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LUTHER AND CALVIN ON THE STATE AND HERETICS

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A Thesis Presented to the Faculty  
of Concordia Seminary, St. Louis,  
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in partial fulfillment of the  
requirements for the degree of  
Bachelor of Divinity

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by

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June 1950

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## CHAPTER I

### THE STATE AND HERETICS IN THE MIDDLE AGES

The modern science of heredity has made men conscious of their ancestors. Many of the reasons why an individual is what he is today may be found by studying his parents and grandparents. In history it is equally important to trace the background of any person, event, or movement. The revelations of the scholarship devoted to the study of the young Luther are evidences of this. The problem of this paper also has a background. That background is the Middle Ages. Both Luther and Calvin were to some extent products of the Middle Ages. They both lived in the century when the medieval world was becoming the modern world. Much of their thinking had developed from the Middle Ages just as much as modern twentieth century man's thoughts have developed from the Reformation, the Renaissance, the Enlightenment, and the Industrial Revolution. To understand Luther and Calvin, the historian must try to understand the Middle Ages. To understand their views on the State the historian must study the medieval theories of the State. To understand what role Luther and Calvin assigned to the State in the punishment of heretics, the historian must know what the medieval theologians and political theo-

rists thought about the State and heretics.

By studying the medieval background of this problem several misconceptions are clarified from the outset. To the average person of today it is self-understood that the concept "State" meant to the man of the Reformation period exactly what the concept "State" means to most people today. Nothing could be farther from the truth. For Luther and Calvin, "State" meant only the functions of government viewed from one or more sides of communal living.<sup>1</sup> That was a heritage of medieval political theory. As Schwiebert points out, it is folly to think that Church and State had the same meaning in the Middle Ages as they have today.<sup>2</sup> In order to understand the views of Luther and Calvin on the State this introductory chapter will investigate medieval thought and action on the State and its role in the punishment of heretics.

Medieval theory concerning the State was grouped around two vital questions. What is the origin of the authority of the State? What is the relation of the State to the Church? During the Middle Ages there were many theories that dealt with the origin of the power of the State. But all of them could be grouped in two classes. One general

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<sup>1</sup>Hans Hausherr, "Der Staat in Calvins Gedankenwelt," Verein fuer Reformation Geschichte, CXXXVI (1923), 13.

<sup>2</sup>E. G. Schwiebert, "The Medieval Pattern in Luther's Views of the State," Church History, XII (June, 1943), 98.

theory was advanced by the Papacy and its supporters. According to this theory Charlemagne's coronation in the year 800 was the grant of authority to the emperor by the pope. By this act the pope was supposed to have transferred the imperial authority from the East to the West. Thus the power of the State, or the power of the emperor, (since the power of government lay in the imperial office) came from the hands of the pope. The corollary to this papal theory was that he who could bestow such imperial authority could also withdraw it.<sup>3</sup> This theory, advanced by the Papacy, persisted in the Holy Roman Empire. The idea that the emperor's authority was only complete after he had been crowned by the pope remained, at least in the popular mind, throughout the Middle Ages.<sup>4</sup>

This papal theory of the origin of the State's powers was violently contested by the emperor and the princes of the Middle Ages. They argued that their power was divine, and that they were responsible to God alone.<sup>5</sup> The Investiture Controversy between pope and emperor brought these two theories into conflict. Of the champions of the imperial theory Dante can be considered the foremost spokesman. He

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<sup>3</sup>W. A. Dunning, A History of Political Theories: Ancient and Medieval (New York: Macmillan, 1908), p. 175.

<sup>4</sup>Ibid., p. 143.

<sup>5</sup>Ibid., p. 177.

asserted that the power of the emperor was not derived from the pope, but directly from God.<sup>6</sup> Dante attacked the papal party with the thrust that the pope had received no power to bestow the imperial authority either from God, or the emperor, or from the majority of the human race.<sup>7</sup> Thus according to this theory, the origin of the power of the State was the bestowal of that authority by God without any mediator such as the pope or the Church. Both the papal and princely theories of the origin of the State's authority had their advocates during the late Middle Ages. But the rise of national states like England and France and the decline of the Papacy after 1300 gave increasing practical weight to the princely theory.

During the medieval period theories were just as strongly advanced concerning the relation of the State to the Church. These theories all centered around the dogma of the two powers.<sup>8</sup> The one power was the Ecclesia which had charge of men's souls. At the head of this organization with his potestas clavium was the pope. The other power was the Res publica which was to curb evil and protect God's children in this world. The emperor with his potestas gladii

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<sup>6</sup>Albert Hyma, Christianity and Politics (New York: Lippincott, 1938), p. 45.

<sup>7</sup>Dunning, op. cit., p. 233f.

<sup>8</sup>Ibid., p. 165.

was the visible head of this organization.<sup>9</sup> This dogma of the two powers has been traced back to Pope Gelasius who counsels Emperor Anastasius as follows in the year 494:

There are two systems under which chiefly this world is governed, the sacred authority of the priests and the royal power. Of these the greater weight is with the priests in so far as they will answer to the Lord even for kings in the last judgment.<sup>10</sup>

Theoretically there was no cause for conflict between the two powers. These were two separate systems, each having its own duties to perform. The same Pope Gelasius warns that ". . . he who has been involved in secular business should not be seen directing what is divine!"<sup>11</sup> But, as Dunning<sup>12</sup> points out, there was no clear cut definition as to what is secular and what is spiritual.

Later as the Church became more powerful, it asserted the pre-eminence over the State which Gelasius had advanced only in a general way. In this the respective functions of the two powers became the deciding factors. Because the Church was to save souls, it had a more important function than the State whose purpose was the regulation of mere

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<sup>9</sup>Schwiebert, op. cit., p. 100.

<sup>10</sup>Dunning, op. cit., p. 166.

<sup>11</sup>Ibid., p. 168.

<sup>12</sup>Ibid.

physical life.<sup>13</sup> The general superiority given to the Church had become more concrete. St. Bernard went a step further. He claimed that the Church has two swords. The spiritual sword the Church draws herself. The temporal sword she draws ". . . by the hand of the soldier, though at the suggestion (ad nutum) of the priest and the command of the emperor."<sup>14</sup> For Bernard the purely secular was beneath the dignity of the Church. Those menial duties necessary for the support and existence of the Church were to be done by the State.

Hence Church and State were to exist side by side but were also to cooperate with each other in complementary fashion. St. Bernard had called for the cooperation of the State in drawing the secular sword in behalf of the Church. The Church likewise was to complement the State. Since the State was composed of the sinful portion of the world, it could be helped to share in the heavenly spheres of the Godhead only by the Church.<sup>15</sup> The Conciliar theologians point out this complementary cooperation between State and Church very clearly. At the Council of Constance John Gerson even pointed out that the principles in government

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<sup>13</sup>Ibid., p. 170.

<sup>14</sup>Ibid., p. 184.

<sup>15</sup>Heinrich Hermelink, "Der Toleranzgedanke in Reformationszeitalter," Verein fuer Reformation Geschichte, XCVIII (1908), 42.

in Church and State are identical.<sup>16</sup> At Basel Nicholas of Cusa restated the old dogma of the two powers but added that the relation of each to the whole is the same.<sup>17</sup>

The medieval theories regarding the relation of the State to the Church did not develop overnight. There were many changes and even many objections. Already in Augustine there was a tendency to depreciate political authority and to exalt the spiritual.<sup>18</sup> Perhaps this was due to the early Christian's attitude toward the State.<sup>19</sup> Troeltsch believes that it was. According to him, the early Christians viewed the imperial power as coming directly from God. But as far as the Church was concerned, the imperial authority was limited since God Himself was incarnate in the Church. Augustine's views developed from these earlier traditions. Nevertheless the bishop of Hippo did view the State as an independent body which was to assist the Church in perfect harmony.<sup>20</sup>

The popes of the early Middle Ages built upon the views of Augustine. Gregory the Great claimed that "... the

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<sup>16</sup>Dunning, op. cit., p. 269.

<sup>17</sup>Ibid., p. 271.

<sup>18</sup>Ibid., p. 156.

<sup>19</sup>Ernest Troeltsch, The Social Teaching of the Christian Churches, translated by Olive Wyon (London: George Allen and Unwin, c.1949), I, 157.

<sup>20</sup>Hyma, op. cit., p. 14.

peace of the state depends on the peace of the universal church.'"<sup>21</sup> Pope Nicholas I followed Augustine's views almost exactly. While the two powers were independent, they were to assist each other to the greatest possible advantage. A significant addition made by Nicholas was that the civil rulers ought to seek the guidance of the spiritual rulers.<sup>22</sup> In his Decretum Gratian held that the decrees of princes do not take precedence but follow after the decrees of the Church.<sup>23</sup> This modified Augustinian view of the relation of the State to the Church continued until approximately 1100. In this early period of the Middle Ages State and Church existed side by side. Yet in interpreting Gelasius' dogma of the two powers, the Church had claimed a complimentary primacy. As far as the Church was concerned, the State, the product of man's fall into sin, was merely the executioner, the agent of divine wrath.<sup>24</sup>

The golden age of the Papacy in the twelfth and thirteenth centuries gave new slants to theories about Church and State. During the Investiture Controversy Gregory VII had claimed preeminence for the Church in spiritual matters.

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<sup>21</sup>Dunning, op. cit., p. 160.

<sup>22</sup>Hyma, op. cit., p. 29.

<sup>23</sup>Dunning, op. cit., p. 180.

<sup>24</sup>F. W. Bussell, Religious Thought and Heresy in the Middle Ages (London: Robert Scott, 1918), p. 856.

That was nothing new. But one hundred years later Pope Innocent III boldly asserted that all kings were the vassals of the pope. Since the pope was the Vicar of Christ he could make or depose kings at will. Under Innocent the Church had assumed some measure of political sovereignty.<sup>25</sup> And even after the Babylonian Captivity had checked the political ambitions of the Papacy, the papal party kept up its claims that rulers are subject to the pope in temporal matters.<sup>26</sup> The Church's widespread use of the Interdict at this time made the individual's obedience to the State theoretically dependent on whether the State lived in peace with the Church and carried out its commands.<sup>27</sup>

The critics of the Papacy during the Babylonian Captivity radically challenged the view that placed the Church on top in its relationship to the State. The Defensor Pacis of Marsilius of Padua is a good example of this criticism. Here the two powers were sharply delimited. Marsilius limited the Church's activity strictly to the spiritual sphere. Compulsion was therefore beyond the sphere of the Church. There only the State could operate. Marsilius' theory regarding the origin of the power of the State was also radical. The State rested on the sovereignty of the people.

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<sup>25</sup>Dunning, op. cit., p. 149.

<sup>26</sup>Ibid., p. 219.

<sup>27</sup>Hermelink, op. cit., p. 43.

Dunning holds that the Defensor Pacis upset the ancient pattern and made the priest the servant of the State. The theories of Marsilius of Padua gave support to the view advanced by emperor and princes that their power came directly from God.

The actual relationship between State and Church during the Middle Ages paralleled but did not always agree with these theories. During the early centuries no exact relationship between State and Church was established by the leading Christian writers. This is the opinion of Hyma, but he adds that ". . . in actual practice the State usually exercised powers claimed unsuccessfully by the Church."<sup>29</sup> Troeltsch substantiates this but makes it clear that despite these privileges which the State either assumed for itself or gave to the Church, there was no idea of a Christian State.<sup>30</sup> He gives two reasons for this. One is the detachment from the world that was a part of early Christian philosophy. The other is the influence exerted by the two parallel structures of the early centuries, the Church and the Roman Empire.<sup>31</sup> After the fall of Roman power in the West, the situation changed somewhat. The Church was

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<sup>28</sup>Dunning, op. cit., pp. 242-4.

<sup>29</sup>Hyma, op. cit., p. 16.

<sup>30</sup>Troeltsch, op. cit., p. 157.

<sup>31</sup>Ibid., p. 159.

the only actual authority left in the West. From this Bussell concludes that "Civil and churchly, secular and spiritual, were but different sides of the same State."<sup>32</sup>

Troeltsch does not agree. In the early Middle Ages

. . . the relation between Church and State was still obscure. The relationship between them only became clear when the Church was sufficiently able really to dominate and guide the Empire, and when she had a concrete idea of the way in which, with the aid of Imperial authority, the secular life could actually be woven in detail into the whole scheme of eternal salvation.<sup>33</sup>

Until well into the Middle Ages there was no exact relationship established between the State and the Church.

In the early Middle Ages the rise of Landeskirche affected the actual relations of the two powers.<sup>34</sup> Troeltsch points out that in Carolingian times the Landeskirche put an end temporarily to the aspirations of a Universal Church. At Charlemagne's time the Church in his territory was actually governed by him. According to Schwiebert<sup>35</sup> the German Eigenkirche, where the churches were considered the property of the nobles, antedate even Carolingian times. These Eigenkirche remained a common feature in the Empire even after the Investiture Controversy.<sup>36</sup> In the fifteenth

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<sup>32</sup>Bussell, op. cit., p. 651.

<sup>33</sup>Troeltsch, op. cit., p. 210.

<sup>34</sup>Ibid., pp. 215-7.

<sup>35</sup>Schwiebert, op. cit., pp. 101-7.

<sup>36</sup>Ibid., p. 103.

century, Landeskirche after the Carolingian pattern were again being formed in Austria, Brandenburg, and the Palatinate.<sup>37</sup> In countries where the peculiarities of the Landeskirche or the Eigenkirche existed the Church was under the control of the State.

The question of the actual relationship between the State and the Church after the year 900 is much disputed. Before that time there is little disagreement among the scholars.<sup>38</sup> But after the tenth century Troeltsch<sup>39</sup> holds that the conception of a Universal Church arose once more against the principles of the Territorial Church. That there was such a revival after Gregory VII can hardly be denied.<sup>40</sup> Troeltsch, however, goes on forcibly to maintain that a corpus Christianum, a Christian civilization made up of a temporal spiritual organism, finally was achieved in the Middle Ages. This was brought about through the pressure of historical events - the established state support for the Church, the privileges achieved by the ecclesiastics, and state interference in spiritual matters. Bussell<sup>41</sup> and Schwiebert<sup>42</sup> agree with Troeltsch. However,

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<sup>37</sup>Ibid., p. 105.

<sup>38</sup>Troeltsch, op. cit., p. 212.

<sup>39</sup>Ibid., p. 223.

<sup>40</sup>Ibid., pp. 206-10.

<sup>41</sup>Bussell, op. cit., p. 727.

<sup>42</sup>Schwiebert, op. cit., p. 100

<sup>43</sup>Bussell does not go farther than to say that this "theory" of mankind as an organism needing temporal and spiritual rulers was widely held during the Middle Ages. Schwiebert<sup>44</sup> goes farther along with Troeltsch. He says that Church and State in the Middle Ages were not separate entities within the Christian commonwealth. They were merely separate Brennpunkte within the larger pattern.

<sup>45</sup>Karl Holl is emphatic in rejecting Troeltsch's conclusions. He has checked the Medieval sources and concludes that the expressions societas christiana or corpus christianum are only used as synonyms for corpus mysticum, the Church, never for a temporal-spiritual organism. From the history of the Middle Ages Holl points out that even in the bull Unam Sanctam the one power was subjected to the other. And on the other extreme in the Defensor Pacis Marsilius of Padua proceeds from the societas humana to the State and from the communio fidelium to the Church. Surely there is no Einheit here.<sup>46</sup> Bergendoff agrees with Holl as far as the lack of unity in the Empire was concerned.<sup>47</sup> He calls such unity ". . . a fiction before Luther's time."

<sup>43</sup>Bussell, op. cit., p. 727.

<sup>44</sup>Schwiebert, op. cit., p. 100.

<sup>45</sup>Karl Holl, Gesammelte Aufsätze zur Kirchengeschichte (Tuebingen: J. C. B. Mohr, 1932), I, 341.

<sup>46</sup>Ibid., p. 542.

<sup>47</sup>Conrad Bergendoff, "Church and State in the Reformation Period," Lutheran Church Quarterly, III (January, 1930), 39.

The same author sums up the controversy between Troeltsch and Holl. There was an ideal of one society that shone through in the Middle Ages. But it was not a Christian society. It was the one society of baptized Christians in the Church.<sup>48</sup> Still the efforts of men to stem Rome's theory that the spiritual was superior to the temporal were only high points. Bergendoff adds the following:

. . . so long as Europe conceded that the Bishop of Rome had the keys of heaven and earth the power of the princes was at the mercy of the real or imagined authority of Rome.<sup>49</sup>

The actual relations that existed between the State and the Church in the Middle Ages had very practical results in determining the role that the State should play in this relationship. Charlemagne was the energetic ruler who set the pace for succeeding generations. In his own territory Charlemagne put himself at the head of the Church. Consequently there was much overlapping between Church and State. The imperial laws contained many ecclesiastical measures, and civil prosecution followed violation of Church laws. In return, failure to abide by the civil law was followed by ecclesiastical censure.<sup>50</sup> Charlemagne looked upon himself as the defender of the Church and its humble assistant.

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<sup>48</sup>Ibid., p. 36f.

<sup>49</sup>Bergendoff, op. cit., p. 47.

<sup>50</sup>Hyma, op. cit., p. 26f.

As leader of the temporal power he would furnish the weapons for the defence of the Church. In a letter to Pope Leo III, Charlemagne states his view of the role of the State over against the Church as follows: "It is our joint task to defend the Holy Church against the heathen and the unbelievers with weapons and with the assistance of the divine goodness."<sup>51</sup>

This Carolingian conception of the State was the view adopted by the Middle Ages. Kings everywhere admitted that they ought to protect and promote the welfare of the Church and its priesthood.<sup>52</sup> This view was enhanced by the princely theory of the origin of the State's powers and by the rise of the Landeskirche. On the other side, the Church began to demand from the State the protection and support that Charlemagne had freely offered. The spokesmen of the Church harked back to a dictum of Ambrose where he claims that the Church is entitled to protection from the State.<sup>53</sup> But according to medieval political theory the State played an essentially negative role in society.<sup>54</sup> According to William of Occam its chief function was the punishment of

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<sup>51</sup>  
Ibid., p. 26.

<sup>52</sup>Dunning, op. cit., pp. 172 and 177.

<sup>53</sup>Hyma, op. cit., p. 22, refers to Ambrose's treatise Ad Constantium Augustum.

<sup>54</sup>Schwiebert, op. cit., p. 100

offenders.<sup>55</sup> So also in protecting and defending the Church, the State continued to play this negative role. John of Salisbury stated:

The prince, therefore, is indeed the servant (minister) of the priesthood, and performs the part of the sacred duties which seems unworthy of the hands of the priesthood. For while every duty of the divine laws is religious and holy, nevertheless that of punishing crimes is inferior.<sup>56</sup>

An incident from the history of the Middle Ages that shows how emphatically the Church demanded such protection from the State occurred in the year 1400. In that year Emperor Wenceslas was deposed by the electors. The primary reason given for that action by the Elector-Archbishop of Mainz was that the emperor had neglected to maintain peace in the Church.<sup>57</sup>

This role of the State as the protector and defender of the Church was carried to still greater lengths. St. Augustine had held ". . . that the highest and greatest law in the state was the commandment of God."<sup>58</sup> If this was so, (and both Church and State agreed that it was), then could follow the positive assertion of Thomas Aquinas to this effect: The king is supreme in temporal affairs, but these

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<sup>55</sup>Dunning, op. cit., p. 247.

<sup>56</sup>Ibid., p. 185.

<sup>57</sup>Hyma, op. cit., p. 88.

<sup>58</sup>Ibid., p. 14.

must be directed to a higher end, the virtuous life that attains the enjoyment of God.<sup>59</sup> To do this, the State had to support the Church, since the Church alone was able to direct and help man attain the enjoyment of God. The State, in the last analysis, only justified its existence if it placed itself in the right relationship to the Church.<sup>60</sup>

Troeltsch amplifies this in the following manner:

In all secular matters both the laity and the clergy must obey the Emperor, but in all spiritual things . . . the law of God is paramount. Indeed the secular Imperial power is only considered as divinely justified to the extent in which it is purified and hallowed by service to the Church and submission to her authority.<sup>61</sup>

If the State was to act as the protector and defender of the Church, it would certainly play an important role in the punishment of heretics. The medieval State did have much to do with heretics. Just what the State's role was in the punishment of heretics can be determined only against the background of history. As soon as the Christian religion became the state religion of the Roman Empire, the State began to deal with heretics. The early Church councils passed upon questions of creed and organization, but the imperial authorities executed the decrees against the recurring heresies.<sup>62</sup> Constantine undertook this policy

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<sup>59</sup>Dunning, op. cit., p. 205.

<sup>60</sup>Hermelink, op. cit., p. 43.

<sup>61</sup>Troeltsch, op. cit., p. 157.

<sup>62</sup>Dunning, op. cit., p. 133.

already after Nicea. And after the Second Ecumenical Council the edicts of Theodosius the Great against the Arian heretics were enacted. These laws later passed into the Justinian Code and became the law of the Empire. The medi-<sup>63</sup>eval persecution of heretics by the State had begun. Dur-<sup>64</sup>ing the Dark Ages Bussell points out that there was no trace of coercive policy on the part of the Church. It was always the State who punished the heretics. Even in the West where the Church had succeeded to the functions of government, it had no coercive policy with regard to here-<sup>65</sup>tics.

Beginning with the year 1000 there was a change in the<sup>66</sup> policy toward heretics. Yet according to Bussell there was no consistent policy for the next two hundred years. Theodosius, the bishop of Liege (c. 1050), was the only bishop of his age who demanded that heretics be punished severely. Most of the heretics were burned by the State or by incensed mobs with many bishops risking their lives to plead mercy for the heretics. The bishops were not clearly linked with the coercive policy of the State against heretics until about the year 1200. No doubt the Crusades

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<sup>63</sup>Philip Schaff, History of the Christian Church (New York: Scribners, 1923), VII, 695-9.

<sup>64</sup>Bussell, op. cit., p. 740.

<sup>65</sup>Ibid., p. 653.

<sup>66</sup>Ibid., p. 740f.

had some influence here. If the Church could call upon the State to rout the Infidels, it could also work with the State in punishing the heretics within the Church's borders.

After the Council of Tours (1163) had suggested the definite penalties of imprisonment and confiscation for heretics, there was a more vigorous action against heretics on the part of the Church. After 1167 the trials of heretics were to follow canonic sanctions. The real formulation of this policy came with Innocent III and his appeals to the temporal powers for support in the Church's Crusade against the Albigenses. Between 1220 and 1230 Emperor Frederick II enacted the death penalty, banishment, and confiscation of property as penalties against heretics. <sup>67</sup> Thomas Aquinas exemplified the thinking of the Middle Ages on heresy and its punishment. The Church was to first use excommunication against a heretic but "If excommunication did not prove sufficient, he was to be delivered to the secular powers with the recommendation that he be executed."<sup>68</sup>

What were the theories of persecution in the Middle Ages that put men to death for their beliefs? These theo-

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<sup>67</sup>Ibid., p. 741f.

<sup>68</sup>Hyma, op. cit., p. 42. The quotation is from Aquinas' Summa, II, II, Quest. XI, Art. 3.

ries began in the ancient Church with Jerome and Augustine. At first Augustine had denied that force should be used where the Church is concerned. But in the Donatist Controversy he had frankly rejoiced that the heresy had been stamped out by imperial decree. In justifying secular intervention to punish heretics Augustine laid the foundation for all future apologetics for such action.

If we were to see one of our enemies transported by a fever, and running toward a precipice in the attempt of hurling himself down into the abyss below, would it be right for us to repay evil with evil, and let him be destroyed thus?<sup>69</sup>

Jerome had the same view, but added that ". . . putrid members of the body ought to be cut off, and scabby sheep removed from the flock, lest the whole body or the whole flock become contaminated."<sup>70</sup> Thus heretics were to be punished temporally for their own good and for the good of the Church. On the one hand, the medieval mind was thoroughly roused by a sincere desire to save souls eternally by exacting punishments in time. On the other hand, the Church as an institution and organization felt that it had to protect itself from the gangrenous false doctrine which invaded the ranks of the faithful from time to time.<sup>71</sup>

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<sup>69</sup>Ibid., p. 18.

<sup>70</sup>Ibid., p. 42. This argument of Jerome is also quoted by Aquinas.

<sup>71</sup>Bussell, op. cit., p. 742 and p. 752.

