 4:1]. I say these things (<for the sake of clarification>^c | so that you may think (<[and] speak>^c <far>^b differently about the pope <than about a tyrant,⊃>192 for he seeks soul and body like the devil,⊃>c and so that you may believe that the Last Day is at hand, which will destroy the beast (the Turk) and the monster (the pope).¹⁹³

ARGUMENT 5

(ON PRIVATE POSSESSION)^B

To have one’s own property is to possess gold and silver (or copper).^c But Christians have their own property, [yet] (they are not permitted to possess gold [cf. Matt. 10:9]).^c Therefore, etc.

I respond: Christians can possess gold and silver, but in such a way as they refer [such possession] to the First Table [of the Law].

¹⁹¹ The description of the pope as a “mixed god” [*deus mixtus*] or a “mixture of God and man” seems to have arisen in glosses and commentary on claims such as those of Pope Innocent III, *Sermon on the Consecration of a Pope* and *Letter to the Patriarch of Constantinople* (PL 217:657–58, 759; in Tierney, *Crisis of Church and State*, pp. 131–32), where he describes the pope as “a God of Pharaoh, set between God and man, lower than God but higher than man.” See also the *magister sacri palatii* Heinrich Kalteisen (ca. 1390–1465), *Consilium* (quoted in Werner Krämer, “Die wahre Representation auf dem Basler Konzil,” in *Der Begriff der Repraesentatio im Mittelalter*, ed. Albert Zimmermann [Berlin: de Gruyter, 1971], p. 209 n. 27): “Since he possesses heavenly judgment, [the pope] is greater than man and less than God, an earthly god and a heavenly man”; or Hieronymus Balbus, *Oratio . . . coram Adriano VI pont. max. habita* (Rome: Marcellus Silber, 1523), fol. C2v: “You were previously a divine man; now you have been made a human god.” Late medieval critics of the papacy ascribed the claim to the “glossators”: see John Hus, *Tractatus de ecclesia* 16 L (Thomson, p. 142; *The Church*, pp. 175–76); John Wycliffe (ca. 1320–84), *De Cristo et suo adversario anticristo* 15 (Rudolf Buddensieg, ed., *John Wyclif’s Polemical Works in Latin* [London: Trübner, 1883], 2:69). Luther made frequent reference to it elsewhere: see *Open Letter to Pope Leo X* (1520), LW 31:341 (where it is translated as “demigod”); *Labors on the Psalms* (1519–21), WA Ar 2:602 (WA 2:344 [LW 64]); *The Keys* (1530), LW 40:353; *Against the Roman Papacy* (1545), LW 41:339; preface to Barnes, *Lives of the Roman Pontiffs* (1536), LW 60:115; preface to *Legation of Pope Adrian VI* (1538), LW 60:190; *Table Talk* no. 3555 (1537), WA TR 3:407; no. 4487 (1539), LW 54:346; no. 3445 (n.d.), WA TR 3:319; cf. *Why the Books of the Pope and His Disciples Were Burned* (1520), LW 31:392.

¹⁹² Relation C adds a negation: “speak *no* differently about the pope than about a tyrant,” but Relation B and the sense of Relation A make clear that a contrast rather than a comparison is intended.

¹⁹³ Instead of “for he seeks soul and body” to the end of the sentence, Relation B has: “because he chiefly seeks the souls of the whole world, as the Turk seeks the bodies of the whole world, for [these] are the two beasts in the last times, upon which the Last Day shall follow.”