A new element was added to this theory of persecution in the thirteenth century when the death penalty for heretics was demanded by the Church. Then, as Bainton<sup>72</sup> shows, a magnifying of the enormity of heresy was necessary. Heresy became worse than treason since it offended the eternal majesty of God. A feudalization of the concept of heresy had taken place in the days of Innocent III and Frederick II. As disloyalty to a noble by a vassal was strictly accountable, so surely was disloyalty to God Almighty even more accountable. Heresy had become the worst form of treason. Bussell<sup>73</sup> maintains that this development was a result of panic. The supreme duty was toward the church-state that now was menaced by the poison of the Albigensian heresy. Ignoring Bussell's implications of a united Christendom<sup>74</sup>, there still remains the basic reason for the punishment of heretics. Heretics must be punished for the sake of the welfare of the Church.

The Parable of the Tares (Matt. 13: 24-30) played a very important part in the development of the medieval

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<sup>72</sup>Concerning Heretics: Whether they are to be Persecuted and how they are to be Treated. A collection of the Opinions of learned Men both Ancient and Modern. Anonymous Work attributed to Sebastian Castellio, translated by Roland H. Bainton (New York: Columbia University Press, 1935), introduction, p. 29.

<sup>73</sup>Bussell, op. cit., p. 745.

<sup>74</sup>Supra, p. 13, for the views of Karl Holl.

theories of persecution. Bainton<sup>75</sup> has studied this question very carefully. In general there were two interpretations of this parable of Jesus current in the Middle Ages. The first view regarded the Tares as moral offenders within the Church who should not be expelled. The proponents of this view, in Bainton's opinion, believed that the Church was the ark of salvation outside of which there was no salvation. Therefore heretics can and should be forced to come within the Church. The State was to be the Church's coercive arm in doing this. The second view regarded the Tares as heretics outside the Church who should not be compelled to come into the Church. The proponents of this view regarded the Church as a community of saints who should separate themselves from the world. According to these men only moral offenders within the Church should be expelled by the State. There were many in the ancient Church who held that the Tares are heretics and therefore should not be persecuted. Tertullian held this view. "It is not in the nature of religion to coerce religion which must be adopted freely and not by force."<sup>76</sup> Chrysostom thought along similar lines. He gave two reasons for not

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<sup>75</sup>Roland H. Bainton, "The Parable of the Tares as the Proof-text for Religious Liberty to the End of the 16. Century," Church History, I (June, 1932), 67-75.

<sup>76</sup>Bainton, op. cit., p. 71, quoted from The Ante Nicene Fathers, III, 598.

putting a heretic to death. First, because a real Christian might be punished. Secondly, because the heretic will be punished by God at the proper time. But he adds, Christ

. . . does not therefore forbid us to restrain heretics, to stop their mouths, to take away their freedom of speech, to break up their assemblies and societies, He forbids us merely to kill and slay.<sup>77</sup>

During the Middle Ages there were at least two men who agreed with Tertullian and Chrysostom. In the East Theodore Studita (born in 759) stated: "The rulers of bodies may punish those who are convicted in the body but not those who have offended in the soul, for this belongs to the rulers of souls. . ."<sup>78</sup> In the West Wazo, Prince-Bishop of Lueck, voiced the position as late as 1048 that ecclesiastics had no right to use the secular sword against schismatics. They should be content with their powers of excommunication.<sup>79</sup>

The other view that the Tares were moral offenders was championed by Callistus (bishop of Rome from 217-222), Cyprian, Jerome, and Augustine.<sup>80</sup> All of them therefore

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<sup>77</sup>Ibid., p. 72, quoted from Post Nicene Fathers, X,

<sup>78</sup>Ibid., p. 73, quoted from EP. Lib., II, CLV, Migne P.G. 99, 1482-6.

<sup>79</sup>Ibid., p. 75, quoted from Paul Frederico, Corpus Documentorum Inquisitionis haereticae pravitatis Neerlandicae (Gent and's Gravenhage, 1889) I, 6-7.

<sup>80</sup>Ibid., pp. 68-71.

left room for the persecution of heretics as not being contrary to Jesus injunction, "Let both grow together until the harvest." Thomas Aquinas records both Chrysostom's and Augustine's interpretation of the Parable of the Tares without comment. But he adds Augustine's advice (which Bainton<sup>81</sup> claims Thomas tore from the context) that the tares may be rooted out if the tares are easy to distinguish and the wheat firmly established. Augustine was talking about moral delinquents, but Aquinas refers his words to heretics. Bainton comments, "The theory of the Middle Ages was complete."<sup>82</sup>

The State's role in the punishment of heretics stemmed from the current theories and practices of the Middle Ages. The reasoning was simple. Whoever separated himself from the faith and organization of the Church was a heretic. The Church punished such a man with excommunication so that no one could associate with him. But because the heretic was a potential threat to the Church, the State as the protector and defender of the Church stepped into the picture. The State must see to it that no one could associate with the heretic. The death penalty was the

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<sup>81</sup>Ibid., p. 76. The reference to Aquinas is from Sancti Thomae Doctoris Angelici Opera Omnia, (Rome, 1895), VIII, 88-9.

<sup>82</sup>Ibid.

result.<sup>83</sup> Thus the old maxim still stood. Ecclesia non  
sitit sanguinem. The Church did not stain its hands with  
 the blood of heretics. It handed them over to the secular  
 power which exacted the death penalty.<sup>84</sup>

But there was one specific reason why the State of  
 its own accord often intervened in persecuting heretics.  
 Heresy was commonly considered a crime against the State.  
 Already in the fourth and fifth centuries offenses against  
 the Church were regarded as offenses against the State.  
 For that reason the early statutes against heresy were en-  
 acted. This attitude remained in the Middle Ages. Strik-  
 ing at the Church was striking at the State.<sup>85</sup> Bussell  
 believes that it was the old apprehensive policy of the  
 Roman Empire against any unrecognized faith or usage that  
 prompted the persecution of the Cathari in the Middle Ages.  
 Heresy as a social evil that struck at the State is just  
 another side of this viewpoint. The Lollards in England  
 were persecuted under Richard II because it was thought  
 that they menaced the entire social structure. Bussell  
 sounds this warning: "The social aspect of heresy or schism  
 must never be forgotten in dealing with medieval persecu-

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<sup>83</sup>Hermelink, op. cit., p. 43f.

<sup>84</sup>Schaff, op. cit., p. 695.

<sup>85</sup>Bussell, op. cit., p. 736.

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tion."

The stage is now set for the discussion of the views of Luther and Calvin on the State and its role in the punishment of heretics. The Middle Ages was by no means consistent in its theories of the State, of the State's relation toward the Church, of the State's duty toward heretics. But this is clear. The Church demanded, and for the most part received, protection from the State. And the State finally gave that protection by acting as the secular arm of the Church in the punishment and persecution of heretics.

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<sup>86</sup>Ibid., p. 866.

## CHAPTER II

### LUTHER ON THE STATE

Martin Luther had very definite ideas with regard to the State. This chapter will endeavor to synthesize these ideas as a backdrop for the role Luther assigned to the State in the punishment of heretics. First, however, Luther's views on the State will be related to those of the Middle Ages. Some historians have held that Luther accepted the ecclesiastical-political heritage of the Middle Ages almost in toto.<sup>1</sup> Holl<sup>2</sup> treats this judgment rather extensively. According to him, the German historians Sohm and Rieker believed that Luther held the larger concept of a Christendom, a corpus christianum, such as Troeltsch argues had emerged in the Middle Ages. This Christendom has the two swords, temporal and spiritual. Each rules Christendom in its own way with its own power. Therefore these men would say that Luther held a reformed Medieval view of the State. Boehmer<sup>3</sup> seems to hold this same position. He emphasizes, however, that Luther knew nothing of the expressions "State" and "society". The State in the modern sense simply did not exist in the Germany of

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<sup>1</sup>E. G. Schwiebert, "The Medieval Pattern in Luther's Views of the State," Church History, XII (June, 1943), 101.

<sup>2</sup>Karl Holl, Gesammelte Aufsätze zur Kirchengeschichte (Tuebingen: J. C. B. Mohr, 1932), I, 340.

<sup>3</sup>Henrich Boehmer, Luther in Light of Recent Research, translated by Carl F. Huth, Jr. (New York: The Christian Herald, c.1916), p. 300.

Luther's day. The political entities were merely statelike federations.

No doubt Luther did fix the duties of governments by beginning with the Medieval concepts in vogue. But Luther's views involved fundamental exceptions to the Medieval political theories. First of all Luther did not believe that the close relationship between all order in the universe had to be first brought about by the subjection of individual areas of order to the law of the visible Church. The unity already lies in God's established order.<sup>4</sup> Luther consequently broke with the Medieval view which made the secular power the bailiff of the Church.<sup>5</sup> In only one sense Luther placed the Church above the State, namely, in the duty of dispensing Word and Sacrament. Yet he did not draw the conclusion of the Middle Ages. In all temporal matters Luther held that the Church is subject to the State.<sup>6</sup> Boehmer concludes: "Not until the appearance of Luther, therefore, is the sovereignty of the secular power established beyond a doubt also for

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<sup>4</sup>Holl, op. cit., p. 347.

<sup>5</sup>Boehmer, op. cit., p. 303.

<sup>6</sup>Holl, op. cit., p. 330, note 3. ". . . hoc sane verum: in verbo et sacramento tradendo (haec enim sunt spiritualia) pontifices sunt super omnes: verum in temporalibus rebus. . . pontifices et clerici sunt magistratibus subiecti iure divino nec exempti nisi beneficio huius humanae creaturae." Resol. de pot. papae, Weimar Edition, II, 221,20.

the religious consciousness. . ."<sup>7</sup> Did Luther hold the theory of a spiritual-world community? Holl<sup>8</sup> says that this was papal theory for the Middle Ages, and even there it remained in the realm of theory. But it is just this idea with which Luther broke so strongly. Both Bergendoff and Bainton see Luther's exceptions to Medieval political theory stemming from his conception of the Church. "The Reformation changed men's ideas concerning the Church. The change in their ideas about government followed necessarily."<sup>9</sup> Bainton brings Luther's own words to bear on this point: ". . . Christians live far from one another; so it is impossible that a Christian regime should extend over the world or even over a country or a large group."<sup>10</sup> Luther's theory of the State began as did the Middle Ages with the origin of the State's power. In his treatise Of Temporal Power he writes: "In the first place we must firmly establish the temporal power and sword, so that no one will doubt that it is in the world through God's will and ordinance."<sup>11</sup> In 1530 the Reformer wrote to the elector

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<sup>7</sup>Boehmer, op. cit., p. 303.

<sup>8</sup>Holl, op. cit., p. 343.

<sup>9</sup>Conrad Bergendoff, "Church and State in the Reformation Period," Lutheran Church Quarterly, III (January, 1930), 39.

<sup>10</sup>Roland H. Bainton, "The Development and Consistency of Luther's Attitude to Religious Liberty," Harvard Theological Review, XXII (April, 1929), 130. Quoted from Weimar Edition, II, 251, 35ff.

<sup>11</sup>Quoted in Albert Hyma, Christianity and Politics (New York: Lippincott, 1938), p. 99.

of Saxony that the power of the emperor was derived from God. The elector was as much bound to obey the emperor as the mayor of Torgau was.<sup>12</sup> Hence Luther had a very high opinion of all secular government. Already in his Address to the Christian Nobility of 1520 he struck at the theory that the emperor received his authority as a grant from the pope. He specifically denied that the pope was the heir of the Empire if the throne was vacant.<sup>13</sup> The temporal authority came directly from God. And for this emphasis Luther himself could boast:

No one had taught or heard anything about the temporal power, and nobody knew anything about it . . . The most learned of them . . . regarded the temporal authority as something partly heathen and partly human, with nothing divine in it. . . In short, the princes and lords, no matter how anxious they were to be pious, looked down upon their vocation as worth nothing. . . Consequently, the Pope and the hierarchy were all in all, above everybody and around everybody, like a god in the world; and the temporal power lay shrouded in darkness and oppressed.<sup>14</sup>

The function that Luther gave to the government was very similar to the general theory of the Middle Ages. The secular power must suppress evil very strictly. Its primary function is to guard internal and external peace.<sup>15</sup>

<sup>12</sup>Ibid., p. 121. where the reference is made to the Weimar Edition, Briefwechsel, V, 259.

<sup>13</sup>Hyma, op. cit., p. 96.

<sup>14</sup>Ibid., p. 120, quoted from the Weimar Edition, XXX, 11, 109.

<sup>15</sup>Boehmer, op. cit., p. 301.

Luther divided all people into two groups - those in the kingdom of God, the believers in Christ, and those in the kingdom of the world. The Christians do not need a temporal sword, but God has divinely ordained it to check the evil natures of those in the kingdom of the world.<sup>16</sup> In this sphere of curbing evil doers the government cannot be restricted in the least, not even if the State must enter the realm of the Church. For example, the State had an innate right to punish lawless priests. And in the Address to the Christian Nobility Luther had called on the princes to stop the flow of annates and pallium dues to Rome. The Middle Ages had viewed the essentially negative functions of the State in a disparaging manner. Not so Luther. He maintained that the State served the Church also when it punished ecclesiastics and suppressed their thievery.<sup>17</sup>

Luther nevertheless extended the duties of the State beyond the duties which the Middle Ages assigned to it. Boehmer<sup>18</sup> mentions some of the additional duties which Luther assigned to the State. Luther urged the government to erect schools and libraries. A certain amount of education should be compulsory. The magistrates were to promote order and decency by a strict use of the police against idleness, drunken-

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<sup>16</sup>Hyma, op. cit., pp. 100-2.

<sup>17</sup>Holl, op. cit., pp. 328-31.

<sup>18</sup>Boehmer, op. cit., p. 303.

ness, beggars, and luxury in dress. Positively they were to intercede for widows and orphans. Boehmer believes that in doing this, Luther freed the State from tutelage to the literalistic Biblical principles of Wyclif and Hus, who attributed to the Bible lawmaking authority for political life. Yet despite these progressive views concerning the functions of the State, Luther as a theologian would not enter upon all the duties of the State. Bergendoff quotes the following:

I will not give directions how it (the government) shall conduct itself in all things. I will let that be left to the reason, but I will say that in its actions love towards neighbor must be exhibited.<sup>19</sup>

When the peasants presented their articles to Luther for an opinion, he refused to judge them all, because he as a theologian was not an authority on legal matters.<sup>20</sup> Luther would not act as a lawgiver who would give minute details for the exercise of political affairs.

Luther's theories regarding the relation of the State to the Church provide an interesting redaction of the Medieval theory. Luther viewed both the State and the visible Church as belonging to the one order that spans everything, the Reich Gottes. This established order of God is a unit, a Gesamtverband. State and Church are ordered spheres in this

<sup>19</sup>Bergendoff, op. cit., p. 40, quoted from Holl, Gesammelte Aufsätze, p. 472, note 1, where the quotation is from the Weimar Edition, 10, 3.380.

<sup>20</sup>Hyma, op. cit., p. 115.

higher unit, and because of this higher order they are bound very closely together. Luther can even call this unity a Gemeinschaft.<sup>21</sup> Hence on the one hand Bergendoff's opinion is entirely correct: ". . . the concept of separation of church and state is foreign to Luther's thought."<sup>22</sup> Nevertheless Luther makes both Church and State coordinate in the Gesamtverband. Each has its own sphere of work in God's established order; and, as Holl<sup>23</sup> brings out, for Luther this order was protected best when each power stayed in its own sphere. As a result, Luther was against active control of the Church by the State. For although Luther saw State and Church in a close relationship, he nevertheless saw a decided distinction between the two powers. This distinction between State and Church is quite apparent in Luther. Holl<sup>24</sup> gives one example by quoting from a letter in which Luther sternly censures the people of Torgau for regulating the affairs of the Church through the City Council, thereby making civil servants of

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<sup>21</sup>Holl, op. cit., p. 347.

<sup>22</sup>Bergendoff, "The Lutheran Christian in Church and State," The Lutheran Quarterly, I (November, 1949), 415.6.

<sup>23</sup>Holl, op. cit., p. 344.

<sup>24</sup>Ibid., p. 378. "'Es ist mir leid, dass euer Torgauer sich so undankbar gegen das Evangelium stellen, und sich unterstehen aus eigener Thurst euch Pfarrherr und Cappellan zu Knechten zu machen, aufs Rathaus zu fodern ihres Gefallens. Wer hat sie gelehrt solchen Gewalt, der ihn nicht gebührt, zu sich zu rauben?'" Erlangen Edition, 55, 108.

the pastors. Luther is amazed at such a perversion. Even at the end of his life, after a state-church had been established in Saxony, Luther complained about the efforts of Satan to mix the State into the affairs of the Church. He would resist any such Satanic scheme.<sup>25</sup> Other historians, too, have noted Luther's principle of no state controlled Church. Boehmer comments: "Throughout his life the Reformer clings firmly to this one principle: the government has no right to decide questions of belief."<sup>26</sup>

Luther has two clearly stated reasons why the State must not interfere with the Church. The first reason lies in the nature of the fundamental difference between the two powers. Luther describes this difference in his tract Of Temporal Power.

It is therefore necessary to separate the two swords, and to let both remain where they are. The one makes certain persons pious, the other helps maintain peace and order. Neither is sufficient to itself in the world.<sup>27</sup>

For Luther the Church had no other call than to preach Christ. It did not have the right or the duty to order physical life or to hold mankind in guardianship through laws. That was

<sup>25</sup>Ibid., p. 377. "'Sub papa (Satan) miscuit ecclesiam politiae, sub nostro tempore vult miscere politiam ecclesiae. sed nos resistemus.'" Letter to Daniel Greifer, dated October 22, 1543, Enders-Kawerau, XV, 256, 10ff.

<sup>26</sup>Boehmer, op. cit., p. 305.

<sup>27</sup>Hyma, op. cit., p. 102.

the work of the State.<sup>28</sup> For that reason Luther called on the pope in the Address to the Christian Nobility to relinquish his temporal rule over the papal states. By interfering in political affairs the pope sinned against the commandment of Christ and of St. Paul, who states that a soldier of heaven must not entangle himself with the affairs of this life.<sup>29</sup> By the same token the State is not to interfere in spiritual matters. For Luther does not know of a Christian State as such. The State's activity is a part of the Naturordnung, not a part of the Church. In fact the activity of the State can be called Christian only in so far as the persons who take part in governmental affairs are Christians.<sup>30</sup>

Luther's second reason why the State must not interfere in the Church develops from the opposing principles in the activity of Church and State. The one rules by force, and the other rules by the Word alone. When the earthly government enters a congregation with its power of compulsion it robs the Church of the foundation of its existence. For Luther that was faith in Christ which can never be forced.<sup>31</sup> Surely Christians ought to submit to the government in temporal matters out of love for their unbelieving neighbors

<sup>28</sup>Boehmer, op. cit., pp. 294-5.

<sup>29</sup>Hyma, op. cit., p. 97.

<sup>30</sup>Holl, op. cit., p. 347.

<sup>31</sup>Ibid., p. 339.

who need such coercion. But that the State should rule the Church was unthinkable for Luther.<sup>32</sup> Dunning's<sup>33</sup> charge that Luther was merely interested in his own persecuted followers is best refuted by Hyma's comment in connection with Luther's refusal to enter upon the legal question of the relation of the electors to the emperor: "Again Luther had remained fundamentally true to his first viewpoint as enunciated in the year 1523. He still believed that the sphere of religion was basically separate from temporal things . . ."<sup>34</sup> Luther's position of 1523 speaks for itself:

God has made princes mad, so that they are of the belief that they can command their subjects anything they please; and the subjects also believe that they are obliged to obey the prince in everything he commands, hence the princes have begun to command their subjects to put away certain books, and to accept whatever creed they prescribe. They make bold to sit in God's chair, and to control the conscience and religious faith of their subjects.<sup>35</sup>

Luther even counselled disobedience in certain cases.

When your prince or temporal lord commands you to believe as the pope does, and orders you to remove this or that book . . . you should say to him, 'Lucifer has no right to sit next to God. Dear lord, I owe you obedience in all civil matters . . . Whatever you command me to do under this

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<sup>32</sup>Ibid., p. 346.

<sup>33</sup>W. A. Dunning, A. History of Political Theories (New York: Macmillan, 1908), II, 12.

<sup>34</sup>Hyma, op. cit., p. 124.

<sup>35</sup>Ibid., p. 98, quoted from Of Temporal Power, in how far one should obey it, Weimar Edition, XI, 245-80.

authority of yours, I will do it. But when you command me to believe this or that, or to put away certain books, I will not obey you. For in that you are a tyrant, and you reach too highly, and you command things that are beyond your reach.<sup>36</sup>

Still there was no absolute separation between Church and State in Luther's theory. His insistence that the two powers were distinct in their essence and in their activity did not involve a clean cut separation between them. On the contrary. The rulers of the State were at the same time Christians. While in their vocation they were responsible directly to God, as Christians they were also amenable to the ministry of the Church.<sup>37</sup> As such they were also responsible to some extent for the conditions of the Church, as will be shown later. That Luther did not separate Church and State can be seen in his Exhortation to Peace of 1525 where he says that no government has the right to refuse the Gospel to anyone.<sup>38</sup> That Luther went much farther than this negative statement will be apparent when Luther's practice regarding State and Church is discussed. Bergendoff's comment is valid:

The fundamental assumption of a distinction between church and state is itself a modern division, so modern indeed that the confines of each are even now unfixed. We shall search through reformation Europe in vain for a formula on which men could

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<sup>36</sup> Ibid., p. 107.

<sup>37</sup> Bergendoff, "The Lutheran Christian in Church and State," p. 415.

<sup>38</sup> Hyma, op. cit., p. 113, where the author refers to the Weimar Edition, XVIII, 291-334.

agree, and nowhere will we find a government and an ecclesiastical organization operating in harmony without detriment to either.<sup>39</sup>

Although Luther always held theoretically that the State as such has no place ruling the Church, he did bring the State into the work of the Reformation. He has been severely condemned for this and has been named the father of the state-church. Horsch<sup>40</sup> is one of Luther's severest critics on this score. He believes that the state-church is a brain-child of Luther's stay at the Wartburg. There he decided that the electoral government should introduce religious reforms in Saxony. Horsch offers no proof for his theory other than Luther's unfavorable reaction to the hasty reforms of Carlstadt. Hermelink<sup>41</sup> also places the responsibility for state-churchism on Luther. But he is less critical than Horsch. He maintains that Luther merely shared a principle common to his age, namely, that the government had the right to decide what the religious service and teaching within its boundaries should be. Holl<sup>42</sup> holds that Luther called the State into the work of reform already with his great reform

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<sup>39</sup>Bergendoff, "Church and State in the Reformation Period," p. 36.

<sup>40</sup>John Horsch, "Luther's Attitude to Liberty of Conscience," American Journal of Theology, XI (1907), 308.

<sup>41</sup>Heinrich Hermelink, "Der Toleranzgedanke in Reformationszeitalter," Verein fuer Reformationsgeschichte, XCVIII (1908), 49.

<sup>42</sup>Holl, op. cit., p. 326.

writings of 1520. For HOLL there is no great contradiction between a Luther who would not have the State ruling the Church and a Luther who called upon the State to aid the reform. There is, however, the great distinction that Luther himself drew when he called upon the State to aid the Reform as State, and when he called upon the State to aid the reform as a Christian government.

For Luther the great function of government was to curb evil and to protect its citizens. The flow of annates, pallium dues, papal months to Rome was in his eyes a robbery of the German people. In his Address to the Christian Nobility Luther called on the nobles, the governmental officers of German territories, to put an end to this Roman robbery. This the government was to do on its own right, since it was the duty of the State to protect its citizens from robbers. Here the State certainly was performing a Hilfsdienst for the Church. But it was aiding the reform on its own authority. In this instance it was very simple for Luther to justify direct action of the State in spiritual matters.<sup>43</sup>

Another function of the State according to Luther was the prevention of any disturbance of the peace. Consequently when he saw the Anabaptists occasioning what to him were disturbances of the peace, he could write to the Elector John as follows:

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<sup>43</sup>Ibid., p. 329-35.

. . . We realize that it is not your province to (120) intervene in spiritual affairs, but still it is your solemn duty as temporal ruler to exercise caution and take care that no dispeace shall befall the land. This was also the duty of Emperor Constantine when Arius had caused discord and dissension. . .<sup>44</sup>

In calling on the government to put down disturbers of the peace the State again was acting on its own right. Luther also held that the Volkskirche was a public educational institution where morality was taught. So he wrote on one occasion that the government had the right to drive the blasphemers of the Gospel into churches in order to teach them morality.<sup>45</sup> In a letter to the elector in 1526 Luther called the elector the champion of the youth who, acting in that capacity, could compel stubborn congregations to contribute to schools.<sup>46</sup> In the common situation where monastic or episcopal lands had reverted to the elector, Luther could ask the prince to help supply teachers and even pastors, since by assuming the property the elector also assumed the responsibility that went with the property.<sup>47</sup> But in all these cases the government still acted alone as government. The State was

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<sup>44</sup>Hyma, op. cit., pp. 119-20.

<sup>45</sup>Hermelink, op. cit., p. 49, quoted from a letter of Luther's written on August 26, 1529 found in Enders 7, 150.

<sup>46</sup>Holl, op. cit., p. 364. The reference is to the Erlangen Edition, 53, 387.

<sup>47</sup>Ibid., p. 354, and Bergendoff, "Church and State in the Reformation Period," p. 44.

aiding the Church, but as State, in its own right and in its own sphere.

The matter is complicated, however, when Luther calls upon the State to aid the Church in calling a Council, in establishing and supporting evangelical preachers, and in regulating disorders in the congregations. These were strictly speaking the duties of the Church, not of the State. Already in 1520 Luther had looked to the German nobility to help call a Church Council. But it was not until after 1525 that Luther called on the State to help in internal Church affairs. Holl<sup>48</sup> points to the disillusioning effect of the Peasants War on Luther's ideal of a freely developing Church. But this historian writes that Luther's real reason for calling on the princes after 1525 was the rapid spread of the Reformation. More and more congregations, towns, and cities were adopting the Evangelical faith. Since many of the parishes were without a pastor, conditions in the outlying districts were disrupted. Many of the new pastors were not at all capable. Nevertheless, at first Luther hesitated to ask the government for help. But in 1525 he writes that he will ask the elector to take a hand in the reform work.<sup>49</sup>

The Visitation Articles which set the stage for the State

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<sup>48</sup>Holl, op. cit., p. 361-2.

<sup>49</sup>Ibid., p. 362, note 5. "'scio reformatione parochiarum opus esse et institutis uniformibus ceremoniis. . . et principem sollicitabo.'" Quoted from Enders, V, 245, 5ff.

sponsored visitation of the Saxon churches in 1527 and 1528 tell why Luther asked the State to step into the work of the reform. There Melanchthon, who composed the Articles, tells of the problems of new congregations, new pastors, and the difficulties of supporting and protecting these men. These pressing conditions had induced Luther to change his mind and call the State into the field of the Church.<sup>50</sup>

But when Luther calls upon the State to act in matters specifically belonging to the Church, he makes it clear that he is speaking to a Christian government.<sup>51</sup> In Luther's view there was no essentially Christian government. But the rulers of his time were Christians. At least he saw them in the outward association of the Church. As Christians these rulers shared in the privileges of the Church by virtue of the priesthood of all believers. When the Church carries out its duties, the Christian prince has no more authority in the Church than any other Christian. But where the Church neglects her duties or cannot carry them out, there the situation obtains that the temporal power is more capable of aiding the Church than any other authority. Then the Christian prince has the duty to come to the aid of the Church since he is most able of all Christians to do this.<sup>52</sup> Bergendoff stresses these

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<sup>50</sup>Hyma, op. cit., p. 119.

<sup>51</sup>Holl, op. cit., p. 335.

<sup>52</sup>Ibid., p. 349.

same points in discussing Luther's appeal to the nobility to aid in the calling of a Council. Luther did not want the State to reform the Church. But since the princes were Christians, ". . . As such they might act for the community, since they were situated to act most easily."<sup>53</sup> Even when Luther calls on the State after 1525 to help establish evangelical preachers, the State is not to act here as the State and by the power of its office, but out of love for the neighbor.<sup>54</sup> That the State is acting outside its own office can be seen from Luther's view that the State ". . . should not be merciful, but hard, severe, and wrathful in its office and work, for its weapon is no rosary, nor a flower of love, but a plain sword."<sup>55</sup> It is not the calling but the person of the ruler as a Christian that may involve the State in Church affairs. Again in his introduction to the Visitation Articles Luther stresses that the officials who were appointed to carry out the church visitation were not the elector's officials. The elector had merely appointed them, and then only as a member of the Church and as a spokesman for the entire Church of the land.<sup>56</sup> Within the Church the State cannot act as State.

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<sup>53</sup>Bergendoff, "Church and State in the Reformation Period," p. 42.

<sup>54</sup>Holl, op. cit., p. 356.

<sup>55</sup>Bainton, op. cit., p. 144. Quoted from Weimar Edition 18, 398. 27-35.

<sup>56</sup>Holl, op. cit., p. 369.

But because of the Christian character of the leaders of the State, it can and should offer Hilfsdienst to the Church.

That the Church needed such Hilfsdienst was a distressing reality for Luther. He always stressed the Notfall of the times. The Christian nobility was to help call a Council because of the critical emergency Luther believed existed. Luther did not mean to imply that the nobles had more right for that than any other Christian. But since the Church could not act, the help of the Christian nobility was indispensable.<sup>57</sup> The necessity of the times, the disorders in the congregations, the lack of preachers, the lack of means to provide for them and to protect them, demanded the aid of the State for the Church. That is what Luther means when he says that the government is an office that belongs to and is necessary for the Christian congregation.<sup>58</sup> Luther made it clear when the Visitation of 1527 was set in motion that the elector was only to appoint the officials. This was to be a temporary arrangement as long as the perilous times lasted.<sup>59</sup> The elector was called Notbischof, and the visitors were called episcopi and archiepiscopi. They were to discharge

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<sup>57</sup>Holl, op. cit., pp. 327-33.

<sup>58</sup>Ibid., pp. 345-6. Luther calls the government ".... ein ampt, das da gehore und nutzlich sey der Christlichen gemeyne." Weimar Edition, VI, 408,10.

<sup>59</sup>Ibid., p. 366.

these foreign duties until the disturbances were ended.<sup>60</sup>

Luther took pains to safeguard his primary principle that the State cannot rule the Church. Only under the limitations mentioned above could the State enter the sphere of the Church. But the State as such cannot rule the Church. Holl<sup>61</sup> believes that Luther's instructions to the electoral visitors were in the nature of a protest against the misunderstanding given in the electoral instructions themselves. There the impression was given that the government undertook the Visitation on its own authority. But in his instructions of 1528 Luther tried to protect the independence of the Church over against the domination by the State. Bergendoff comments similarly. The elector " . . . is not to establish doctrine nor to prescribe the contents of preaching - that the church must decide."<sup>62</sup> Boehmer summarizes Luther's position very well when he answers the question, "Does Luther give the State

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<sup>60</sup>Ibid., pp. 375-6. The Latin names for the visitors are found in the Weimar Edition XII, 194, 14ff. To prove the temporary character of the situation Holl quotes from a letter written by Luther to the elector where he writes: ". . . so er doch nicht euer Knecht und ihr der Kirchen Herr nicht seid, auch solches Ampt nicht so stehlen und rauben mugt eurs Gefallen, wenn und wem ihr wollet, sondern dem Landesfursten gebuhrt, bis die Sache mit den Bischofen geendet." The Italics are Holl's. Enders, VIII, 372, 11.

<sup>61</sup>Ibid., p. 374. Holl sums Luther's views up as follows: "Denn dem Kurfuersten 'zu leren und geistlich zu regirn nicht befohlen ist'". Italics are Holl's. Weimar Edition, XXVI, 200, 19.

<sup>62</sup>Bergendoff, "Church and State in the Reformation Period," p. 44.

the right to decide matters of faith?", with these words:

"Not at all. The government has over against religion only duties, no rights."<sup>63</sup> The government may assist the Church, but it cannot rule it.

One point was decisive for Luther in the whole matter of State and Church and their relationship in the work of the Reform. The State cannot compel in spiritual matters. As the State aids the Church, for example, in supplying evangelical preachers, it cannot use compulsion. For it is not acting on its own power or in its own sphere. When the government places a pastor over a congregation and supports him, there must be agreement by the congregation. The State cannot force such agreement.<sup>64</sup> In a letter written to the elector on November 30, 1525 Luther makes his position clear. Where a visitation showed that people wanted an evangelical pastor but could not support him, in that case he should be supported by the State.<sup>65</sup>

Despite Luther's limitations regarding the indirect aid which he asked the State to render the Church, the fact remains that the electoral government did take over the control of the Church in Saxony. Holl<sup>66</sup> finds the beginnings of a state-church in electoral instructions for the Church Visita-

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<sup>63</sup>Boehmer, op. cit., p. 313.

<sup>64</sup>Holl, op. cit., p. 356.

<sup>65</sup>Ibid., p. 364. Quoted from Erlangen Edition 53, 337.

<sup>66</sup>Ibid., p. 372.

tion of 1527-28. Contradicting Luther's views completely, the visitors were looked on as servants of the electors, and the whole Visitation was considered a governmental matter. Perhaps this was due to what Schwiebert calls ". . . a common practice in German lands to accept the sovereignty of the territorial princes and to look upon their estates as their own private property. . ." <sup>67</sup> Holl <sup>68</sup> points out that Luther was perfectly sincere in his views on State and Church. However, he could have been more outspoken in opposing the electoral conceptions of the Visitation. Holl also believes that Luther's distinction between a prince acting at one time as a prince, and at another time as a Christian brother, was too difficult to put into practice. At any rate, once a state-church had been put into fact (as it was when the State-controlled consistory took over permanent control of the Church), it would always be believed that the State had power over spiritual affairs.

But the fault for the emergence of state-churchism can not be laid at Luther's feet. "That the emerging state absorbed more of right than of corresponding duty was not the fault of Luther, but of human nature and the course of events." <sup>69</sup>

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<sup>67</sup> Schwiebert, op. cit., p. 106.

<sup>68</sup> Holl, op. cit., p. 379.

<sup>69</sup> Bergendoff, "Church and State in the Reformation Period," p. 46.

Even Dunning,<sup>70</sup> who is not uncritical of Luther, sides with Bergendoff. Luther sedulously held to the ideal that religious life was to be regulated by purely spiritual means. But the practical result was that the secular authorities took over the influence in the Church. As Holl<sup>71</sup> shows, Luther was very apprehensive lest the Consistory would take over the control of the Church. Not until 1541 was he convinced that the Consistory would deal only with marriage and with temporal affairs. According to Boehmer, too, the state-church regime ". . . is in direct opposition to Luther's concept of religion."<sup>72</sup>

Luther had established the State as divinely ordained in its own right. He had enlarged upon the Medieval functions of the State. In theory he sharply distinguished between State and Church, but he did not separate between them absolutely. In fact, he called upon the State to aid in the work of reforming the Church. However, here he set sharp limitations for the activity of the State. Yet these limitations were sidestepped by the State, and a state-church emerged in Saxony.

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<sup>70</sup>Dunning, op. cit., p. 10.

<sup>71</sup>Holl, op. cit., p. 377.

<sup>72</sup>Boehmer, op. cit., p. 314.

## CHAPTER III

### LUTHER ON THE STATE AND THE PUNISHMENT OF HERETICS

The Reformation period was not less intolerant than the Middle Ages. Men and women continued to be put to death for their religious beliefs. This chapter will take up Luther's attitude toward heretics and the role he assigned to the State in the punishment of heretics. In a sense, however, this will but continue the previous chapter; for what Luther thought of the State and its relationship to the Church is fundamental to the position he believed the State had in the problem of heretics.

During Luther's lifetime the persecution of heretics centered around the Anabaptists. This splinter movement of the Reformation began to be severely persecuted after the year 1527. In that year King Ferdinand, the brother of Charles V, issued the first strict edict against the Anabaptists in Austria. Persecution followed, and the Anabaptists of Austria scattered in all directions. The Emperor, Charles V, followed suit with an imperial decree against the Anabaptists on January 4, 1528. Although Elector John of Saxony thought that the death penalty was too severe, he too followed the Imperial lead a year later with edicts aimed at the Anabaptists. These edicts provided a very close supervision over all church functions and gatherings. Only Lutheran preaching and church acts were allowed within the borders of Saxony. Soon after the

publication of these electoral edicts, the first punishment of an Anabaptist in Saxony took place. Banishment was ordered for an Anabaptist of the city of Zwickau, but upon investigation of this case this order was rescinded.<sup>1</sup>

There were, however, several Anabaptists who were executed in Saxony during Luther's lifetime. But the number of such executions puts the Saxon government in a favorable light especially when compared with the wholesale slaughter of Anabaptists that occurred in Austria under Ferdinand.<sup>2</sup> The first Anabaptist who was executed in Saxony was Peter Pestel. He was condemned in 1536 in spite of the fact that he had not spread his teachings nor had he practiced rebaptism.<sup>3</sup> In 1543 Peter Erbe was executed by electoral command because of his staunch confession of Anabaptist convictions.<sup>4</sup> But banishment or imprisonment appear to have been more common forms of punishment for Anabaptists in Saxony. The case of Hans Sturm is typical of the procedure against Anabaptists taken by the electoral authorities. Sturm was apprehended in the city of Zwickau and examined under torture by the city council. The

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<sup>1</sup>Paul Wappler, Inquisition und Ketzerprozesse in Zwickau dargestellt im Zusammenhang mit der Entwicklung der Ansichten Luthers und Melanchtons ueber Glaubens und Gewissensfreiheit (Leipzig: M. Heinsius Nachfolger, 1908), pp. 8-17.

<sup>2</sup>Ibid., p. 22.

<sup>3</sup>Ibid., pp. 83-4.

<sup>4</sup>Ibid., p. 90.

local pastor, Nicolaus Hausmann, a good friend of Luther's, was present when torture was applied. Sturm admitted certain Anabaptist beliefs among which was his belief that the married estate was sinful. Since Sturm refused to recant in Zwickau he was sent to Wittenberg. There Luther and other theologians often visited Sturm in prison, but he remained obdurate. Finally it was the common opinion of the theologians and jurists of the Wittenberg faculty that Sturm should be imprisoned for life as a blasphemous and seditious individual. He died in prison somewhere between 1535 and 1537.<sup>5</sup> Wappler<sup>6</sup> significantly adds that Sturm had neither preached nor baptized while in Saxony. Later Melancthon admitted that Sturm had acknowledged his errors but that he nevertheless would have to remain in prison.<sup>7</sup>

Melancthon played a direct role in the condemnation of several Anabaptists. Horsch<sup>8</sup> refers to Henry Crouth, an Anabaptist minister, who was executed in Melancthon's presence on January 27, 1536. This despite Crouth's assurance that he would obey the government in everything except religion.

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<sup>5</sup>Ibid., pp. 37-50, where a complete account of Sturm's examinations are given.

<sup>6</sup>Ibid., p. 42.

<sup>7</sup>Ibid., p. 54.

<sup>8</sup>John Horsch, "Luther's Attitude to the Liberty of Conscience," American Journal of Theology, XI (1907), 311, where Horsch refers to the Corpus Reformatorum, II, p. 1001.

Wappler<sup>9</sup> relates that Melanchthon acted as inquisitor for four Anabaptists who were brought to Jena in 1536. Three of them were executed. In this instance Melanchthon had written the elector in favor of stern punishment for these Anabaptists in order to root out this evil sect. In themselves the men had not seemed dangerous to Melanchthon. Luther appeared to concur with Melanchthon's position on heretics. In 1531 Frederick Erbe had been imprisoned as an Anabaptist by the Saxon authorities in Hausbreitenbach. This territory was under the joint jurisdiction of Saxony and Hesse. The rulers of both states had to agree in a case of capital punishment. Because of his opposition to the death penalty for heretics, Landgrave Philip of Hesse refused to let the Saxon government put Erbe to death. Luther and Melanchthon personally intervened in order to try to change the Landgrave's mind. They were unsuccessful, and Erbe's punishment was limited to the rack and life imprisonment in Warthurg Castle. He died there in 1548.<sup>10</sup>

Wappler<sup>11</sup> gives the case histories of several Anabaptists and their "confessions", and in that connection sternly condemns Luther and Melanchthon for their intolerance. He holds

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<sup>9</sup>Wappler, *op. cit.*, p. 65. ". . . obgleich etliche sonst nicht muthwillige Leute seyn moechten, so muss man doch der schaedlichen Secte wehren, darin so viel grausamer, schandlicher Irrthum stecken." Quoted from O. Clemen, *Beitr. z. Reformationsgeschichte* (Berlin: n. p. 1900), I, 65.

<sup>10</sup>Horsch, *op. cit.*, p. 312.

<sup>11</sup>Wappler, *op. cit.*, pp. 96-130.

that the name Schwaermer or Taeufer had become a red flag in Saxony. In one case a school teacher was dismissed because of a tavern conversation in which he had questioned the Biblical foundation for the exorcism formula.<sup>12</sup> Wappler<sup>13</sup> is particularly horrified at a clerical regime which after the second church visitation in 1533 refused to give a Christian burial to one who had despised Word and Sacrament. According to Wappler, Luther's approval of the persecution of the Anabaptists in Saxony was a return to the Middle Ages.

A discussion of the Anabaptists and their opinions must be injected at this point. One common denominator uniting the various radical fringe elements of the Reformation that go by the name Anabaptist was an insistence on a pure Church. Men of such widely differing views as Thomas Muenzer, the Zwickau Prophets, Carlstadt, and Melchior Hoffman all wanted to build up a congregation that was sharply delineated from the world. They stood for the rejection of all outward ceremonies such as they believed infant baptism was. What they insisted upon was adult baptism, the breaking of bread to show the fellowship of the true believers, and strict discipline for moral offenses among this pure brotherhood. Among themselves the Schwaermer wanted to live a simple life that would be characterized by communal help. Toward the world

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<sup>12</sup>Ibid., pp. 122ff.

<sup>13</sup>Ibid., p. 64.

they emphasized the non-resistance of evil. There ought be no taking of interest, no civil law suits, no keeping of servants. The crosses God lays on Christians should be patiently borne.<sup>14</sup> Muenzer's radical position was not in agreement with other Schwaermer. Muenzer, the man who incited the tragic Peasants' War, had previously appealed to the elector of Saxony to use force in order to help the oppressed get their rights. Carlstadt, the Zuerich Schwaermer, the south German Taeufer, and Melchior Hoffman, the famous Anabaptist apostle to northern Europe, wanted to wait in patience for the beginning of the Kingdom of God. They were strictly pacifistic.<sup>15</sup>

A social-communistic platform was common for most of the Schwaermer and Anabaptists. Holl<sup>16</sup> maintains that communism was Muenzer's goal although he did not develop it but left the details to speculation. Nevertheless, he did advocate the departure of his followers from the visible Church

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<sup>14</sup>Karl Holl, Gesammelte Aufsätze zur Kirchengeschichte (Tuebingen: J. C. B. Mohr, 1932), I, 458.

<sup>15</sup>Ibid., p. 457f. Muenzer's view of what the government should do is expressed in these words: "'Solt yhr nu rechte regenten sein, so muest yhr das regimenth bei der wortzeln anheben, und wie Christus befohlen hat, treibt seyne feinde von den ausserwelten. Dann yhr seyt die mitler dozu.'" Quoted from Muenzer's Auslegung von Daniel 2, D 1 v.

<sup>16</sup>Holl, op. cit., pp. 451-3. On Page 453, Note 4, Holl quotes the following to show Muenzer's communistic bent: "'Ist Ir artigkel gewest, und habens uff dye wege richten wollen, omnia sunt communia und sollten eynem Yedern nach seiner notdorfft aussgeteylt werden, nach gelegenheyt.'" Quoted from Seidemann, Muenzer, p. 154.

in order to form their own pure congregation. Holl<sup>17</sup> does not consider Muenzer a class-conscious revolutionary since he preached to all classes of the oppressed. But Muenzer's position was essentially social. Social reform must accompany religious reform. Later in the Anabaptist persecutions in Saxony one of the most common charges against them was their communistic disavowal of marriage ties. Wappler<sup>18</sup> reports that at least one Anabaptist, Hans Steindorf, had left his wife and family when his spouse would not join him in his new faith.

The opinion of the Anabaptists that brought them the most censure outside of their rejection of infant baptism was their denial of respect for the temporal government. Most significant was their refusal to give rulers the usual complimentary titles. Muenzer had faulted Luther for addressing the elector as "durchlautigste Fuersten".<sup>19</sup> Later Muenzer said that he was not concerned with titles. The power of the princes was in itself tyranny, the root of all evil.<sup>20</sup> Hans Sturm, the Anabaptist whose case has already been mentioned,<sup>21</sup>

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<sup>17</sup>Holl, op. cit., pp. 454-6.

<sup>18</sup>Wappler, op. cit., p. 98.

<sup>19</sup>Holl, op. cit., p. 454. Muenzer used this very title in addressing the elector in 1523 before his banishment.

<sup>20</sup>Ibid., p. 455.

<sup>21</sup>Supra, pp. 2f.

brought to light some of the Anabaptist convictions during his interrogations. In his second hearing before the Zwickau authorities he confessed faith in the Triune God, but outside of Him, Sturm said he believed in nothing. He would honor no creature whether it be bread or wine, or emperor or king.<sup>22</sup> In his third hearing he referred to the elector as one of the "fremde Goetter."<sup>23</sup>

Muenzer had rejected the princes' power completely. The power of the prince was to him a hindrance to the Christian religion. But Holl<sup>24</sup> emphasizes that Muenzer is not rejecting the State. He merely wants to give the temporal power back to the people where it belongs. Some of the later Anabaptists affirmed vehemently that they were not against the secular government. Hans Sturm, for example, said that good government was from God. But that evil government was from God and would have to be obeyed he would not admit.<sup>25</sup> That point seems to have been common grounds for all the Anabaptists Wappler mentions.

The persecuted Anabaptists, however, were no less intolerant than their persecutors. As an illustration of this,

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<sup>22</sup>Wappler, op. cit., p. 40.

<sup>23</sup>Ibid., p. 43.

<sup>24</sup>Holl, op. cit., p. 455.

<sup>25</sup>Wappler, op. cit., p. 47. Sturm claimed: "'Gutte obirkeit ist von Gott, boese aber nicht, denn nichts boeses ist von Gott, sondern erhebt sich selbs.'"

Holl<sup>26</sup> records Carlstadt's attitude toward non-Christians. Carlstadt did not believe that a man's neighbor was every living man, but only that person who belonged to the same religious fellowship. Hermelink<sup>27</sup> regards the Anabaptists as dangerously intolerant of the State and of the Christendom that did not measure up to Anabaptist ideals. Sebastian Franck, a one-time Anabaptist who became disillusioned of ever gathering the elect into a visible fellowship, said some hard things about his spiritual brethren. Holl<sup>28</sup> claims that Franck condemned the Peasants more severely than Luther did. According to Franck, if a person did not belong to their sect, an Anabaptist would hardly greet such a person.<sup>29</sup>

The Anabaptists, therefore, held opinions which were not only of religious significance, but which also had a distinctly social character. This is the opinion of Harold Schaff.

Although Anabaptism was thus on its face primarily religious in its origins, its chief value and interest lay in the protest which Anabaptist groups made against the political order of the time, rather than in the religious principles which

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<sup>26</sup>Holl, op. cit., p. 458.

<sup>27</sup>Heinrich Hermelink, "Der Toleranzgedanke im Reformationszeitalter," Verein fuer Reformationsgeschichte, XCVIII (1908), 52.

<sup>28</sup>Holl, op. cit., p. 459f.

<sup>29</sup>Ibid. Franck judged that the Anabaptists "'Erzeygten sich in vil leydens geduldig, demuetig . . . hieszen einander brueder, wer aber ihrer Sekt nit ware, den gruessten sie kaum.'" Quoted from Franck's Chronica, p. 444.

they adopted.<sup>30</sup>

From the viewpoint of the Reformation period any movement whose principles were a protest against political or social order was considered radical. And in some cases the Anabaptists actually were radical. Schaff admits that there were insurrectionary radicals among the Anabaptists.<sup>31</sup> Certainly a man like Muenzer was an insurrectionist. Still it is commonly asserted that the greater number of the Anabaptists were peaceable people, not revolutionaries. Boehmer agrees, but he adds ". . . by far the greater number were not harmless by any means, they were distinctly seditious in their opinions."<sup>32</sup>

Luther took no definite attitude toward the death penalty for the Anabaptists until 1530. By that time the Anabaptists had become more and more a danger also in Saxony, and the electoral edict of 1529 had been issued against them. A year later Luther conceded that the State had the right to execute Anabaptist preachers.<sup>33</sup> Luther's part in the *Erbe* case has already

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<sup>30</sup>Harold Schaff, "Anabaptists, the Reformers, and the Civil Governments," Church History, I (March, 1932), 29.

<sup>31</sup>Ibid., p. 30.

<sup>32</sup>Heinrich Boehmer, Luther in the Light of Recent Research, translated by Carl F. Huth, Jr. (New York: The Christian Herald, c.1916), p. 308.

<sup>33</sup>Wappler, op. cit., p. 60. Speaking of the irregular preaching of the Anabaptists, Luther wrote in 1530: "Will er predigen oder lehren, so beweise er den Beruf und Befehl, der ihn dazu treibt und zwingt, oder schweige stille. Will er nicht, so befehl die Oberkeit solchen Buben dem rechten Meister, der Meister Hans heisset (d. h. dem Henker), das ist alsdann sein Recht." Quoted from the Erlangen Edition, 39, p. 255.

been mentioned. In 1534 Luther again urged Philip of Hesse to execute Anabaptist leaders. He calls it a "gemeine Regel" that the Landgrave could execute these Anabaptists with a clear conscience since they had been disobedient and had not kept their oath.<sup>34</sup>

Luther's chief reason for this hard attitude toward the Anabaptists was that he believed them to be seditious. As he himself points out as late as 1544, the Anabaptists were not to be punished for their opinions. But they had spread false opinions, blasphemed God's Word, and turned all order upside down. They had brought in immorality, insurrection, robbery, and murder.<sup>35</sup> Wappler<sup>36</sup> believes that the atrocities at

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<sup>34</sup>Wappler, op. cit., p. 87. Luther added the following postscript in a letter to Philip of Hesse in 1536: "' Und nachdem unser gnaediger Herr Landgraf meldet, dass etliche Fuehrer und Lehrer der Wiedertaeufer gefangen sind. . . mag E. f. G. mit gutem Gewissen dieselbige auch derhalben, dass sie ungehorsam worden und ihre Zusage oder Eid nitgehalten, mit dem Schwert strafen lassen. Diess ist die gemeine Regel.'" Quoted from Enders, X, 364.

<sup>35</sup>Wappler, op. cit., p. 91. In 1544 Justus Menius had published Vom Geist der Wiedertaeufer. Luther wrote this approving forward. "'Und darf niemand dencken oder sagen, das er ums glaubens willen gestrafft werde. Denn wo jemand bey sich selbs in seinem Gewissen einen sonderlichen glauben hette, damit kond er niemand ergern noch von einigem Menschen derhalb gerichtet oder gestrafft werden. Weil aber diese Secten nicht allein fuer sich selbst unrecht gleubt, sondern den rechten glauben, Gottes Wort, Sacramenta und Gott selbst lestert, in eusserlichem leben alle Gottes ordnung verkeret, alle unzucht, auffruhr, reuberey und mord anrichtet.... derwegen so ist sie fort mehr nicht nach yrem falschen heuchlerischen geberden, sondern vielmehr nach den offenbarlichen wercken zurichten.'" "

<sup>36</sup>Wappler, op. cit., p. 64f.

Muenster in 1534 were an undeniable proof to Luther that the charges against the Anabaptists were true. Dunning<sup>37</sup> very correctly points to Luther's views on the State as decisive in shaping his attitude toward the Anabaptists. No man who held the temporal power in such high regard as Luther did would be content to see its authority undermined by any subversive group. Dunning<sup>38</sup> also asserts that self-preservation caused the moderate Reformers to disassociate themselves from the radical sectaries. Hermelink<sup>39</sup> writes that Luther never debated for a moment on which side to be in the war between the authorities and the Schwaermer. According to Luther, the State had to suppress elements that created unrest and disturbance. Hermelink<sup>40</sup> goes on to say that both Schwaermer and Sacramentarians were alike in their inability to separate temporal from spiritual. Not so Luther. The Anabaptists were attempting to mix the Church in the State by trying to rule the whole world by the Gospel. Luther would have none of this confusing of the two powers.<sup>41</sup>

Some historians believe that Luther was wrong in center-

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<sup>37</sup>W. A. Dunning, A History of Political Theories (New York: Macmillan, 1908), II, 13.

<sup>38</sup>Ibid., p. 5.

<sup>39</sup>Hermelink, op. cit., p. 53.

<sup>40</sup>Ibid.

<sup>41</sup>Albert Hyma, Christianity and Politics (New York: Lipincott, 1938), p. 102.

ing his criticism of the Anabaptists in their seditious character. Newman, for example, holds that the names Anabaptist, Wiedertaeufer, Taeufer, Widertaeufer "were applied indiscriminately by Lutherans, Zwinglians, and Catholics to all radicals who would own allegiance to none of these communions..."<sup>42</sup>

Harold Schaff<sup>43</sup> has developed this criticism of the use of the name "Anabaptist". He declares that this name does not do justice to the widely differing groups covered by it. According to Schaff, what the Anabaptists demanded was not the abolition of government, but the freedom to worship as they please. Although there were some radicals among the Anabaptists, ". . . the great mass of the Anabaptists were moderates..

...."<sup>44</sup> Schaff chides Luther and the civil authorities of his day for charging every person branded as an Anabaptist with organized resistance against the civil government. He charges that the Reformers were too quick in seizing upon vague reports about Anabaptists or the radicalism of one group or an individual. If Luther is guilty of this charge he is guilty of a common error of his age.

Historians like Wappler, Voelker, Koehler, Burr, and Faulkner have stressed the "great surrender" in Luther's atti-

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<sup>42</sup>Albert Henry Newman, A Manual of Church History (Philadelphia: American Baptist Publication Society, 1903), II, 149.

<sup>43</sup>Schaff, op. cit., pp. 27-35.

<sup>44</sup>Ibid., p. 35.

tude toward religious liberty which after 1530 found room for the execution of Anabaptists at the hands of the State.<sup>45</sup>

These men do not find his earlier writings consistent with this "surrender". The fact is that Luther's earlier words do stand in apparent contradiction with this later development.

For example, one of Luther's forty-one sentences condemned by the papal bull of excommunication stated that the burning of heretics was against the will of the Holy Spirit.<sup>46</sup> In his

treatise Of Temporal Power written in 1523 Luther had said that the temporal power had no right to punish heretics.

"This is the work of the bishops, for heresy cannot be checked with temporal force. . . Heresy is a spiritual thing, and that cannot be cut off with iron, nor burned up with fire...."<sup>47</sup>

In the same treatise he had stressed that lenience should modify the action of princes, quoting the old proverb that he who cannot rectify an injustice except by creating a greater one, breaks his own law.<sup>48</sup> As late as 1524 Luther had written

the elector to let the sectarian spirits rage against each

<sup>45</sup>Roland H. Bainton, "The Development and Consistency of Luther's Attitude to Religious Liberty," Harvard Theological Review, XXII (April, 1929), 108.

<sup>46</sup>Wappler, op. cit., p. 1. "'Ketzerverbrennung ist gegen den Willen des h. Geistes.'" D. Martin Lutheri Latina varii argumenti, V, 221.

<sup>47</sup>Hyma, op. cit., p. 108.

<sup>48</sup>Ibid., p. 110.

other, since it was necessary for sects to exist.<sup>49</sup>

In the case of heresy Luther wanted God's Word, not force, to counteract against the evil of heresy.<sup>50</sup> He wanted no return to the Inquisition of the Middle Ages. Sarcastically he said that if fire could conquer heresy, then the executioner would be the most learned theologian in the entire world.<sup>51</sup> Wappler<sup>52</sup> takes these statements as an explicit condemnation of Medieval punishment of heretics. Even as late as 1528 when Anabaptist errors had begun to enter Saxony, Luther still held to his earlier opinions. He was still very conscious of the ease with which error might deceive a person. Scripture and the Word of God were the only sure protection against error and the only means to overcome it. The stake would accomplish little.<sup>53</sup>

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<sup>49</sup>Wappler, op. cit., p. 4. "'E. F. G. soll nicht wehren dem Ampt des Worts . . . es muessen Seecten sein . . . Man lasse die Geister auf einander platzen und treffen.'" De Wette, II, 547.

<sup>50</sup>Wappler, op. cit., p. 3. "'Ketzerei kann man nimmermehr mit Gewalt wehren, es gehoert ein ander Griff darzu. . . Gottis Wort soll hie streiten. . .'"

<sup>51</sup>Ibid., p. 1f. "'Man sollte die Ketzler mit Schriften, nicht mit Feuer ueberwinden, wie die alten Vaeter gethan haben. Wenn es Kunst waere, mit Feuer Ketzler zu (2) ueberwinden, so waeren die Henker die gelehrtesten Doctores auf Erden.'" "Address to the Christian Nobility," Weimar Edition, 6, 455.

<sup>52</sup>Wappler, op. cit., p. 4.

<sup>53</sup>Hermelink, op. cit., p. 55. "'Ja, lieber Gott, wie bald ist es geschen, dass einer irre wird und dem Teufel in Stricke faellt; mit der Schrift und Gottes Wort sollte man ihnen wehren und widerstehen; mit Feuer wird man wenig ausrichten.'" "Von der Wiedertaufe," Erlangen Edition, 26, 256.

That Luther put these early principles into action can be seen in his attitude toward his opponents in the early years. It is true that Luther does in one place appear to call upon the government to persecute the Papists with the sword. Bainton quotes the following:

If we punish thieves with the yoke, highwaymen with the sword, and heretics with fire, why do we not rather assault these monsters of perdition . . . the whole swarm of the Roman Sodom. . . why do we not rather assault them with all arms and wash our hands in their blood?<sup>54</sup>

But in many other instances Luther made it clear that the Papists were not to be put to death. In 1526 he wrote:

We do not kill, banish, and persecute anybody who teaches other than we do. We fight with the Word of God alone. If they don't want it, we let them go and separate ourselves from them and let them stick to any belief they like.<sup>55</sup>

And in 1521 he had written to Spalatin:

. . . I tried to get the German nobility to put bounds to the Romanists not with the sword but with counsels and edicts. . . for to make war on this unarmed crowd of clergy is like fighting women and children.<sup>56</sup>

Here it is plain that Luther did not mean that the State was to do nothing in curbing religious abuses. It is true that the State was to make no revolution for God. To destroy the

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<sup>54</sup>Bainton, op. cit., p. 109. Quoted from the Weimar Edition, 6, 347.

<sup>55</sup>Bainton, op. cit., p. 117. Condensed from the Weimar Edition, 19, 263.

<sup>56</sup>Bainton, op. cit., p. 109. Quoted from Enders, 3, 90.

the Antichrist completely was God's affair.

But because it is God's affair is no reason why the magistrate should not do his part and with the sword anticipate a portion of God's anger . . . Not that one should slay the papists, which is not necessary, but that one should forbid them with words and restrain them by force from what they do against the gospel.<sup>57</sup>

Hence the magistrates were merely to eliminate and curb the abuses, while the clergy, as stated in Chapter II, were to engage in the positive work of reformation.<sup>58</sup>

Luther also exhibited a liberal attitude toward his early spiritualistic opponents, such as the Zwickau prophets, Carlstadt, and Muenzer. Concerning Muenzer Luther wrote to the elector in 1524 not to resort to the sword to quell these sectaries. "They are not Christians who besides the Word resort to fists, be they filled to overflowing with ten Holy Ghosts."<sup>59</sup> The reason Luther zealously contended with these Schwaermer was their false emphasis on compulsion. Holl<sup>60</sup> sees in Luther's return from the Wartburg in 1522 a willingness to fight for the freedom and spirituality of his Gospel. Carlstadt and Zwilling had forced innovations on Wittenberg.

<sup>57</sup>Bainton, op. cit., Quoted from Weimar Edition, 8, 676-80 passim.

<sup>58</sup>Bainton, op. cit., p. 114.

<sup>59</sup>Bainton, op. cit., p. 115. Quoted from Erlangen Edition, 53, 265-8.

<sup>60</sup>Holl, op. cit., pp. 358 and 422.

Luther, on the contrary, believed that no one should be compelled to faith. Luther was emphasizing freedom for personal choice in religion. To some extent Luther kept this same attitude to the end of his life. To the Romanists he wrote in 1541:

Who told you to introduce such innovations that you rule and make war with the civil sword . . . and shed innocent blood? Haven't you seen, you sharp-eyed moles, that the apostles and the ancient church did not compel the world with the sword or increase the church with war?<sup>61</sup>

This early position of Luther had a decided effect on all fighters for religious toleration. Hermelink<sup>62</sup> writes that all of them from Castellio through Frederick the Great appealed to Luther for their position.

Although he had denied that heretics should be punished with the sword, beginning with March, 1530, Luther did give his consent to the death penalty for Anabaptists. The grounds were that they were not only blasphemous but also highly seditious. Bainton remarks: "The implication is that blasphemy alone would not call for the death penalty."<sup>63</sup> Here Bainton finds the beginnings of an intolerant spirit in Luther which would reach its climax in his 1545 tract Against the Papists at Rome. There Luther had expressed the hope

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<sup>61</sup>Bainton, op. cit., p. 143. Quoted from Weimar Edition, 51, 497.25-9.

<sup>62</sup>Hermelink, op. cit., p. 41.

<sup>63</sup>Bainton, op. cit., p. 118.

that the princes would destroy the papal state and execute the pope and the cardinals. Bainton<sup>64</sup> mentions several Old Testament precedents which he says Luther used to justify the death penalty for blasphemers. The Parable of the Tares which played such an important role in the theories of persecution of the Middle Ages also came to light in Luther. But since Luther used this parable differently, Bainton sees no chronological development of exegesis to fit the apparent change of mind on the punishment of heretics. At times Luther adduces this parable to support toleration for heretics (even found in a sermon of 1546), and then again there are statements like this one of 1533:

Some think that this parable means that the magistrate should not destroy heretics. Augustine thought so once, but he changed his mind. The minister uses the ban, the magistrate the sword; both work together.<sup>65</sup>

Luther, however, gave his approval to the death penalty for the Anabaptists very hesitantly. He was afraid of following the example of the Papists and the Jews before Christ. He saw well enough that the innocent might be put to death

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<sup>64</sup>Ibid., p. 139. Luther refers to Moses who commanded blasphemers and false teachers to be stoned (Weimar Edition, 30, I, 209.4f.), Hezekiah who destroyed the brazen serpent (Erlangen Edition, 54, 254), David, the hunter of heresy (Weimar Edition, 18, 75.11f. and 358.33f.)

<sup>65</sup>Bainton, op. cit., p. 123. Quoted from Erlangen Edition, 1, 189 and 196-7.

instead of the guilty.<sup>66</sup> Wappler holds that Luther could well lament the execution of Anabaptists at this time, 1528, since the Anabaptist danger seemed far off from Saxony.<sup>67</sup>

However, even after 1530 Luther did not give unqualified approval to the death penalty. He never forgot that force alone could not overcome violence. For this reason after the massacre at Muenster in 1535, Luther admitted that the princes had to use the sword, but they had to remember that hearts were not won in this way.<sup>68</sup> Luther never wanted the magistrates to slaughter without mercy. Rather they should exercise mercy and err on the side of mercy.<sup>69</sup>

Historians have long been debating the consistency or inconsistency of Luther's tolerance or intolerance. Most of

<sup>66</sup> Hermelink, *op. cit.*, p. 54f. In a letter to Wenc. Linck in 1528 Luther wrote the following: "'Ich bin langsamer (55) zum Blutgericht, selbst wo der Fehler uebergross ist. Es erschreckt mich in dieser Sache die Nachfolge des Beispiels, das wir bei den Papisten sehen und bei den Juden vor Christo. Als man naemlich da beschlossen hatte, die Luegenpropheten und die Ketzler zu toeten, ist es im Lauf des Zeiten geschehen, dass. . . die Unschuldigen getoetet werden, indem die Obrigkeiten jeden Missliebigen zum Luegenpropheten und Ketzler stempeten. . . es genuegt sie auszuweisen.'" Enders, 6, 299.

<sup>67</sup> Wappler, *op. cit.*, p. 10. In 1528 in his tract "Von der Widdertaufe" Luther had written: "'Doch ists nicht recht und mir warlich leid das man solche elende Leute so jemerlich ermordet, verbrennet und grewlich umbbringt. Man solt ja einen yglichen lassen gleuben, was er wolt. Gleubet er unrecht, so hat er gnug straffen an dem ewigen ffeuer ynn der Hellen.'" Erlangen Edition, 26, 281ff.

<sup>68</sup> Bainton, *op. cit.*, p. 123.

<sup>69</sup> *Ibid.*, p. 146. Bainton refers to the Weimar Edition, 19, 631.25 and 51, 206.12f.

them find Luther quite inconsistent. Bainton, for example, finds that there was a profound change in Luther's attitude toward the persecution of heretics but a measure of inconsistency all along.<sup>70</sup> This author gives several reasons for the change. One is the example of religious radicalism which Luther saw in the Peasants' War. With this was coupled the accession of Elector John who was more ready to use stringent measures for the evangelicals.<sup>71</sup> Another reason is what Bainton calls Luther's declining hospitality to mysticism and humanism.<sup>72</sup> More specific are Bainton's explanations for Luther's apparent inconsistencies. The conflicting statements can be reconciled if they are viewed as blustering for effect.<sup>73</sup> They also may be harmonized by the principle that severity to the few is mercy to the many.<sup>74</sup> In general, Bainton blames Luther's inconsistencies in regard to religious liberty on a fatal dualism in Luther's theology - the antagonism of wrath and love in God. He puts these words in Luther's mouth:

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<sup>70</sup>Bainton, op. cit., p. 108.

<sup>71</sup>Ibid., p. 116.

<sup>72</sup>Ibid., pp. 123-40.

<sup>73</sup>Ibid., p. 110. Bainton refers to Enders, 2, 463.

<sup>74</sup>Bainton, op. cit., p. 147. Bainton quotes a writing of Luther's after the Peasant Revolt: "If my advice had been taken at first . . . and one or a hundred peasants had been beheaded. . . many thousands might have been restrained. . . That would have been a great mercy with a little wrath." Weimar Edition, 18, 393.26-32.

"Lieber Gott! How narrowly I am pressed! Do you expect me to be more consistent than God?"<sup>75</sup> Horsch<sup>76</sup> adds another explanation for the change in Luther. He holds that the principle of the liberty of conscience was eliminated from Luther's reform when he resolved on a union of Church and State. Yet Horsch places such a decision, if there was one, in 1522. Wappler<sup>77</sup> attributes Luther's growing intolerance to his sicknesses and the cares which the state-church had brought about.

Hyma defends Luther's apparent contradictions.

The author (Luther) was not so vacillating as many writers have intimated, and the apparent discrepancies in his thoughts and opinions should be analyzed with exceptional caution.<sup>78</sup>

That Luther's position did contain apparent contradictions was exactly what the Reformer himself said.

How can our doctrine seem anything else than mere contradiction, when at the same time it demands and condemns works, at the same time removes and restores ceremonies, at the same time honors and chides the magistrate, at the same time asserts and denies sin?<sup>79</sup>

The next section of this chapter will attempt to analyze Luther's position regarding the punishment of heretics. The terms "heretic" and "heresy" will be studied. This is distinctly theological, but unless Luther's concept of heresy is

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<sup>75</sup>Bainton, op. cit., p. 148.

<sup>76</sup>Horsch, op. cit., p. 314.

<sup>77</sup>Wappler, op. cit., p. 93.

<sup>78</sup>Hyma, op. cit., p. 122.

<sup>79</sup>Bainton, op. cit., p. 140. Quoted from a letter of Luther's to Melancthon in 1530 found in Enders, 8, 137.

understood, the role that he assigned the State in the punishment of heretics will never be clear.

Luther was very careful in his use of the terms "heresy" and "heretic". According to Holl<sup>80</sup> he never called the Romanists heretics. But he did call those heretics who preached against the Trinity or the Deity of Christ. If they did this openly, such heretics were in Luther's opinions blasphemers of God and as such the disturbers of the worldly order. Hermelink quotes a brief definition of Luther's for a heretic:

"'Der ist ein Ketzer, der halsstarrig in einem Artikel des Glaubens irret und das bekennet.'"<sup>81</sup> But Luther distinguishes between heresy of two kinds. One type of heretic taught also against the State. "'Solche sind nicht bloss Ketzer, sondern Aufrehrer und darum ohne allen Zweifel zu strafen.'"<sup>82</sup> A second type of heretic taught against an article of faith "'... die klaerlich in der Schrift gegrundeten und in aller Welt von der ganzen Christenheit geglaubten Artikel.'"<sup>83</sup> Such people "'... sind auch nicht schlecht allein Ketzer, sondern offentliche Laesterer.'"<sup>84</sup> In Luther's eyes a heretic

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<sup>80</sup>Holl, op. cit., p. 369.

<sup>81</sup>Hermelink, op. cit., p. 66, note 4. Quoted from Erlangen Edition, 31, 124.

<sup>82</sup>Wappler, op. cit., p. 58. Quoted from Luther's "Explanation of Psalm 82," Erlangen Edition, 39, 224ff. The following two quotations are from this same work.

<sup>83</sup>Hermelink, op. cit., p. 54.

<sup>84</sup>Wappler, op. cit., p. 59.

could be of one brand or both brands. The Anabaptists came in for both barrels of heresy.<sup>85</sup> The Zwinglians were heretics according to Luther because of their blasphemous rejection of the Real Presence.<sup>86</sup>

When Luther said that certain heretics were guilty of blasphemy, he qualified that term in several ways. To sum up what was given above, blasphemous heresy was an openly proclaimed teaching that contradicted a commonly accepted, fundamental Christian doctrine. Stubbornness in that error was also essential to Luther's definition of a blasphemous heretic. In Luther's day blasphemy was a recognized crime, and according to the imperial laws of 1495, 1512, 1530, and 1532 blasphemy was to be punished by death.<sup>87</sup> Luther would not go quite that far in 1530. In his "Explanation of Psalm 82" of that year he said that banishment would suffice for blasphemous heretics.<sup>88</sup> For that reason Luther once wrote Albert of

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<sup>85</sup>That Luther considered the Anabaptists as seditious heretics will be shown below. Bainton, *op. cit.*, p. 142, refers to Enders, 6, 263.14, where Luther calls the Anabaptists blasphemers.

<sup>86</sup>Bainton, *op. cit.*, p. 142. Bainton refers to Enders, 5, 385. Wappler, *op. cit.*, p. 93, has this quotation from Luther's unfinished tract "Wider die Esel in Paris und Loewen": "Ernst ist bei uns, dass die Zwingler und alle Sakramentsschaendler, so da leugnen, dass im hochwuerdigen Sakrament muendlich empfangen werde der wahrhaftige natuerliche Leib und Blut Christi unsers Heilandes, gewisslich Ketzler, und von der heiligen christlichen Kirche abgesondert sind." Erlangen Edition, 65, 172.

<sup>87</sup>Boehmer, *op. cit.*, p. 306.

<sup>88</sup>Hermelink, *op. cit.*, p. 54.

Prussia not to admit the Zwinglians. He was thinking of their blasphemous Christology.<sup>89</sup> But Luther did want some action taken against heretics who were blasphemous. "'Also soll man hie auch nicht viel Disputirens machen, sondern auch unverhoert und unverantwortet verdammen solch offentliche Laesterung.'"<sup>90</sup>

In Luther's view the State had to act in the case of heresy that was blasphemy, not only because of existing laws, but because of the highest function of the State - the protection of its citizens. If blasphemers were not punished, the innocent would share their guilt, and the entire land might suffer. The government was responsible for the punishment of open, defiant blasphemy against God.<sup>91</sup> This was the position Luther held over against the blasphemies of the Mass. Later he took the same position in his tract against the Jews. There he set forth the proposition that open, unchecked blas-

<sup>89</sup>Holl, op. cit., p. 371.

<sup>90</sup>Wappler, op. cit., p. 59. Quoted from Erlangen Edition, 39, 250-2.

<sup>91</sup>Holl, op. cit., p. 355. Holl quotes the following: "'Denn weyl sie (the Papists) mit uns yn eyner stad und gemeyne wonen und aller eusserlicher gemeynschafft mit uns geniessen, wuerden wyr zuletzt yhre wissentliche lesterunge auch auff uns tragen muessen, als die dreyn verwilligeten.'" Weimar Edition, XVIII, 36, 26ff. Again: "'Darumb, lieben Christen, last uns fur solchen gewel fliehen, und der sach eynis werden, das man kan durch ordentliche gewalt disse Gottes lesterung abthun, das wyr nicht frembde sunde auff unsern hals laden, Denn die oeberkeyt schuldig ist, solche offentliche Gottes lesterung zu weren und straffen . . .'" Ibid., 24, 24.

phemy would earn God's wrath for an entire country.<sup>92</sup>

Luther's distinction between punishing for heresy and punishing for blasphemy has not been appreciated by all historians. Bainton, in particular, is not willing to grant this distinction. He admits that the Protestants of the Reformation period did not persecute mere errorists but only obstinate errorists. But he charges that Luther was hedging when he called heresy blasphemy and concludes that both Protestants and Catholics of that day ". . . persecuted heresy as heresy."<sup>93</sup> He states further:

Religious persecution in the Reformation period was religious and only incidentally social and political. The belief that outside of the Church there was no salvation, that heresy damns souls - this was the root of the matter. Protestants and Catholics at this point were agreed, and the differences between their theories of persecution are slight.<sup>94</sup>

According to this historian, Luther's call upon the State to punish blasphemy was only a subterfuge to relieve him of any scruples in persecuting. Even this distinction between heresy and blasphemy, Bainton believes, dropped out in 1536 when the Wittenberg theologians called upon the magistrates to sup-

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<sup>92</sup>Wappler, *op. cit.*, p. 93. "'Will das nicht helfen, so muessen wir sie (the Jews) wie die tollen Hunde ausjagen, damit wir nicht ihrer greulichen Laesterung und aller Laster teilhaftig, mit ihnen Gottes Zorn verdienen und verdampt werden.'"

<sup>93</sup>Roland H. Bainton, "The Struggle for Religious Liberty," *Church History*, X (June, 1941), 98.

<sup>94</sup>*Ibid.*, p. 97.

press open false teaching, when Luther began treating absence from church as blasphemy, and when Luther began to prefer death and imprisonment as preferable punishments to banishment.<sup>95</sup>

Besides blasphemous heretics Luther also spoke of seditious heretics. For him the Anabaptists came under this category. Together with their false heretical teachings, which were blasphemous, were coupled tendencies that appeared seditious.<sup>96</sup> This judgment is partially borne out by the edicts of the second Diet of Spire in 1529 to which the Lutherans also agreed. The edicts against the Anabaptists adopted by that Diet directed that they should not be tried before ecclesiastical judges, as heretics formerly had been. Evidently the Anabaptists were considered different from ordinary heretics.<sup>97</sup> Luther emphasized in his writings that the Anabaptists who would not recognize or obey the secular government were seditious and rebellious.<sup>98</sup> Melancthon went farther in his

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<sup>95</sup>Bainton, "The Development and Consistency of Luther's Attitude to Religious Liberty," *op. cit.*, pp. 119f. Bainton refers to the Weimar Edition, 50, 11.32-12.2, to Enders, 9, 365, and to the Erlangen Edition, 55, 140.

<sup>96</sup>Wappler, *op. cit.*, p. 8.

<sup>97</sup>*Ibid.*, p. 56.

<sup>98</sup>*Ibid.*, p. 5. Wappler quotes the following from a letter of Luther's to L. Spengler concerning Muenzer's adherents: "'Wo sie aber die weltliche Oberkeit nicht wollten bekennen und gehorchen, da ist alles verwirkt. . . denn da ist gewisslich Aufruhr und Mord im Herzen, da gebuht weltlicher Oberkeit einzusehen.'" De Wette, II, 622.

opinion of 1531 where he stated that the Anabaptists were seditiously destroying the established ecclesiastical order through their condemnation of the ministry of the Word.<sup>99</sup> Luther apparently agreed since he added his Placet to this opinion.<sup>100</sup>

Because of the seditious and rebellious beliefs which Luther saw in the Anabaptists, he was convinced that the State should punish these heretics, with the sword if necessary. Dissension and disturbance must not arise and be left unchecked. For that reason, as Holl<sup>101</sup> points out, Luther asked the State to suppress false teachers or such blasphemous abominations as the Mass was for him. The State also had the duty to suppress the dissension caused by the Anabaptists. But here more than dissension was involved. The Anabaptists were

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<sup>99</sup>Wappler, op. cit., p. 61. "Obschon etliche Anabaptisten nicht solche Artikel oeffentlich aufruehrisch fuergeben . . . so ist doch das eine Blasphemia und seditio, dass ihre Prinzipal Weise dahin gericht ist, dass sie das oeffentlich ministerium verbi verdammen. . . Darueber ist es ein Zerstoerung der Kirchen und ein Aufruhr contra ecclesiasticum ordinem, welche Zerstoerung auch verhuetet und gestraft werden soll wie andre Aufruehren. . ." Corpus Reformatorum, IV, 737ff.

<sup>100</sup>Wappler, op. cit., p. 62. Luther wrote "Placet mihi Luthero" under Melancthon's opinion and added: "Wiewohl es crudele anzusehen, dass man sie mit dem Schwert strafft, so ist doch crudelius, dass sie ministerium verbi damiren, und keine gewisse Lehre treiben, und rechte Lehr unterdruecken, und dazu regna mundi zerstoeren wollen." Corpus Reformatorum, IV, 737ff.

<sup>101</sup>Holl, op. cit., p. 368. Luther's reasoning: "Denn es ist ja keiner Stad gut, das ym volck zwytracht gelitten wurd durch offentliche anreger und prediger." Quoted from the Weimar Edition, XXIII, 16, 14.

challenging the very structure of civil government. Hence the State had to act more severely. For this reason Luther could agree to the death penalty for seditious heretics like the Anabaptists. But he always wanted to give the Word the chance to convert such heretics.<sup>102</sup> But if they were stubborn, then the State had to punish with the sword such stubborn seditious heretics.

Thus in punishing both blasphemous and seditious heretics the State had an important role to play. But here, according to Luther, the State acts as State. Just as the State acted as State, in its own sphere and on its own power, in abolishing the Mass for the earthly good of its subjects,<sup>103</sup> so the State also had the power to protect its citizens from sedition and rebellion.<sup>104</sup> Of course, as brought out in Chapter II, Luther's conception of a Christian ruler was unique. Here too, in so far as he was a Christian, the prince would also exercise his right as a Christian believer in helping to remove any antichristian abominations among his subjects.<sup>105</sup> However, in approving the death penalty for the Anabaptists Luther did

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<sup>102</sup>Hermelink, op. cit., p. 54.

<sup>103</sup>Holl, op. cit., p. 355.

<sup>104</sup>Wappler, op. cit., p. 5. In his "Admonition to Peace" of 1525 Luther stressed that the State had no right to order an individual's faith, but he added: ". . . es ist gnug, dass sie Aufruhr und Unfriede zu lehren wehret." Erlangen Edition, 24, 276.

<sup>105</sup>Hermelink, op. cit., p. 47f.

not use this reasoning.<sup>106</sup>

That the State was not stepping out of its own sphere by punishing blasphemous and seditious heretics is evident in the way in which Luther stressed that the State was not to compel anyone to faith. In a letter to the elector regarding clergy who would not give up the Mass, Luther wrote:

If they object that they are forced to faith, that's not the idea. Public offense is alone forbidden them. They may stay in the land, and in the privacy of their rooms pray to as many gods as they like.<sup>107</sup>

Each man could believe what he pleased.<sup>108</sup> But he could not publicly blaspheme.<sup>109</sup> Holl<sup>110</sup> maintains that heretics in

<sup>106</sup>Bainton, "The Development and Consistency of Luther's Attitude to Religious Liberty," op. cit., p. 116. Here Bainton quotes from a letter written by Luther to Spalatin in 1525: "'You ask whether the prince should suppress the abominations, since no one is to be forced to faith, and the power of princes extends only to externals. Answer: Our princes do not compel faith, but merely suppress external abominations. Princes should prohibit public crimes such as perjury, manifest blasphemy of the name of God, and the like, without considering whether the culprits believe or not, or whether they curse in private.'" Enders, 5, 271, condensed.

<sup>107</sup>Bainton, "The Development and Consistency of Luther's Attitude to Religious Liberty," op. cit., p. 117. Quoted from the Erlangen Edition, 53, 367.

<sup>108</sup>Bainton, "The Development and Consistency of Luther's Attitude to Religious Liberty," op. cit., p. 141.

<sup>109</sup>Wappler, op. cit., p. 59, quotes from Luther's "Explanation of Psalm 82": "Den hiemit wird Niemand zum Glauben gedungen, denn er kann dennoch wohl glaeuben, was er will. Allein das Lehren und Laestern wird ihm verboten, damit er will Gott und den Christen ihr Lehre und Wort nehmen." Erlangen Edition, 39, 224ff.

<sup>110</sup>Holl, op. cit., p. 370.

Luther's view were not punished for their faith, but for their blasphemy. And that was the State's affair. Hermelink gives some interesting examples of toleration for differing beliefs on the part of some Protestants of the Reformation period - as long as there was no propaganda for those beliefs.<sup>111</sup>

It was always Luther's opinion that in countries where dissension exists because of two differing faiths one group should emigrate. That is the advice he gave to the Peasants.<sup>112</sup> That is also the advice he gave his own followers.<sup>113</sup> In the matter of the Anabaptist heresy Luther remained consistent. Such blasphemers should go where there were no Christians. But if they wished to remain in Saxony, they would have to obey

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<sup>111</sup>Hermelink, *op. cit.*, p. 51. In Wuerttemberg and the Palatinate up until 1590 there were individual nuns and monks in cloisters there. In Saxony Carlstadt was allowed to stay from 1525-1528 in spite of his differing views and without being forced to retract them.

<sup>112</sup>Hyma, *op. cit.*, p. 114. Hyma quotes from Luther's "Exhortation to Peace" written to the Peasants: "It is true that the rulers may prevent the preaching of the Gospel in cities, village, or community. But you can leave that city or village, and go to a place where you can hear the Gospel preached."

<sup>113</sup>Holl, *op. cit.*, p. 368, note 1. "Und meine Lutherischen solten auch selbs gern abtreten und schweigen, wo sie merckten, das man sie nicht gern horet." Quoted from the "Exposition of Psalm 82," *Weimar Edition*, XXXI, 1, 209, 15.

its laws and not undermine them.<sup>114</sup> If Anabaptists refused and continued their open blasphemous and seditious heresy, then the role of the State could be none other than to punish such heretics severely.

These views of Luther are his own. They do not necessarily agree with all his Lutheran contemporaries. Melanchthon, for example, went much farther than Luther in the role he assigned the State in the punishment of heretics. Dunning<sup>115</sup> gives as a common expression of Melanchthon's that the duty of a ruler is to care not only for the good of the belly but also for the good of the soul. By 1559 Melanchthon had reached the conclusion that the government, as the protector of the Church, must watch over both tables of the Law.<sup>116</sup> Luther's reservations regarding State interference in the Church had disappeared with the consolidation of the state-

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<sup>114</sup>Wappler, op. cit., p. 60. "Er (the blasphemer) gehe dahin, da nicht Christen sind, und thu daselbs. Denn wie ich mehr gesagt, wer bei Buergern sich naehren will, der soll das Stadtrecht halten, und dasselb nicht schaenden und schmaehen, oder soll sich trollen." Erlangen Edition, 39, 251.

<sup>115</sup>Dunning, op. cit., p. 20. Dunning refers to the Corpus Reformatorum, XVI, 91-2.

<sup>116</sup>Wappler, op. cit., p. 59, quotes from Melanchthon's Loci of 1559 as follows: ". . . die Obrigkeit hat zu wachen ueber die zweite Tafel des Gesetzes; vielmehr noch ueber die erste. Die Regenten haben vor allem dem Ruhme Gottes zu dienen. Sie sind Schirmherrn der Kirche. Wer aber den Namen des Herrn gelaestert hat, der soll des Todes sterben. Denn nicht nur mit ewigen, auch schon mit zeitlichen Strafen will Gott die Laesterungen bestraft sehen." Loci, edition of 1559, p. 171b.

church. Luthardt holds that Melanchthon was responsible for a complete perversion of the Lutheran distinction between Church and State.<sup>117</sup> As early as 1530 Melanchthon had written that even heretics who were not seditious but who were blasphemers should be executed.<sup>118</sup> In later years he based his theory of persecution on the Naturgesetz which he found in Leviticus 24.<sup>119</sup> Hyma holds that Melanchthon more closely approached the Roman Catholic position on the punishment of heresy by the State than did Luther. As reasons, Hyma mentions the further growth of heresy among the Lutherans after Luther's death and Melanchthon's interest in scholastic authors and in Aristotle. A further reason given was that Melanchthon

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<sup>117</sup>Hermelink, op. cit., p. 57, cites Luthardt as follows: Melanchthon's position on Fuerstenamt is ". . . eine solche Verkettung des Religioesen mit dem Staatlichen. . . dass dadurch der ganze Gewinn der reformatorischen Erkenntnis vom Unterschied des weltlichen und geistlichen Gebiets in Frage gestellt wird." Quoted from C. E. Luthardt, Melanchthon's Arbeiten im Gebiete der Moral, 1884, p. 56.

<sup>118</sup>Wappler, op. cit., p. 58. In a letter to Myconius in 1530 Melanchthon wrote the following: "Deshalb, bin ich der Meinung, dass auch die, welche keine aufreuerischen Artikel verteidigen, aber doch offenbar gotteslaesterliche (Artikel) haben, von der Obrigkeit getoetet werden muessen." Corpus Reformatorum, II, p. 17f.

<sup>119</sup>Wappler, op. cit., p. 94. Wappler quotes from Melanchthon's "Prozess, wie es soll gehalten werden mit den Wiedertauefern" written in 1557: "'Also ist geschrieben Levitici 24: Wer Gotteslaesterung redet, der soll getoetet werden. Und dieses Gesetz bindet nicht allein Israel, sondern ist ein natuerlich Gesetz, das alle Obrigkeiten in ihrer Ordnung bindet . . .'" Found in N. Paulus, p. 48.

. . . quoted extensively from legal sources, showing that he based his opinions only in part upon the teachings contained in the Bible. As a result of this attitude, he willingly granted that the civil government has the power to punish heretics with the death penalty if necessary.<sup>120</sup>

Luther's views on the role of the State in the punishment of heretics must be taken as they stand. Twentieth century historians must not read into them the position taken by other reformers. Nor should they condemn Luther for not thinking as a twentieth century man would about these problems. Luther's position was based on firm religious convictions. As far as tolerance or intolerance is concerned, Luther saw no alternative when God's honor and command were involved. He would not be meek if meekness were against God's command. In defending his attitude in the Peasant War Luther wrote: "Don't talk to me about love and friendship where one wishes to break with the Word or faith."<sup>121</sup> Bainton is certainly doing some wishful thinking as he comments: "God's honor! If only Luther could have forgotten that!"<sup>122</sup> That Luther was not lacking in love has already been shown. But a toleration of heretics who were blasphemous and seditious was unthinkable for

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<sup>120</sup> Hyma, op. cit., p. 141. Hyma refers to the Corpus Reformatorum, XII, 696-8.

<sup>121</sup> Bainton, "The Development and Consistency of Luther's Attitude to Religious Liberty," op. cit., p. 146. Quoted from the Erlangen Edition, 19, 269.

<sup>122</sup> Bainton, "The Development and Consistency of Luther's Attitude to Religious Liberty," op. cit., p. 148.

him.<sup>123</sup> Where heresy involved open blasphemy or sedition, the State had to act with the sword. As Koehler mentions,<sup>124</sup> the question of who is going to decide which side is right does not enter his thinking.

Luther's position on the State and the punishment of heretics was in agreement with the common convictions of his age. According to Bussell in the Reformation period "To be of a different faith from the ruler's was to be a traitor amenable to laws of treason. . ."<sup>125</sup> Even some of the men who made the loudest pleas for religious toleration in this period were in themselves intolerant. Reference has been made to the intolerance of the Anabaptists. Hermelink<sup>126</sup> gives other examples. Thomas More, who championed religious liberty in his Utopia, himself invoked the death penalty against Lutherans as the chancellor of Henry VIII. Other humanists, too, showed indifference to individual forms of religion only as long as these forms did not disrupt the social structure.

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<sup>123</sup>Ibid., p. 113. Bainton quotes as follows from a sermon of Luther's of 1522: "Not all the prophets of Baal under Josiah believed their rites to be impious, but Josiah paid no attention to that. It is one thing to tolerate the weak in non-essentials, but to tolerate in matters clearly impious is itself impious." Condensed from Enders, 4, 211.

<sup>124</sup>W. Koehler, Reformation und Ketzerprozess (Tuebingen: J. C. B. Mohr, 1901), p. 42.

<sup>125</sup>F. W. Bussell, Religious Thought and Heresy in the Middle Ages (London: Robert Scott, Roxburghe House, 1918), p. 872.

<sup>126</sup>Hermelink, op. cit., p. 45.

Boehmer<sup>127</sup> believes that it was impossible during Luther's lifetime for anyone to allow unrestricted teaching and religion.

Historians like Paulus and Troeltsch have called Luther's position a return to the Middle Ages. But Holl<sup>128</sup> rejoins that according to the view of Luther punishment of heretics stemmed from the State directly. In the Middle Ages, on the other hand, the State had been compelled to punish heretics as the secular arm of the Church. Holl denies that any evangelical theologian ever thought of coercing the government by excommunication to insure the execution of heretics. Boehmer answers the question whether Luther returned to the old medieval laws on heresy with a definite

No. He neither knows nor desires an Inquisition, nor an ecclesiastical heresy trial, he knows only a secular punitive procedure exercised in disturbance of the peace of the Church through discordant teachings, in seditious agitation against the established political order and in public blasphemy, and he regards the death penalty as proper only in those cases where also the laws of the state demand it, in rebellion and blasphemy.<sup>129</sup>

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<sup>127</sup>Boehmer, op. cit., p. 306f.

<sup>128</sup>Holl, op. cit., p. 371.

<sup>129</sup>Boehmer, op. cit., p. 310.

## CHAPTER IV

### CALVIN ON THE STATE

Calvin, too, like Luther, has his roots in the Middle Ages. His theories of the State and its relationship to the Church developed from a medieval background. For that reason Calvin's doctrine of the State bears some similarity to that of the Middle Ages. Some historians have even identified Calvin's theories with those of the Middle Ages. Philip Schaff goes so far as to say "If he had lived in the Middle Ages, he might have been a Hildebrand or an Innocent III."<sup>1</sup> Dunning<sup>2</sup> agrees but at the same time believes that the similarity stems from the conflict of the two powers which he sees occurring in Geneva exactly as it had occurred in the medieval Holy Roman Empire. This conflict between State and Church in Geneva will be investigated. Several historians agree with Troeltsch<sup>3</sup> who argues that Calvin, too, based his view of the State on the theory of a corpus christianum just as the Roman Catholics and Lutherans had done. From this theory, says Troeltsch, arose Calvin's theocratic union of Church and State. The ques-

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<sup>1</sup>Philip Schaff, History of the Christian Church (New York: Scribner's, 1923), VII, 466.

<sup>2</sup>W. A. Dunning, A History of Political Theories (New York: Macmillan, 1908), II, 33.

<sup>3</sup>Ernest Troeltsch, The Social Teaching of the Christian Churches, translated by Olive Wyon (London: George Allen and Unwin, c.1949), II, 617.

tion of Calvin's theocracy also will be investigated in this chapter. For in Calvin's case, as in Luther's, his theory of the State and its relation to the Church will supply some of the answers to the question, "What role did Calvin assign to the State in the punishment of heretics?"

Calvin had definite views concerning the origin of the power of the State. According to Hyma,<sup>4</sup> the main source for Calvin's teachings on the State is the French edition of the Institutes (1541), Book IV, Chapter 20. There Calvin evidenced his high regard for rulers. In Calvin's eyes rulers represented the person of God and were approved of God since He Himself called them gods. Like Luther he saw in the temporal government a divine agency established by God. But it was divine providence, and not so much the evil of men, that had caused supreme power on earth to be lodged in earthly rulers. Bergendoff,<sup>5</sup> too, sees this difference between Calvin and Luther. Calvin saw a more direct influence of God in government than Luther did. Government for Calvin was the will of God in action. Hence he could call kings the hands of God. He also could affirm that civil government was as necessary as bread, water, life, and air - and far more excellent. Kings

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<sup>4</sup>Albert Hyma, Christianity and Politics (New York: Lipincott, 1938), pp. 142-5.

<sup>5</sup>Conrad Bergendoff, "Church and State in the Reformation Period," Lutheran Church Quarterly, III (January, 1930), 57.

and magistrates were the called and anointed of God and were given a special mark of divine election.<sup>6</sup>

Because Calvin saw in rulers the vice-regents of God, they had to be obeyed. Although they might be oppressive, Calvin held that such oppression was to test the believer's faith.<sup>7</sup> Such a conclusion was very simple for Calvin, as Hausherr<sup>8</sup> points out. The Staatsordnung was God's positive declaration, and if God demanded a Zwangsgewalt, that was all there was to be said. Harkness<sup>9</sup> hints that Calvin's strong exhortation to obey the State came as a result of his sect being in favor with the State. Yet this same author asserts:

It would be unfair to the memory of Luther and Calvin to assert that either one preached submission to the state against his own convictions merely for the sake of political support. Both believed firmly that submission to rulers was commanded by God in the Scriptures, and that resistance would not only affront God but disrupt the social fabric.<sup>10</sup>

Like Luther Calvin held that demands of rulers that were con-

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<sup>6</sup>Georgia Harkness, John Calvin, the Man and his Ethics (New York: Holt, c.1931), p. 226. Harkness refers to the Corpus Reformatorem, XXV, 152; Calvin's Institutes, IV, XX, 3; and again to the Corpus Reformatorem, XXIX, 617.

<sup>7</sup>Harkness, op. cit., p. 222f.

<sup>8</sup>Hans Hausherr, "Der Staat in Calvins Gedankenwelt," Verein fuer Reformation Geschichte, CXXXVI (1923), 5.

<sup>9</sup>Harkness, op. cit., p. 222.

<sup>10</sup>Ibid., p. 225.

trary to God's Word should not be obeyed.<sup>11</sup> But unlike Luther he gave a tacit consent to the political resistance of the Huguenots, though as Philip Schaff<sup>12</sup> maintains, he did not encourage or advise the active resistance of the Huguenots. In Calvin's opinion temporal rulers had to be obeyed except when their demands ran counter to the Word of God.

In the late Middle Ages a theory of Naturrecht had developed. The later scholastics believed that reason agreed with the will of God in the realm of earthly matters such as government and laws. Hausherr takes up the question whether Luther and Calvin, in particular Calvin, derived their ideas of the State from this late scholastic theory. Hausherr<sup>13</sup> concludes that Luther and Calvin did take over the forms of a Naturrecht concept of the State, but that they denied that this theory was correct in all parts. Their basic belief that government originated in God kept either of the reformers from the radical side of a theory that leaves God out of the picture in the origin of the State's powers. Hausherr, however, points out differences between Calvin's and Luther's modifications of the Naturrecht theory. Luther had built on the Augustinian theory that the State came because of the Fall

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<sup>11</sup>Ibid., p. 223.

<sup>12</sup>Schaff, op. cit., p. 462.

<sup>13</sup>Hausherr, op. cit., pp. 5-10. Hausherr refers to the Institutes, II, 2, 13ff.

into sin. Calvin on the other hand developed that Aristotelian idea that there is a natural instinct in man which compels him to build a state. Hence for Calvin Rechtsordnung belonged to the nature of man that had been given by God even before the Fall. When therefore a man used a court, Calvin held that he did so as a man, not as a Christian. Hausherr concludes:

Gerade hier wird deutlich, dass Calvin in einer ganz anderen Bildungsatmosphäre lebt als Luther. Humanismus und Jurisprudenz machen das Besondere an Calvin aus.<sup>14</sup>

Calvin developed his theories concerning the functions of the State quite extensively. The first and foremost function of the State was to carry out God's will and His Law against any of those who opposed it. The State was to subject everything to God's will and thus in its own way help bring about the rule of God in the world.<sup>15</sup> Calvin's main concern with the State, therefore, was the service it performed for the Gottesherrschaft and for the Church. Calvin's thinking was oriented in his zeal to magnify God. The State, whose origin was in God, had the grand function to carry out God's will to the greater glory of God.<sup>16</sup> It is striking to recall that in Luther the primary function of the State had been oriented

<sup>14</sup>Hausherr, op. cit., p. 5.

<sup>15</sup>Ibid., p. 4, where Hausherr refers to the Institutes, of 1559, Book IV, Chap. 20, paragraph 10.

<sup>16</sup>Hausherr, op. cit., p. 15.

in the love of the neighbor, which though it often cast the State in a negative role, nevertheless had as the ultimate object of the State the service of man.

Calvin also gave the State an essentially negative role. In his opinion the State was to restrain anarchic and egotistical tendencies in natural man caused by the introduction of original sin.<sup>17</sup> But for Calvin the State also had positive duties. The State was to secure a minimum of peace and concord necessary for human society. Hausherr<sup>18</sup> mentions the fact that the most common word for State in the Institutes was politia (Rechtsordnung). Although an ordering of moral living is only one side of the modern State, in Calvin this moral regulation was central. If necessary, the State should use its sword to enforce such moral living.<sup>19</sup> The standard in all such law enforcement was to be the Decalog. Cheneviere<sup>20</sup> regards the Decalog as central in Calvin's political theory, since the Decalog was the means by which the State could give the world a little "taste of the celestial realm" and so fulfill its real function. By the Decalog the State could teach men to know the will of God and to obey Him. Still Calvin

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<sup>17</sup>M. Cheneviere, "Did Calvin Advocate Theocracy," Evan-  
gelical Quarterly, IX (April, 1937), 164.

<sup>18</sup>Hausherr, op. cit., p. 13.

<sup>19</sup>Harkness, op. cit., p. 21.

<sup>20</sup>Cheneviere, op. cit., p. 166.

realized that this compulsion to obey the Decalog effected only outward morality and did not effect an inner change. The Old Testament was Calvin's guide in his insistence that the State regulate moral living by means of the Decalog. With the examples of Moses, the Judges, David, and Josiah before him, Calvin was ready to dictate a multitude of moral regulations that the State should enforce in Geneva.<sup>21</sup> Luther as a theologian refused to enter upon a description of all the duties of the government, although he did suggest some moral regulations.

For Calvin the State also had functions as far as religion was concerned. The object of civil government was

. . . to foster and maintain the external worship of God, to defend sound doctrine and the condition of the church, to adapt our conduct to society, to form our manners to civil justice, to conciliate us to each other, to cherish peace and tranquillity.<sup>22</sup>

Thus the maintainance of external worship and the protection of the Church were functions of the State. Dunning emphasizes this.

There is no room in Calvin's system for the theory that the magistrates should confine themselves to the administration of mere human justice; 'as if God,' he says, 'had appointed rulers in his own name to decide earthly controversies and omitted what was of far greater moment, his own pure worship as prescribed

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<sup>21</sup>Schaff, op. cit., p. 462.

<sup>22</sup>Bergendoff, op. cit., p. 59. The quotation is from the Institutes, the Beveridge translation, Book IV, Chapter 20, p. 521.

by his laws.<sup>23</sup>

Bainton contrasts Luther's coercive society which sin has produced with the immediately divine character of Calvin's State. The difference between the two, Bainton says, accounts for Calvin's bold statement: "'The task of the ruler is to suppress not only murder, adultery, and the like, but also heresy, idolatry, blasphemy, and sacrilege.'"<sup>24</sup>

While Luther was interested in the State only from a religious point of view, Calvin, as Moerikofer<sup>25</sup> states, was as great a jurist as he was a theologian. Luther called the State's punishment an expression of love for its citizens whom the State was thus protecting from a criminal. Calvin's magistrates were to decree punishment to punish. For the government's wrath was God's wrath.<sup>26</sup> Luther advised his prince to mingle mercy with his justice. Calvin denied that this should be so.<sup>27</sup> Luther limited the State to the second table of the

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<sup>23</sup>Dunning, *op. cit.*, p. 28. The quotation of Calvin's is from the Institutes, IV, 20, 9.

<sup>24</sup>Concerning Heretics: Whether they are to be persecuted and how they are to be Treated. A Collection of the Opinions of learned Men both Ancient and Modern. Anonymous work attributed to Sebastian Castellio, translated by Roland H. Bainton (New York: Columbia University Press, 1935), introduction, p. 72. There Bainton quotes from the Opera, XXIX, 532.

<sup>25</sup>J. C. Moerikofer, Bilder aus dem kirchlichen Leben der Schweiz (Leipzig: S. Hirzel, 1864), p. 273.

<sup>26</sup>Hausherr, *op. cit.*, p. 4.

<sup>27</sup>Ibid., p. 9.

Decalog. Calvin extended its functions to include also regulation of the first table.<sup>28</sup>

According to David Schaff<sup>29</sup> the relationship of State and Church exercised Calvin's constructive intellect. This same historian holds that in this Calvin differed from Luther, for whom this matter was never a subject of serious reflection. That Luther did give the relation of the State to the Church serious consideration has been considered at length in Chapter II. Calvin, like Luther, was firmly convinced that State and Church were two different spheres which should remain distinct.<sup>30</sup> Hyma quotes the following from the Institutes:

Some are led astray by not observing the distinction and dissimilarity between ecclesiastical and civil power. For the Church does not have the right of the sword to punish or restrain, has no power to coerce, no prison nor other punishments which the magistrate is wont to inflict.<sup>31</sup>

And again:

Neither does the Church assume anything to herself which is proper to the magistrate, nor is the magistrate competent to do that which is done by the Church.<sup>32</sup>

The functions and powers of these two spheres are distinctively

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<sup>28</sup>Ibid., p. 15.

<sup>29</sup>David Schaff, "Martin Luther and John Calvin," Princeton Theological Review, XV (October, 1917), 546.

<sup>30</sup>Cheneviere, op. cit., p. 164.

<sup>31</sup>Hyma, op. cit., p. 143. The quotation is from the French edition of the Institutes of 1541, IV, 11.

<sup>32</sup>Ibid.

different. Hausherr<sup>33</sup> holds that Calvin's view of the calling of the individual played into his theory of the State. No one must overstep the bounds set by his vocation.

Theoretically Calvin carried out this distinction between State and Church. The Church was not to rule over the State in temporal matters. It could only advise.<sup>34</sup> Calvin's visible Church, the totality of the parts of the Church Universal possessing material organization, was not to deal directly in temporal affairs. Rather it was to bear witness to Christ and not to reign over the world. The State, on the other hand, was to see this mission of the Church respected. But if the State did not do this, the Church had no recourse but to suffer.<sup>35</sup> Calvin therefore wrote to Admiral Coligny when revolution on behalf of the Reform seemed imminent in France: "'Better that we should all perish a hundred times than that the name and cause of Christianity and the Gospel should be subject to such a reproach.'"<sup>36</sup> Yet Preuss<sup>37</sup> mentions that some years later Calvin himself worked on a plan

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<sup>33</sup>Hausherr, op. cit., p. 12. Hausherr refers to the Opera, XV, 331.

<sup>34</sup>Harkness, op. cit., p. 22.

<sup>35</sup>Cheneviere, op. cit., pp. 162-7.

<sup>36</sup>Castellio-Bainton, op. cit., p. 76. The quotation is from the Opera, XVIII, 426.

<sup>37</sup>H. Preuss, "Calvin und seine Gesetzgebung," Kirchliche Zeitschrift, LX (June, 1936), 324.

of military strategy for the Huguenots.

Neither was the State to rule the Church, according to Calvin. He stood for the autonomy of the Church. "Christ alone . . . ought to rule and reign in the Church," he had written.<sup>38</sup> While Calvin implied that the magistrates were above the clergy in the sacredness of their office,<sup>39</sup> he did not want the State to judge the Church's doctrine. As part of its office the State could regulate external conditions in the Church and purge the Church of scandals.<sup>40</sup> But that Calvin fought vehemently against a state-controlled Church will be seen when his disputes with the Council of Geneva are discussed. Another instance of Calvin's concern for the independence of the Church can be seen in his indignation when the Bernese clergy acquiesced in a change in the communion formula demanded by the Bern Council.<sup>41</sup> Calvin's insistence that neither Church nor State should rule the other is very reminiscent of Luther.

Calvin, like Luther, did not know of a separation of

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<sup>38</sup>Philip Schaff, op. cit., p. 467. Opera, VI, 459.

<sup>39</sup>Harkness, op. cit., p. 226. "Wherefore no doubt ought to be entertained by any person that civil magistracy is a calling not only holy and legitimate, but far the most sacred and honorable in human life." Institutes, IV, XX, 4.

<sup>40</sup>Cheneviere, op. cit., p. 167.

<sup>41</sup>Hausherr, op. cit., p. 27.

Church and State.<sup>42</sup> Although Church and State were absolutely distinct, yet they were united by their common interests. Since the two spheres were coordinate and complementary, in their respective duties they were bound to assist each other.<sup>43</sup> Normally, as Cheneviere brings out, neither Church nor State would be required to intervene in each other's sphere. "Their duty of collaboration alone can oblige one of these two institutions to intervene in the affairs of the other."<sup>44</sup> Here Calvin went farther than Luther. Philip Schaff states the degree of cooperation that Calvin wanted in this way: "The Church gives moral support to the State, while the State gives temporal support to the Church."<sup>45</sup> Hyma quotes a summary of Calvin's political views drawn from Reynolds.

Calvin's aim at Geneva was neither Erastian nor theocratic, but the creation of a state and a church in which the distinction between temporal and spiritual should be clearly drawn, while at the same time each should lend the other support in the execution, but not the legislating, of its proper tasks.<sup>46</sup>

While the similarity between Calvin and Luther is here apparent,

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<sup>42</sup>Cheneviere, op. cit., p. 167.

<sup>43</sup>Hyma, op. cit., p. 145.

<sup>44</sup>Cheneviere, op. cit., p. 167.

<sup>45</sup>Philip Schaff, op. cit., p. 472.

<sup>46</sup>Hyma, op. cit., p. 151, quoted from B. Reynolds, Proponents of Limited Monarchy in Sixteenth Century France: Francis Hotman and Jean Bodin (New York, 1931), p. 27.

yet Calvin's accent seems to lie more forcefully on the co-operation between the two realms than Luther's did. In Luther the accent lay more heavily on the distinction between State and Church.

Specifically, in Calvin's opinion, the Church was to help the State by acting as the State's spiritual guide.<sup>47</sup> When magistrates did not obey the Word of God, then the Church had to intervene and reprove such a magistrate.<sup>48</sup> Calvin did this constantly. He denounced the deception, avarice, extravagance, and corruption of the rulers of his day.<sup>49</sup> In morals and religion Calvin held that rulers were subject to the Church. Neither would the Christian magistrate wish anything else. Calvin wrote:

For the magistrate, if he is pious, will have no wish to exempt himself from the common subjection of the children of God, not the least part of which is to subject himself to the Church.<sup>50</sup>

Luther also chided erring rulers, but he never quite so positively asserted that the Church's role in the Church-State relationship was to be a spiritual guide to the State.

The State was to offer its cooperation by protecting the

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<sup>47</sup>Cheneviere, op. cit., p. 163.

<sup>48</sup>Ibid., p. 167.

<sup>49</sup>Harkness, op. cit., p. 227, where the author refers to the Corpus Reformatorum, XXIX, 574; XXXVI, 168, 305, 573; XXXIX, 4, 230; XLI, 7.

<sup>50</sup>Hyma, op. cit., p. 144. Quoted from the Institutes IV, 11.

peace and safety of the Church. This was Calvin's reasoning:

For, seeing the church has not, and ought not to wish to have, the power of compulsion (I speak of civil coercion) it is the part of pious kings and princes to maintain religion by laws, edicts, and sentences.<sup>51</sup>

The same reasoning occurs in Calvin's letter to the Queen of Navarre in which he makes it the duty of a prince to reform his country and church.<sup>52</sup> It was true, as Calvin said at one time, that Christ wants us to imitate His meekness, ". . . but this is no reason why the magistrate should not protect the safety and tranquillity of the Church. To neglect this is the deepest perfidy and cruelty."<sup>53</sup> The same argument occurs in Calvin's controversy with Castellio.<sup>54</sup> Thus both Church and State help each other. The minister helps the State by seeing that not so many people sin. The State purges

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<sup>51</sup>Bergendoff, op. cit., p. 59, quoted from the Institutes, IV, XI, 244.

<sup>52</sup>Hausherr, op. cit., p. 16. The author refers to the Corpus Reformatorum, 19, 643ff.

<sup>53</sup>Harkness, op. cit., p. 112, quoted from Corpus Reformatorum, XXIV, 357.

<sup>54</sup>Castellio-Bainton, op. cit., p. 271, where Castellio quotes Calvin's Defence as follows: "Now we see that the ministers of the Gospel must be prepared to bear the cross and enmity and whatever pleases the world, and the Lord equipped them with no other arms than patience. Nevertheless, kings are commanded to protect the doctrine of piety by their support."

the Church of offenses.<sup>55</sup> As will be more fully developed later, Calvin made no such distinction as Luther did between reforms to be made by the State as State and those to be made by the State only because of the necessity of the times in view of the fact that the rulers were Christians.

The question "Did Calvin advocate a theocracy?" has been much debated. Cheneviere<sup>56</sup> maintains that Calvin never advocated a theocracy in the usual sense. As proof he cites Calvin's criticism of the Roman clergy for usurping authority over the princes. Only on one score, his theory that all power came from God, could Calvin's society be viewed as a theocratic society. Philip Schaff<sup>57</sup> agrees that Calvin was theocratic only by the fact that he united Church and State as closely as their functions would permit. Both Hausherr<sup>58</sup> and Dunning<sup>59</sup> contradict this position by saying simply that Calvin did advocate a theocracy. This question will be partially answered as Calvin's practice in dealing with problems relating to State

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<sup>55</sup>Hausherr, op. cit., p. 24. "At quemadmodum magistratus puniendo et manu coercendo pugnare debet ecclesiam offendiculis, ita verbi ministri vicissim sublevare debent magistratum, ne tam multi peccent. Sic conjunctae debent esse operae, ut altera sit adjumento alteri, non impedimento." Institutes, IV, 11, 3.

<sup>46</sup>Cheneviere, op. cit., p. 160.

<sup>57</sup>Philip Schaff, op. cit., p. 471.

<sup>58</sup>Hausherr, op. cit., p. 16.

<sup>59</sup>Dunning, op. cit., p. 31.

and Church is next examined.

When Calvin arrived at Geneva in 1536, he entered a situation where conditions were most favorable for his theories to be put into practice. Troeltsch<sup>60</sup> stresses these ideal conditions. The Genevan Church was the backbone of the young state which had only recently won its independence. Calvin did not alter the political structure of Geneva, but into it he infused a Christian and disciplinary spirit. This he could do because he was the guiding light of the Church. Calvin's reforming work in Geneva, as Philip Schaff<sup>61</sup> reports, extended to the minutest details of city life. His big work, however, was to author the ecclesiastical ordinances of Geneva, which he framed after returning from his Strassburg exile in 1541. In these church regulations, which were a part of civil law, David Schaff says "His purpose was to make the two spheres of church and state coordinate and complementary."<sup>62</sup> In these ecclesiastical ordinances Calvin's actual practice in the State-Church relationship can be seen more clearly than anywhere else.

The Ordonnances of 1541 had two objects. They defined the relations between church and civil officers, and they es-

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<sup>60</sup>Troeltsch, op. cit., p. 626f.

<sup>61</sup>Philip Schaff, op. cit., p. 464, where reference is made to the Opera, X, 125-46.

<sup>62</sup>David Schaff, op. cit., p. 546.

established the Consistory.<sup>63</sup> The introduction to these ecclesiastical regulations was significant. There the temporal authorities of Geneva declared that they considered it their urgent duty to preserve the Gospel and to protect the Church. Since Calvin was the real author of these ordinances, this can be taken as his view.<sup>64</sup> Koehler<sup>65</sup> makes one reservation. Calvin held that the government was the protector of Church affairs not on its own power but because of the wish and will of the Church. The church order of 1541, according to Koehler, was merely an order to the State to carry out certain duties which the Church could not. Moerikofer<sup>66</sup> holds that these Ordonnances of 1541 intended to compel submission by the severity of the law when the Word of God was not able to be effective. In the second place they intended to limit the number of the godless and so protect the Church from worldliness. In these church regulations Matthew 18 did not read

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<sup>63</sup>Harkness, op. cit., p. 24.

<sup>64</sup>Philip Schaff, op. cit., p. 476. "In the name of God Almighty, we, the Syndics, Small and Great Councils . . . have considered that the matter above all others worthy of recommendation is to preserve the doctrine of the holy gospel of our Lord in its purity, to protect the Christian Church . . . For this reason we have deemed it wise to reduce the spiritual government, such as our Lord has shown us and instituted by his Word, to a good form to be introduced and observed among us." Introduction to the Ordinances of 1541, Opera, X, 16.

<sup>65</sup>W. Koehler, Reformation und Ketzerprozess (Tuebingen: J. C. B. Mohr, 1901), p. 39.

<sup>66</sup>Moerikofer, op. cit., p. 273.

that a man who will not hear the Church should be considered a heathen and publican, but they read as follows: ". . . wenn man sich nicht einigen kann, so rufe man die Obrigkeit, um Ordnung zu stiften."<sup>67</sup> Calvin's theory had been carried into practice. The ecclesiastical ordinances of 1541 put the State into the position of guardian to the Church.

The Genevan Consistory had thus been established. The Consistory and its relation to the Council, as defined in the Ordonnances, is a good example of Calvin's theories further at work. According to Calvin's scheme of church government, the elders were the twelve laymen who made up the Consistory. These watchdogs of faith and morals could admonish and reprove sinners, but excommunication was the limit of their authority. Any additional punishment had to come from the Council. So Harkness<sup>68</sup> describes the Consistory. Bergendoff<sup>69</sup> gives more details. He points out that the elders of the Consistory were elected by the Small Council, the real governing body of Geneva. Two of these were elected from the membership of the Small Council itself, four from the Council of Sixty, and six from the Great Council. All elections had to be approved by the Great Council. Each Thursday the Consistory met with the

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<sup>67</sup>Koehler, op. cit., p. 39. The quotation is from Richter, K. O., I, 343.

<sup>68</sup>Harkness, op. cit., p. 25.

<sup>69</sup>Bergendoff, op. cit., p. 60.

Venerable Company, the total number of pastors, to discuss matters of doctrine and practice. The Council placed an officer at the Consistory's disposal for the purpose of gathering information on infractions of the ecclesiastical rules and for summoning such offenders before the Consistory. The findings of the Consistory went to the Council who then carried out the fitting punishment. Bergendoff concludes: "In this manner the civil government became the instrument of the church . . . The Roman theory of the church had found an evangelical counterpart."<sup>70</sup> Calvin's theories regarding the relation of the State to the Church had been put into practice in the Consistory. This body, a part of the church government, had only spiritual authority, but it cooperated with the civil government by trying to better moral standards in Geneva, and the secular government in turn did its part by punishing the stubborn sinners whom the Consistory turned over to it.

Philip Schaff's<sup>71</sup> assertion that the Consistory was purely spiritual and had nothing to do with temporal punishments is at best a half-truth. Indeed, as Schaff shows, the names of Gruet, Bolsec, and Servetus do not occur in the Consistorial records. But those are the gross offenders in Genevan

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<sup>70</sup>Ibid.

<sup>71</sup>Philip Schaff, op. cit., p. 482. In 1553 Calvin wrote to the ministers of Zuerich: "The Consistory has no civil jurisdiction, but only the right to reprove according to the Word of God, and its severest punishment is excommunication." Opera, XIV, 675.

history whose cases the Council immediately took up. And even in these cases the members of the Consistory played some part since they all were a part of Geneva's civil magistracy. Furthermore, the Consistory did recommend spiritual offenders to the Council for punishment.<sup>72</sup> This situation in which the Consistory was chosen by the Council resulted because all citizens of Geneva were regarded as members of the Church.<sup>73</sup> Therefore it was logically possible for the Church to be regulated through the elected civil officers. But Schaff<sup>74</sup> calls this basic assumption false. Luther, of course, had asked his elector as the foremost member of the Church to take charge in the Church to meet the emergency which he saw. But the elector was to be only a Notbischof.

The results of the ecclesiastical ordinances were twofold. There was a close supervision of faith and morals under the direction of the Consistory, and there was a stringent legal code adopted by the Council to enforce the morality sought by the Consistory. Philip Schaff<sup>75</sup> gives an extensive survey of the strict laws passed in Geneva to protect morality and religion. One man was banished because he had said, upon hearing an ass bray, "He prays a beautiful psalm." A child was

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<sup>72</sup>Hausherr, op. cit., p. 22.

<sup>73</sup>Preuss, op. cit., p. 322.

<sup>74</sup>Philip Schaff, op. cit., p. 489.

<sup>75</sup>Ibid., pp. 490ff.

whipped for calling her mother a thief and a she-devil. A banker was executed for adultery. David Schaff<sup>76</sup> records the startling figures that in Geneva, a city with a population of 12,000, thirty-four were executed for witchcraft during three months of 1545. Between 1542 and 1546 a total of fifty-eight were executed and seventy-six banished. Schaff adds: "The same severity was shown for offenses coming strictly under the supervision of the ecclesiastical authority."<sup>77</sup> The members of the Consistory were required to maintain relentless visitations of homes to determine whether Calvin's ascetic rules were broken.<sup>78</sup> The moral offenses admonished by the Consistory and punished by the Council ranged all the way from card playing to arguing against putting a man to death for religious opinions.<sup>79</sup> Harkness<sup>80</sup> says that the height of intolerance was reached when the Council voted to put a man on bread and water for three days because he had said that Calvin did not stick to his text in a certain sermon. Still Harkness<sup>81</sup> believes that the punishments which the Council adopted were less severe than Calvin had wished.

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<sup>76</sup>David Schaff, op. cit., p. 547.

<sup>77</sup>Ibid.

<sup>78</sup>Dunning, op. cit., p. 32.

<sup>79</sup>Harkness, op. cit., p. 27.

<sup>80</sup>Ibid., p. 51.

<sup>81</sup>Ibid., p. 103f.

In practice there was not always the smooth cooperation between State and Church that Calvin desired. Ministers and magistrates freely criticized each other, and Church and State meddled in each other's affairs. Discipline became the common territory of both.<sup>82</sup> Part of this lack of harmony was doubtless due to the increasing control which the civil authorities endeavored to exert over the Church. The Council, according to Hausherr,<sup>83</sup> became the final arbiter in choosing a pastor and settling differences between pastors. Calvin came into sharp conflict with the aspirations of the State to control the Church. Although he himself had set the stage for such a state-controlled Church, such an outcome was the very opposite of his ideals, as can be seen from his fight with the Council of Geneva.

The Council had at various times tried to exercise direct rule over the Church. Actually the Council had assumed episcopal power in Geneva before Calvin's arrival.<sup>84</sup> During Calvin's time it had tried to carry out this authority. In one edict the Council had called the members of the Consistory "Commis ou deputez par la Seigneurie." At one Consistory meeting a syndic, the highest civil officer in Geneva, had at-

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<sup>82</sup>Philip Schaff, op. cit., p. 473.

<sup>83</sup>Hausherr, op. cit., p. 21.

<sup>84</sup>Philip Schaff, op. cit., p. 463.

tended with his mace of office.<sup>85</sup> The greatest clash between State and Church had occurred over the Consistory's right to bar from communion. Calvin fought to retain this right in the hands of the Church. The Council wanted this right transferred to itself. After 1543 the Council succeeded for a time, but when Calvin had gained the ascendancy in 1555, the Council finally voted to lodge the right to bar from the Lord's Table with the Consistory.<sup>86</sup> Calvin fought against these attempts of the State to exercise direct control over the Church just as vigorously as Luther had protested any possible usurpation of the Saxon government in the Consistory that had been established against his will.

But it was Calvin's very system of church government that brought about the clash between State and Church. Haus-  
herr<sup>87</sup> affirms that the only way in which the ordonnances ecclesiastiques could function was under the condition that government had the good intention of caring for the Church. If the sacred company (the preachers) and the Council could not agree on a ministerial candidate or if the Council would not lend its authority to a decision of the Consistory's, then a vacuum existed for which Calvin had not provided. For the system to function either Church or State would have to give

<sup>85</sup> Hausherr, op. cit., p. 37.

<sup>86</sup> Harkness, op. cit., p. 46.

<sup>87</sup> Hausherr, op. cit., p. 23.

way. Hausherr concludes: "Calvin war zu gross, um gefuehrt zu werden."<sup>88</sup>

Luther's call upon the State to act in spiritual matters also had grave results. But although in both Lutheran and Calvinistic countries state-churches finally resulted, Calvin had made no distinctions as Luther did between reforms which the Church was to make and those which the State was to make. For example Calvin wrote to Protector Somerset of England that the State had to provide in its own capacity as government for correct teaching, removal of popish abuses, and the prohibition of blasphemy.<sup>89</sup> Calvin had also advised the king of Poland to carry out a stable church government on the basis of his royal authority.<sup>90</sup> Koehler<sup>91</sup> holds that Luther's separation of the government as government from the protection and help needed by the Church was the basic principle that separated Luther from Calvin.

Calvin not only made no qualifications in the reform work of the State, but he exerted all the influence he had to have the State aid the Church. On one instance the Council at Calvin's insistence voted that rebellious culprits must be handed over to the Consistory after serving a civil sentence.<sup>92</sup>

<sup>88</sup>Ibid.

<sup>89</sup>Ibid., p. 17.

<sup>90</sup>Ibid., p. 18. Hausherr refers to C. R., 15, 329ff.

<sup>91</sup>Koehler, op. cit., p. 37.

<sup>92</sup>Harkness, op. cit., p. 35.

At another time the Council was moved to declare that no one should speak against the Institutes because they presented the "holy doctrine of God."<sup>93</sup> In 1543 Calvin prevailed on the Council to reject Castellio's candidacy as a minister on the grounds that he had questioned the inspiration of the Song of Solomon and Calvin's interpretation of the phrase of the creed, "He descended into hell."<sup>94</sup> In Hausherr's opinion Calvin played politics to achieve his ends.

Das Mittel der Demagogie war der Predigtstuhl. Die Predigten behandelten alle Tagesfragen, selbstverstaendlich im Sinne der Kirchenpolitik, wenn es not tat, auch gegen den Rat.<sup>95</sup>

In this respect Luther is a decided contrast to Calvin. The German reformer consistently refused to play politics and would not let himself get drawn into the various leagues which the evangelical princes of Germany tried to set in motion against the emperor.

Because of his leadership in the Church and the influence he exerted upon the State, Calvin had become the moral head of the Genevan state. Although he was not made a citizen until 1559, from 1541 on he was consulted in all important affairs of state. But Philip Schaff<sup>96</sup> declares that it is a

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<sup>93</sup>Ibid., p. 39.

<sup>94</sup>Ibid., p. 32.

<sup>95</sup>Hausherr, op. cit., p. 43.

<sup>96</sup>Philip Schaff, op. cit., p. 464.

mistake to call Calvin the head of the state except in an intellectual or moral sense. Cheneviere<sup>97</sup> also holds that Calvin's authority was purely spiritual, and even in this sphere Calvin did not gain the ascendancy over the magistrates until after 1555. Nevertheless Harkness claims that "Before his death Calvin became virtually the civil as well as the ecclesiastical dictator of Geneva."<sup>98</sup>

Calvin never saw his theories carried to completion because of the opposition of the Council. Philip Schaff<sup>99</sup> sees in this a parallel to the development of state-churchism in Saxony against Luther's wishes. But Schaff claims that in theory at least Calvin always maintained the independence of the Church in spiritual matters. Harkness<sup>100</sup> says that Calvin did not want the Consistory to be appointed by the Council. At any rate Calvin did not agree with a method of choosing the lay elders that omitted seeking the clergy's advice. Lindsay sums up the results of Calvin's theory and practice on State and Church as follows:

(The Council) . . . deferred in words to the teachings of Calvin about the distinction between the civil and spiritual powers, but in fact they retained the whole power of rule or discipline in their own hands; and we ought to see in the disci-

<sup>97</sup>Cheneviere, op. cit., p. 168.

<sup>98</sup>Harkness, op. cit., p. 22.

<sup>99</sup>Philip Schaff, op. cit., p. 467f.

<sup>100</sup>Harkness, op. cit., p. 25.

plinary powers and punishments of the Consistory of Geneva, not an exhibition of the working of a Church organized on the principles of Calvin, but the ordinary procedure of the Town Council of a medieval city.<sup>101</sup>

Before taking up a concluding comparison between Calvin and Luther, a comparison between Calvin and the Middle Ages should be made. This chapter began by mentioning those who identify Calvin's political theory with that of the Middle Ages. But there are some very decided differences. Dunning<sup>102</sup> holds that the fourth book of the Institutes completely rejects any Roman-Zwinglian church-state. Hyma<sup>103</sup> sees in the same book a rejection of a Church that wields a temporal sword or exercises temporal dominion. Harkness<sup>104</sup> holds that while Calvin's political theory approximates that of Hildebrand, the substitution of the Bible for the power of the papacy was the great gulf between them. Schaff<sup>105</sup> sums up the resemblances and differences of Calvin's Christian society to the Middle Ages. Both, Schaff says, were legalistic. But while the one drew arguments from the canon law, Calvin drew his from the Bible. Calvin

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<sup>101</sup>Thomas M. Lindsay, A History of the Reformation (New York: Charles Scribner's Sons, 1922), II, 129.

<sup>102</sup>Dunning, op. cit., p. 27.

<sup>103</sup>Hyma, op. cit., p. 144. Hyma refers to the Institutes, IV, 11.

<sup>104</sup>Harkness, op. cit., p. 21.

<sup>105</sup>Philip Schaff, op. cit., p. 472f.

recognized only Christ as the head of the Church. He had a much higher view of the State than Hildebrand or Boniface VIII. And while the theocracy of the Middle Ages was based on the priesthood, Calvin's was based on the sovereignty of the people.

Similarities and differences between Calvin and Luther in their views of the State and its relationship to the Church have been mentioned. Hausherr<sup>106</sup> argues that there are definite similarities between the reformers in their views of the State. But the same author sees differences too, and these lay in differing accent and deductions. David Schaff gives a general comparison in the following words:

Calvin was a legislator and a disciplinarian. His mind ran in the direction of rules. It demanded a system. Luther had no taste for administration. No civitas dei lay in his mind as an ideal to be realized in an outward organized institution.<sup>107</sup>

Hausherr<sup>108</sup> goes at the fundamental difference between Calvin and Luther in the problem of the State. He interprets that as lying in their divergent answers to the problem of governmental compulsion contrasted with Jesus' teachings in the Sermon on the Mount. For Luther the deciding factor in any problem where Christians in the world were involved was the love

<sup>106</sup> Hausherr, op. cit., p. 2.

<sup>107</sup> David Schaff, op. cit., p. 541.

<sup>108</sup> Hausherr, op. cit., p. 3.

of the neighbor. Hence Jesus' injunctions applied to every Christian. Thereby Luther did not forbid Christian attitudes toward the world, nor did he overthrow the government. For Calvin there was no problem here. The Sermon on the Mount was also Bible. Here Christ was merely restating the Old Testament. Thus governmental compulsion was easily squared with Jesus' teachings. God had established the State. That settled any problems as far as Calvin was concerned. In the relationship of State and Church, Luther and Calvin often talked the same language. Yet in practice Calvin tried to make the State subordinate to the Church.<sup>109</sup> It is true, he did not succeed. But it was this very subordination of State to Church against which Luther had spoken so vigorously.

<sup>109</sup>Troeltsch, op. cit., p. 627.

## CHAPTER V

### CALVIN ON THE STATE AND THE PUNISHMENT OF HERETICS

The role that Calvin assigned to the State in the punishment of heretics has often been determined from the cause celebre of Genevan history, the trial and execution of Michael Servetus. Yet there were others who were punished for heresy during Calvin's years in Geneva. As for the Anabaptists, they presented no great problem for Calvin. The height of that religious movement had been reached while Calvin was still in France. Calvin, however, did take the same definite stand against the Anabaptists that Luther did. In fact his Institutes were written to demonstrate that the reformed elements in France were not Anabaptists. In his book, Contre les Anabaptistes, Calvin wrote: ". . . to condemn the public use of the sword, which God has ordained for our protection, is blasphemy against God himself."<sup>1</sup> In the Institutes Calvin called the Anabaptists "fanatics."<sup>2</sup> In this Calvin agreed with the policy of the earlier Swiss reformer, Zwingli. In Zuerich under Zwingli's influence the Anabaptists had been persecuted

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<sup>1</sup>Georgia Harkness, John Calvin, the Man and his Ethics (New York: Holt, c.1931), p. 235. The quotation is found in the Corpus Reformatorum, VII, 77f.

<sup>2</sup>Albert Hyma, Christianity and Politics (New York: Lippincott, 1938), p. 145. Hyma refers to the Institutes, IV, 20.

with fire and sword.<sup>3</sup> Harold Schaff<sup>4</sup> goes to great lengths to show that the Swiss Anabaptists were not radicals. He quotes from several of their leaders to prove that these people were not opposed to government but only to the evil acts of government which Christians could not obey. Nevertheless, in Switzerland, as in Germany, Anabaptists were put to death.

If Calvin had relatively less trouble with Anabaptists, he had sufficient trouble with other heretics beside Servetus to determine what action was taken by the Genevan State against heretics. The Libertines were an active political party in Geneva when Calvin arrived. In large part they were responsible for Calvin's withdrawal from Geneva in 1538. According to Philip Schaff<sup>5</sup> the Libertines were a political-religious group who included (or at least Calvin thought they included) anti-nomians and pantheists who advocated unbridled license and denied the Scriptures as a dead letter. In 1547 Jacques Gruet, a Libertine opponent of Calvin's, was driven by the dictatorial methods of the Consistory to affix an insulting placard to Calvin's pulpit. After Gruet's arrest cer-

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<sup>3</sup>W. A. Dunning, A History of Political Theories (New York: Macmillan, 1908), II, 25.

<sup>4</sup>Harold H. Schaff, "Anabaptists, the Reformers, and the Civil Governments," Church History, I (March, 1932), 35-46.

<sup>5</sup>Philip Schaff, History of the Christian Church (New York: Scribners, 1923), VII, 498ff.

tain papers of his were discovered in which he had charged that Moses had said much and proved little, that all laws were made by caprice, and that the immortality of the soul was nonsense. Gruet was tortured, found guilty of treason and blasphemy, and beheaded.<sup>6</sup> Harkness comments: "To have spared Gruet, in the opinion of Calvin and most of his contemporaries, would have been to be party to a heinous sacrilege."<sup>7</sup> Bainton<sup>8</sup> holds that while Gruet was charged with conspiracy, the primary charge against him was that his heretical utterances had rendered the land accursed. Pierre Ameaux was another Libertine opponent of Calvin's. While drunk, he had said that Calvin was a bad man who was preaching false doctrine and who was getting more powerful than a bishop. Calvin went before all three councils to charge Ameaux with blasphemy. The verdict was guilty, and Ameaux had to tour the city as a penitent.<sup>9</sup>

In 1551 Jerome Bolsec, a former priest, began to argue against Calvin's double predestination. Calvin laid the matter before the civil authorities, and Bolsec was arrested.

<sup>6</sup>Harkness, op. cit., p. 36. Harkness refers to C. R. XII, 563-8; XXI, 409.

<sup>7</sup>Harkness, op. cit., p. 37.

<sup>8</sup>Concerning Heretics: Whether they are to be persecuted and how they are to be treated. A Collection of the Opinions of learned Men both Ancient and Modern. Anonymous work attributed to Sebastian Castellio, translated by Roland H. Bainton (New York: Columbia University Press, 1935), introduction, p. 69.

<sup>9</sup>Harkness, op. cit., p. 33.

When it looked as if the Council would do nothing, Calvin appealed to the congregation. Under pressure the Council acted. Bolsec was banished.<sup>10</sup> Stern action was also taken by the Geneva authorities against the Italian Antitrinitarians who had entered the Italian congregation at Geneva after Servetus' death. Giovanne Gentile, for example, was sentenced to death. But his life was spared when he recanted and then fled Geneva.<sup>11</sup> In all these cases where the State took action against heretics, Calvin took a leading part in the proceedings. Luther, on the contrary, had not had much to do with any action against heretics except to render an opinion now and then. It must be remembered, however, that Calvin's position in Geneva was quite different from Luther's. As an example of Calvin's tolerance Philip Schaff<sup>12</sup> points to Socinus' visit to Geneva in 1554 at which time this heretic was unmolested. But Schaff also mentions the fact that at this time Socinus had not yet passed beyond skeptical doubts.

But it is the arrest, trial, and execution of Servetus that provides a test case for Calvin's views on the State and heretics. Michael Servetus was a precocious Spaniard who had stirred Calvin's religious ire more than any other of his opponents. At the age of twenty in the year 1531 Servetus had

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<sup>10</sup> Ibid., p. 39.

<sup>11</sup> Philip Schaff, op. cit., pp. 652-8.

<sup>12</sup> Ibid., p. 635.

published De Trinitatis Erroribus in which he had denied orthodox trinitarian views, in particular the pre-existence of the Logos apart from the Man Jesus. In a 1535 edition of Ptolemy's Geography Servetus had denied that Palestine was a land flowing with milk and honey. Since every Christian of that time held that Moses wrote by inspiration of the Holy Spirit, this assertion of Servetus' was viewed as blasphemy against the Holy Spirit. In 1540 Servetus produced his second theological work, The Restitution of Christianity. This was a refutation of Nicene Christology, predestination, infant baptism, and the Old Testament prophecies that were commonly interpreted as referring to Christ. Servetus was daring enough to send this manuscript to Calvin who never returned it. Instead he sent back a copy of his own Institutes, hoping in this way to convert the young heretic. This Servetus returned after he had annotated it in the most uncomplimentary fashion. After this unpleasant exchange, Calvin was convinced that Servetus was a most dangerous heretic.<sup>13</sup> On February 13, 1546 Calvin wrote to Farel that if Servetus should ever come to Geneva, he would not leave the city if he (Calvin) could help it.<sup>14</sup>

Servetus did come to Geneva. In 1553, while fleeing from

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<sup>13</sup>Harkness, op. cit., pp. 40-3.

<sup>14</sup>Ibid., p. 41. Here Harkness refers to C.R., XII, 283.

an inquisitorial prison in France, Servetus passed through Geneva. He was recognized, imprisoned, tried as a heretic, and burned at the stake. His condemnation, Harkness<sup>15</sup> holds, centered around his denial of the Trinity and his rejection of infant baptism. The death penalty seemed the only course for both Calvin and the Council. However, this was no arbitrary decision. The testimony of the Swiss churches was unanimous that Servetus was a dangerous individual who had to be exterminated because he was spreading the contagion of heresy. Melanchthon too concurred in Servetus' execution. Schaff<sup>16</sup> says:

The Council had no doubt of its jurisdiction in the case; it had to respect the unanimous judgment of the Churches, the public horror of heresy and blasphemy, and the imperial laws of Christendom, which were appealed to by the attorney-general. The decision was unanimous.

Bainton<sup>17</sup> reports that during the course of the trial Servetus had appealed to Roman law which he said had specified banishment as the capital punishment in the days of Constantine. The Procurator, denying the appeal, pointed to instances in which the death penalty had been exacted all the way from Constantine to Justinian. Reason, tradition, and conscience, all

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<sup>15</sup>Harkness, op. cit., p. 43.

<sup>16</sup>Philip Schaff, op. cit., p. 781.

<sup>17</sup>Roland H. Bainton, "The Development and Consistency of Luther's Attitude to Religious Liberty," Harvard Theological Review, XXII (April, 1929), 139. Bainton refers to C.R., VIII, 762 and 771.

told Calvin and the Genevan Council that Servetus had to die.

But what was the actual charge on which Servetus was condemned and executed? Historians differ in their answers to this question, but in the answer lies more than a glimpse into Calvin's views on the action of the State with regard to heretics. Bainton<sup>18</sup> maintains that Servetus was tried and burned for heresy. The complaint against Servetus had been that he had overturned the primary heads of religion. In other words, says Bainton,<sup>19</sup> the charges against Servetus were based on his denial of the Trinity and not, as in the case of the Anabaptists, on political grounds such as the denial of the State. Calvin was smart enough to see that a denial of the Trinity was not parallel with the Anabaptists' denial of the State. Bainton's claim is furthered by the criticisms that Bullinger and Musculus had of Servetus' trial. These friends of Calvin thought that Servetus should have been tried for blasphemy rather than for heresy.<sup>20</sup>

Other historians maintain that Servetus was tried and condemned for heresy and blasphemy. Luck<sup>21</sup> holds this view. He points to the friendly relations between Calvin and Socinus

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<sup>18</sup>Castellio-Bainton, op. cit., p. 75.

<sup>19</sup>Ibid., p. 69.

<sup>20</sup>Harkness, op. cit., p. 102.

<sup>21</sup>G. Coleman Luck, "Calvin and Servetus," Bibliotheca Sacra, CIV (January-March, 1947), 237.

as proof that heresy alone would not have brought about Servetus' death. Philip Schaff<sup>22</sup> also connects blasphemy with the charges brought against the Spaniard. The same author further states that it was from the injunctions of the Mosaic Law that Calvin drew his chief arguments against Servetus.<sup>23</sup> If this is true, then Calvin stands very close to Luther whose approval of the death penalty for the Anabaptists was based in part on their blasphemy. Still the main charge that Luther raised against the Anabaptists was sedition, and he was very hesitant to approve the death penalty for blasphemous heretics who were not also seditious.

Haven<sup>24</sup> claims that it was the manner in which Servetus defended his opinions and not so much the opinions themselves that brought about his condemnation. It was Servetus' bitterness, want of reverence, and deliberate insult that made him an outlaw even before he came to Geneva. Haven quotes the following from an unnamed author of the last century:

If Servetus had only attacked the doctrine of the Trinity by arguments . . . he would have been answered by arguments; and without danger of persecution by the Protestants, he might have gone on defending it. . . Argument was not that which Calvin and his contemporaries opposed by the civil tribunal. It was insult and ribaldry, and that

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<sup>22</sup>Philip Schaff, op. cit., pp. 769f.

<sup>23</sup>Ibid., p. 691f.

<sup>24</sup>Joseph Haven, "Servetus and Calvin," Household Reading: Selections from the Congregationalist (Boston: W. L. Greene and Co., 1869), p. 121.

too against the Most High . . .<sup>25</sup>  
 Moerikofer<sup>26</sup> mentions another reason why Servetus was condemned. In the course of the trial Servetus had placed himself on the side of the Libertines and had sought their aid in bringing about Calvin's downfall. Hence Moerikofer concludes that Servetus' trial was not only ecclesiastical but also political.

Nevertheless, no matter on what grounds Servetus was condemned, Calvin did play an important role in the Servetus case. Calvin's involvement began already with Servetus' imprisonment at Lyons by the Inquisition. For it was through the copy of the Institutes which Servetus had defaced with heretical marginal notes and several of Servetus' letters to Calvin that had brought about Servetus' arrest in Lyons.<sup>27</sup> Just what part Calvin played in placing these documents in the hands of the authorities of the Inquisition is a matter of dispute. But Harkness concludes that ". . . the fact remains that it was through evidence supplied by Calvin that Servetus was arrested, imprisoned, and condemned by the French Inquisition to death by slow fire."<sup>28</sup> When the fugitive then escaped and was passing through Geneva, it was at

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<sup>25</sup>Ibid., p. 122. The quotation is from Bibliotheca Sacra (February, 1846).

<sup>26</sup>J. C. Moerikofer, Bilder aus dem kirchlichen Leben der Schweiz (Leipzig: S. Hirzel, 1864), p. 275.

<sup>27</sup>Harkness, op. cit., p. 41.

<sup>28</sup>Ibid.

Calvin's instigation that he was arrested. Happily Calvin wrote to Farel on August 20, 1553, seven days after Servetus' capture: "I hope the judgment will be capital in any event, but I desire cruelty of punishment withheld."<sup>29</sup> Luck<sup>30</sup> too writes that it was Calvin who had informed the Council of Servetus' presence in Geneva and who also then drew up the articles of accusation. Hence it was the Genevan reformer himself who was instrumental in causing Servetus' arrest both in Lyons and in Geneva.

Calvin also played a singular role in the trial of Servetus. Haven<sup>31</sup> maintains that he did this as any good citizen would. He had lodged an accusation against a man who was threatening the civil institutions, and therefore he had to substantiate this accusation since the laws demanded such action by an accuser. Koehler<sup>32</sup> however explodes the idea that Calvin was here acting as an ordinary citizen. It was true that Calvin was no more than a preacher, but as such he undertook the accusation and prosecution against Servetus. Koehler concludes:

Calvin hat als einfacher Prediger - mehr war er nicht die Denunzierung Servets eingeleitet, den

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<sup>29</sup>Ibid., p. 42. The quotation is from C. R., XIV, 590.

<sup>30</sup>Luck, op. cit., p. 239.

<sup>31</sup>Haven, op. cit., p. 123f.

<sup>32</sup>W. Koehler, Reformation und Ketzerprozess (Tuebingen: J. C. B. Mohr, 1901), p. 38.

Prozess inszeniert und ueberwacht, sich der Unterstuetzung der schweizerischen Kirchen versichert, und seine Autoritaet in die Wagschale geworfen, um die Verurteilung durchzudruecken. Der mittelalterliche Ketzerprozess mit seinem Instanzenangang ist restituiert; die Kirche inquiriert, die Obrigkeit exekutiert.<sup>33</sup>

David Schaff<sup>34</sup> too sees Calvin the Churchman at work in the trial of Servetus as the prosecutor. This was nothing unusual as it had been customary to place lists of offenders in Calvin's hands for scrutiny and judicial decision.

Cries have been raised against seeing any of Calvin's influence at all in the trial of Servetus. According to Haven<sup>35</sup> neither Calvin nor his associates in the ministry were present when the two councils met to decide Servetus' fate. Here, Haven says, was clearly a civil tribunal. Harkness<sup>36</sup> also holds that Calvin had little to do with the trial except to take the action that caused it. Therefore Harkness sees Calvin's responsibility for Servetus' death as unofficial. But whether officially or unofficially, Calvin was involved in Servetus' condemnation. And he was involved as a minister of the Church, in fact, as the head pastor of the city of Geneva. This, as will be shown, demonstrates to some extent the role that Calvin assigned to the State in the punishment of heretics. It

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<sup>33</sup>Ibid.

<sup>34</sup>David S. Schaff, "Martin Luther and John Calvin," Princeton Theological Review, XV (October, 1917), 548.

<sup>35</sup>Haven, op. cit., p. 125.

<sup>36</sup>Harkness, op. cit., pp. 43-9.

is interesting to recall that Luther was personally involved in no heresy trial, and although he tried to use his influence with Philip of Hesse in favor of the death penalty, Luther did so with seditious heretics in mind.

As much as Calvin's course in Servetus' death has been condemned by modern writers,<sup>37</sup> it was fully approved by the best minds of the sixteenth and seventeenth centuries.<sup>38</sup> Even the religious liberals who condemned Calvin so vehemently in his own age were in no way tolerant in the modern sense.<sup>39</sup> Servetus himself was "intolerant". He had approved the death penalty for blasphemy that was similar to that of Ananias and Sapphira.<sup>40</sup> In the course of his trial he had called Calvin a heretic who should ". . . be not merely condemned but exterminated."<sup>41</sup> In approving the death penalty for heretics Calvin was building on a common theory of his age. In this he did not rise above his age as Luther did.

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<sup>37</sup>Philip Schaff, *op. cit.*, p. 686. In pp. 681-6 Schaff gives a fine summary of all the Servetus Literature, original and modern works.

<sup>38</sup>*Ibid.*, p. 689.

<sup>39</sup>Castellio-Bainton, *op. cit.*, p. 307. Castellio quotes from David Joris who in his plea for Servetus had said that the Spaniard should not be harmed but at the most banished from the city.

<sup>39</sup>Philip Schaff, *op. cit.*, p. 690. In his twenty-seventh letter to Calvin in the Restitution of Christianity Servetus wrote of this blasphemy as follows: "'Hoc crimen est morte simpliciter dignum, et apud Deum et apud homines.'"

<sup>41</sup>Luck, *op. cit.*, p. 240. Opera, VIII, 501-3.

Calvin also stood on common ground in assigning to the State the task of carrying out this penalty. Lindsay<sup>42</sup> points to the fact that the Council had legal right to act in an ecclesiastical matter since its authority came from the old bishopric. Then too the old heresy laws remained on the books in Geneva. They had been there since the days of Frederick II.<sup>43</sup> Harkness<sup>44</sup> mentions the fact that the Council took action against a critic of the Reformation during Calvin's absence in Strassburg. This certainly would prove that religious intolerance was not an attitude that came only with the person of John Calvin. It could be mentioned here that Luther trod on the same medieval heritage that made the State responsible for the punishment of heretics. Luther's rise above his medieval background was noted in Chapter III. Commenting on the expiatory monument to Servetus erected in Geneva which excused Calvin for an error of his times, Preuss writes: "Aber ein Reformator hat ueber den Irrtuemern seiner Zeit zu stehen."<sup>45</sup>

Calvin developed the views on the State and heretics which he found when he came to Geneva. He incorporated the idea that the State was responsible for the punishment of here-

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<sup>42</sup>Thomas M. Lindsay, A History of the Reformation (New York: Scribners, 1922), II, 130.

<sup>43</sup>Haven, op. cit., p. 123.

<sup>44</sup>Harkness, op. cit., p. 18.

<sup>45</sup>H. Preuss, "Calvin und seine Gesetzgebung," Kirchliche Zeitschrift, LX (June, 1936), 323.

tics into his views on the relation of the State to the Church. Or rather, his views on the relation of State and Church made necessary the deduction that the State was responsible for the suppression of heresy. Bainton<sup>46</sup> claims that Calvin's emphasis on the visible side of the Church made him regard heresy as a sin against Christian society. Thus any

Offences against the Church are offences against the State, and vice versa, and deserve punishment by fines, imprisonment, exile, and if necessary, by death. On this ground the execution of Servetus and other heretics was justified by all who held the same theory . . .<sup>47</sup>

Heresy in Geneva was as punishable as any crime.<sup>48</sup> Calvin's theory regarding the close cooperation between State and Church had determined this. Philip Schaff writes:

Calvin's plea for the right and duty of the Christian magistrate to punish heresy by death, stands or falls with his theocratic theory and the binding authority of the Mosaic code.<sup>49</sup>

Just as Luther's insistence on the distinction between the two spheres kept him from ever approving of the State's punishing heresy as heresy, so Calvin's insistence on the cooperation between State and Church led him to insist that the State could punish heresy.

Like Luther, Calvin was very careful in his use of the

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<sup>46</sup>Castellio-Bainton, op. cit., p. 70.

<sup>47</sup>Philip Schaff, op. cit., p. 463.

<sup>48</sup>Preuss, op. cit., p. 322.

<sup>49</sup>Philip Schaff, op. cit., p. 792.

terms "heresy" and "heretic." Who was a heretic? Heresy, according to Calvin, was anything that contradicted Scripture. But a heretic was not merely a false teacher. A heretic was also guilty of a lapse from the truth. Therefore Jews and Turks were not heretics in the strict sense. Even Roman Catholics were not heretics since they still clung to the fundamentals. But false teachers like the Anabaptists and Servetus who had fallen away from the truth were real heretics.<sup>50</sup> In his Reply to Calvin, Castellio quotes the Genevan as follows:

God does not command that the sword be used promiscuously against all; only upon apostates who impiously alienate themselves from the true worship and try to seduce others to a like defection is just punishment to be inflicted.<sup>51</sup>

There was then a decided difference in Luther's and Calvin's use of the word "heretic." Luther had emphasized that a heretic denied a fundamental doctrine of the Christian religion, or at least one that was commonly accepted, such as infant baptism. Calvin, on the other hand, emphasized that a heretic was a lapsed false teacher.

But Calvin did not want every heretic put to death. Only the most serious error merited death. According to Calvin there were three grades of error. One could be pardoned with only a reprimand. Another could be mildly punished. A third

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<sup>50</sup>Harkness, op. cit., p. 108f.

<sup>51</sup>Castellio-Bainton, op. cit., p. 282.

had to be punished with death. A slight superstition could be corrected with patience, but when religion was shaken to the foundations (as in the case of Servetus), then death was the only alternative.<sup>52</sup> Bainton<sup>53</sup> too does not believe that Calvin was a bloodthirsty fanatic. Rather the Reformer distinguished between essentials and non-essentials. Fundamental articles for Calvin were the Trinity, the deity of Christ, and salvation by faith. Error could be condoned if it did not touch these primary points. But Genevan history does not bear this out.<sup>54</sup> Hausherr<sup>55</sup> says that Calvin included predestination and the canonicity of Scripture under fundamental articles. Errors in such fundamental articles brought about banishment, but a denial of the Trinity, the foundation of Christianity, had to be punished with death. Calvin, then, did not demand the death penalty for every heretic. Far from it. A heretic first of all was a lapsed Christian who was spreading false doctrine. Such a person, if he obstinately denied a doctrine undermining the foundation of Christian faith, should be exe-

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<sup>52</sup>Harkness, op. cit., p. 110. In his Refutatio Errorum Michaelis Serveti, C.R., VIII, 477 and 498, Calvin took great pains to show that Servetus was stubborn.

<sup>53</sup>Castellio-Bainton, op. cit., p. 75. Bainton refers to the Opera, VIII, 477.

<sup>54</sup>Men like Bolsec and Troillet were banished for false views on predestination, and Castellio was banished for blaspheming certain canonical books of the Bible.

<sup>55</sup>Hans Hausherr, "Der Staat in Calvins Gedankenwelt," Verein fuer Reformation Geschichte, CXXXVI (1923), 19.

cuted. Bainton<sup>56</sup> sees in Calvin's distinction between fundamentals and adiaphora a parallel to all reformers. Even Castellio drew the line somewhere. "'Had Servetus declared that God was a devil, that would have been real blasphemy and I should have rejoiced in his death.'"<sup>57</sup> It is rather interesting that although Calvin defended the death penalty for blasphemy among the Jews, he did not recommend it for his own age.<sup>58</sup> In this Calvin parallels Luther, who had advised banishment as the punishment for blasphemous heretics. Evidently, then, in demanding the death penalty for Servetus, Calvin believed that Servetus was guilty of even a worse crime than blasphemy.

Because of these views on heresy and its punishment, Calvin never held that the Papists should be put to death. It is true that he wrote concerning idolaters "' . . . if an idolater is found in the midst of the people, whether man or woman, that ought to be a mortal and capital crime.'"<sup>59</sup> He had called the Catholics idolaters, and yet he never advised the death penalty for any Catholic. In his eyes apostasy was

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<sup>56</sup>Bainton, "The Development and Consistency of Luther's Attitude to Religious Liberty," op. cit., p. 141.

<sup>57</sup>Ibid. The quotation is from Castellio's Contra Libellum Calvinii, p. 181f.

<sup>58</sup>Harkness, op. cit., p. 102, where Harkness refers to Calvin's Sermon on Deuteronomy 22: 25-30, C.R., XXVIII, 57.

<sup>59</sup>Harkness, op. cit., p. 95. The quotation is found in the C.R., XXVII, 433f.

worse than popery.<sup>60</sup> Harkness<sup>61</sup> explains this tendency among Protestants to be more severe toward Protestant heretics than toward anyone else. One reason was that the Calvinistic conscience was sterner toward those within the fold than toward those without. Another reason, at least in Calvin's case, was that he had little contact with any Catholics, Jews, or Turks.

Calvin was convinced that the State could exact the supreme penalty in the case of certain obstinate heretics, but he was opposed to any unnecessary cruelty. That he protested the type of death decreed for Servetus is well known. That was consistent with what he had written Farel before the trial: ". . . I desire cruelty of punishment withheld."<sup>62</sup> Hausherr<sup>63</sup> gives as the gist of Calvin's attitude toward persecution: Do not let the Catholics shame you, but do not be as fierce as they. David Schaff<sup>64</sup> reports that torture was applied in Geneva with Calvin's consent, but that he complained

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<sup>60</sup>Harkness, op. cit., p. 97.

<sup>61</sup>Ibid., p. 109.

<sup>62</sup>Ibid., p. 42. The quotation is from the C.R., XIV, 590.

<sup>63</sup>Hausherr, op. cit., p. 19. "'Quum tam acres sint et animosi superstitionem suarum vindices papistae, ut atrociter saeviant ad fundendum innoxium sanguinem, pudeat Christianos magistratus in tuenda certa veritate nihil prorsus habere animi. Fateor equidem nihil minus esse consentaneum, quam ut furiosam eorum intemperiem imitemur.'" These words of Calvin's are found in the C.R., XIV, 615.

<sup>64</sup>David Schaff, op. cit., p. 547.

of its severity. Thus Calvin showed some of the same scruples that Luther did when he reluctantly gave his approval to the death penalty for the Anabaptists. However, Luther had scruples in approving the death penalty. Calvin's lay only in the manner of the execution.

In punishing heretics the State was carrying out its duty of working, in cooperation with the Church, for the greater glory of God. In his dispute with Castellio after Servetus' execution Calvin had said that the magistrate would be more guilty if he neglected to check a violation of piety than a private citizen would be if he would permit his home to be polluted by sacrilege. According to Calvin the magistrate could use the sword to coerce perfidious apostates just as Jesus drove the money changers out of the Temple.<sup>65</sup> Calvin had called the elect ". . . vindicators of God against the impious."<sup>66</sup> To neglect punishing heretics would then be shirking the duties of the elect. That is also what Calvin wrote to Protector Somerset of England:

There are two kinds of rebels who have risen against the King and the Estates of the Kingdom. The one is a fanatical sort of people, who, under color of the Gospel, would put everything into confusion. The others are persons who persist in the superstitions of the Roman Antichrist. Both alike deserve to be repressed by the sword which

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<sup>65</sup>Castellio-Bainton, op. cit., p. 272.

<sup>66</sup>Harkness, op. cit., p. 111. The quotation is from Calvin's First Precept on Deuteronomy 13:12 found in the C.R., VIII, 362.

is committed to you, since they attack not only the king but strive with God . . .<sup>67</sup>

Hermelink<sup>68</sup> holds that Calvin by these views shows that he is in a class with Zwingli and Melancthon. These three reformers, Hermelink argues, proceeded from the Renaissance concept of the State. To that they added humanistic conceptions of the power of the State to regulate worship and a theocratic ideal derived from the Old Testament. Accordingly, all three went farther than Luther did in the role they assigned to the State in the punishment of heretics.

Calvin stated none of the limitations such as Luther had made when he held that blasphemy or sedition were the crimes of heretics which the State could punish as State. Bainton<sup>69</sup> holds that Calvin brought persecution to a head, beginning where Luther had left off. According to Bainton, Calvin used no euphemisms as Luther did when that reformer pretended that persecution was no restraint of conscience. Calvin

. . . did not pretend that heresy is punishable only when associated with blasphemy and sedition . . . Calvin called a spade a spade, and devoted a long section of his apology to demonstrating that Christian judges may punish heretics.<sup>70</sup>

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<sup>67</sup>Harkness, op. cit., p. 96.

<sup>68</sup>Heinrich Hermelink, "Der Toleranzgedanke im Reformationszeitalter," Verein fuer Reformation Geschichte, XCVIII (1908), 56.

<sup>69</sup>Castellio-Bainton, op. cit., p. 68.

<sup>70</sup>Ibid., p. 69. Bainton refers to Calvini Opera, VIII, 461-81.

For Calvin the State acted as State in punishing heretics.

The State had to punish heretics for very good reasons, Calvin held. For heresy was the worst of all crimes. "Whatever crimes can be thought of do not come up to this; that is, when God himself is involved in such dishonor as to be made an abettor of falsehood."<sup>71</sup> Heresy was an insidious disease more dangerous than Jew or Turk. And because heretics brought souls to ruin, in Calvin's eyes they were worse than murderers.<sup>72</sup> Then, too, Calvin believed that heresy would bring loose morals. In connection with the Anabaptists, the Libertines, and even in connection with Servetus, attempts were made to link these heretics with moral laxity.<sup>73</sup> A heretic was such a criminal that Calvin could write against Castellio: "Anyone who objects to the punishment of heretics and blasphemers subjects himself knowingly and willingly to the like condemnation of blasphemy."<sup>74</sup>

But an even greater reason why the State had to punish

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<sup>71</sup>Harkness, op. cit., p. 107. The quotation is from Calvin's Commentary on Zechariah 13:3, found in C.R., XLIV, 348.

<sup>72</sup>Harkness, op. cit., p. 111, where the author refers to C. R., XXVII, 245.

<sup>73</sup>Harkness, op. cit., p. 111. Calvin levelled this charge against the Libertines in his Contre la Secte des Libertins (C. R., VII, 153-248) and against the Anabaptists in his Contre les Anabaptistes (C. R., VII, 53-142).

<sup>74</sup>Harkness, op. cit., p. 112. The quotation is from Calvin's Refutatio Errorum Michaelis Serveti found in the C. R., VIII, 476.

heresy lay in the fact that God's honor was involved. Bainton<sup>75</sup> says that Calvin's reasons for the persecution of heretics were familiar, but they were all subordinated to one chief reason - the vindication of God's honor. This rather than the care of souls (as in Luther) was the big argument for the State's use of the death penalty against heretics. When Zurkinden, a magistrate of Bern, had sounded out Calvin as to whether Castellio, Servetus' defender, would be acceptable in Lausanne, Zurkinden had described the controversy between Calvin and Castellio as "squabbles". In righteous indignation Calvin replied: "'This word does not so much hurt me as it violates the sacred name of God and vilifies all truth and religion.'"<sup>76</sup> But Calvin does also appeal to the harm heresy does to souls and the distortion it brings to true doctrine as reasons why the State should punish heretics. In the controversy with Castellio over the death penalty for heretics that was stirred up by the death of Servetus, Calvin had asked these questions:

What preposterous humanity is it, I ask you, to cover with silence the crime of one man and prostitute a thousand souls to the snares of Satan?<sup>77</sup>

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<sup>75</sup>Castellio-Bainton, op. cit., p. 71. Bainton refers to the Opera, XXVII, 244f.; XLIV, 347.

<sup>76</sup>Castellio-Bainton, op. cit., p. 77. The quotation is from the Opera, XVII, 465-67.

<sup>77</sup>Castellio-Bainton, op. cit., p. 266. Calvin's question is quoted in Castellio's anonymous Reply to Calvin's Book in which he Endeavors to Show that Heretics should be coerced by the Right of the Sword.

What will become of religion? By what marks will the true Church be discerned? What will Christ Himself be if the doctrine of piety is uncertain and in suspense?<sup>78</sup>

The Old Testament provided Calvin with many examples of ruthlessness in stamping out the enemies of God.<sup>79</sup> Harkness<sup>80</sup> sees Calvin's coolly reasoned arguments for persecution as stemming from his emphasis on the sovereignty of God, man's corresponding littleness, and a literalistic Biblical interpretation that had produced a Hebraic system of ethics. Looking upon Old Testament examples of the slaughter of God's enemies as an obligation to do the same, Calvin's whole life, Harkness affirms, was more tinted with the spirit of Moses than the spirit of Christ. In interpreting the Sermon on the Mount with its injunctions not to resist evil, Bainton<sup>81</sup> holds that Calvin did not relegate these teachings of Jesus to private ethics as Luther did. For Calvin everyone can resist evil although with weapons appropriate to his calling. A person can even kill if he does it with the right intention. Non-resistance, Calvin held, is inward. Bainton believes that this reasoning of Calvin's is a result of interpreting the New Testa-

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<sup>78</sup>Ibid., p. 267. Castellio quotes these questions of Calvin's from his Defense of the Orthodox faith concerning the Holy Trinity, against the manifold errors of the Spaniard Michael Servetus.

<sup>79</sup>Harkness, op. cit., p. 109.

<sup>80</sup>Ibid., p. 113.

<sup>81</sup>Castellio-Bainton, op. cit., p. 72.

ment by the Old. In Luther's case the procedure was certainly reversed.

Calvin's reasons why the State should punish heretics were entirely consistent with his views on the State and the relation of the State and the Church. The State's task was to carry out the Will of God in this world. This it did also by assisting the Church in the outward performance of its duties. Harkness<sup>82</sup> develops Calvin's consistency as follows: Man's task is to glorify God. There is a clear revelation of truth in the Scriptures. The Holy Spirit has enlightened the mind of the elect to understand the Bible. If Calvin is among the enlightened elect, then the Institutes is divine truth. Then also the elect must enforce the purity of this faith by any disciplinary means whatever. What better means to do this than the one God Himself has ordained - the State. No matter what the price, God's honor must not be sacrificed. Calvin wrote:

We ought to trample under foot every affection of nature when it is a question of his (God's) honor. The father should not spare his son, the brother the brother, nor the husband his own wife. If he has some friend who is as dear to him as his own life, let him be put to death.<sup>83</sup>

The role Calvin assigned to the State is suspiciously like that of the Middle Ages. The Church was not to punish

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<sup>82</sup>Harkness, op. cit., p. 83.

<sup>83</sup>Ibid., p. 107. The quotation is from the Sermon on Deuteronomy 13:6-11 found in the C.R., XXVII, 251.

heresy. But since the State had the power of coercion, it should cooperate with the Church by ridding the world of dangerous heretics. Hyma writes:

Calvin adopted the Catholic standpoint as far as the power of the civil ruler was concerned, allowing him power to punish heretics and maintain peace in case religious dissension arose.<sup>84</sup>

Yet Calvin never called the State the Church's secular arm. He still held to the conviction that the two realms were and should be distinct. But he was clearly much closer to the position of the Middle Ages than was Luther. In his interpretation of the Parable of the Tares Calvin at first interpreted the Tares as heretics, and not as moral delinquents. Later he reversed himself, permitting the parable to give tacit consent to the use of compulsion in the case of heretics. Calvin wrote as follows: "'Christ did not command that all rigor should cease, but merely that those evils should be endured which cannot be corrected without danger.'"<sup>85</sup> Bainton then asks: "Is not this the position of Aquinas and the inquisitors?"<sup>86</sup> The same author makes this strong assertion: "If Calvin ever wrote anything in favor of religious liberty, it

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<sup>84</sup>Hyma, op. cit., p. 151.

<sup>85</sup>Roland H. Bainton, "The Parable of the Tares as the Prooftext for Religious Liberty to the End of the 16. Century," Church History, I (June, 1932), 78. Quoted from the Opera, VIII, 472.

<sup>86</sup>Bainton, "The Parable of the Tares," op. cit., p. 78.

was a typographical error."<sup>87</sup> But although it is true that Calvin did adopt a modified version of the medieval position on the State and heretics, it cannot be denied that this was a common failing of his day. Luck's statement is probably true.

At the time of the great awakening of the sixteenth century, the Roman Catholic theory that it is justifiable to kill the body to save the soul, or to execute a heretic to preserve peace and order in the Church, was generally accepted by all.<sup>88</sup>

Luther and Calvin differed considerably on the role they gave to the State in the punishment of heretics. As Koehler<sup>89</sup> points out, Luther always kept in mind the tension between the freedom of faith and any compulsion to faith. For that reason Luther denied that the State could compel in matters of faith, although it may regulate the outward expression of error. Luther gave approval to the death penalty only in the case of seditious heretics. Blasphemous heretics too could be punished, but banishment was the punishment he recommended. In both cases the State punished as State because it was operating in its own sphere. And while the State in punishing

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<sup>87</sup>Castellio-Bainton, op. cit., p. 74. Yet Castellio included two passages from Calvin in his plea for religious liberty (pp. 202-3), but these are rather irrelevant. In one Calvin exhorts not to go to war without consulting God. In the other he protests the use of too much rigor in excommunication and criticizes the coercion of the Jews and Turks.

<sup>88</sup>Luck, op. cit., p. 237.

<sup>89</sup>Koehler, op. cit., p. 40.

such heretics was helping the Church, it was doing so only indirectly. But, Koehler says, this problem of a free faith as opposed to punishment by the State for heresy remained completely foreign to Calvin's thinking. For Calvin it was self-evident that the State should punish heresy - with death if such heresy struck at the fundamentals. That was the State's duty, in its own right and certainly in its duty to help the Church. God's honor demanded that the State punish heretics. But it must be added that Luther had a somewhat easier time in this problem than Calvin or Melanchthon. As Hausherr puts it,

Die Parole Luthers: 'die widderteufer nur gekopft, den sie sind aufrührisch,' war gegen die Antitrinitarier und die Leugner der Praedestinationslehre nicht so leicht zu verwenden.<sup>90</sup>

It was the following generation that had made the fatal step to ask the State to punish heretics for the sake of their false teaching alone. What Luther would have done had he lived ten years longer, whether he too with Melanchthon would have approved Calvin's action in Servetus' death, is only a matter for conjecture.

Luther and Calvin were both men of their age. They were both children of the Middle Ages, and to some extent borrowed from the Middle Ages in their theories and practice on the State and heretics. What Philip Schaff has written about Cal-

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<sup>90</sup>Hausherr, op. cit., p. 18f.

vin could also be applied to Luther.

(Calvin) . . . must be judged by the standard of his own age, and not of our age. The most cruel of those laws - against witchcraft, heresy, and blasphemy - were inherited from the Catholic Middle Ages, and continued in force in all countries of Europe, (494) Protestant as well as Roman Catholic, down to the end of the seventeenth century. Tolerance is a modern virtue.<sup>91</sup>

Just how far tolerance is a virtue is another question. This paper has tried to present the views of Luther and Calvin on the State and heretics, seen against the background of the Middle Ages and against their own views on the State and its relationship to the Church. If there was any lack, especially in the comparisons drawn between these two great reformers of the sixteenth century, the author can only plead his cause in the words of Cotton Mather:

The author hath done as well and as much as he could, that whatever was worthy of a mention might have it . . . and now he hath done, he hath not pull'd the Ladder after him; others may go on as they please with compleater Composure.<sup>92</sup>

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<sup>91</sup>Philip Schaff, op. cit., p. 493. Roland H. Bainton, "The Struggle for Religious Liberty," Church History, X (June, 1941), pp. 95-134, is an overview of the theories and factors affecting persecution and toleration in the four hundred years since the Reformation. It gives a good picture of how modern views on toleration developed.

<sup>92</sup>Harkness, op. cit., p. 259. This quotation is from Cotton Mather, Preface to Decennium Luctuosum, found in Original Narratives of Early American History, XIV, 182.

## BIBLIOGRAPHY

- Bainton, Roland H. Bibliography of the Continental Reformation. Chicago: American Society of Church History, 1935.
- , editor and translator. Concerning Heretics: Whether they are to be persecuted and how they are to be Treated. A Collection of the Opinions of learned Men both Ancient and Modern. Anonymous work attributed to Sebastian Castellio. New York: Columbia University Press, 1935.
- , "The Development and Consistency of Luther's Attitude to Religious Liberty," Harvard Theological Review, XXII (April, 1929), pp. 107-57.
- , "The Parable of the Tares as the Proof-text for Religious Liberty to the End of the 16. Century," Church History, I (June, 1932), pp. 67-90.
- , "The Struggle for Religious Liberty," Church History, X (June, 1941), pp. 95-134.
- Bergendoff, Conrad. "Church and State in the Reformation Period," Lutheran Church Quarterly, III (January, 1930), pp. 36-62.
- , "The Lutheran Christian in Church and State," Lutheran Quarterly, I (November, 1949), pp. 411-24.
- Boehmer, Heinrich. Luther in Light of Recent Research. Translated from the German by Carl F. Huth, Jr. New York: The Christian Herald, c.1916.
- Bussell, F. W. Religious Thought and Heresy in the Middle Ages. London: Robert Scott, Roxburghe House, 1918.
- Cheneviere, M. "Did Calvin Advocate Theocracy," Evangelical Quarterly, IX (April, 1937), pp. 160-8.
- Dunning, W. A. A History of Political Theories. 2 vols. New York: Macmillan, 1908.
- Harkness, Georgia. John Calvin, the Man and his Ethics. New York: Holt, c.1931.
- Hausherr, Hans. "Der Staat in Calvins Gedankenwelt," Verein fuer Reformation Geschichte, CXXXVI (1923).

- Haven, Joseph. "Servetus and Calvin," Household Reading: Selections from the Congregationalist. Boston: W. L. Greene & Co., 1869. Pp. 117-27.
- Hermelink, Heinrich. "Der Toleranzgedanke im Reformationszeitalter." Verein fuer Reformation Geschichte, XCVIII (1908). Pp. 39-70.
- Holl, Karl. Gesammelte Aufsätze zur Kirchengeschichte. I. Tuebingen: J. C. B. Mohr, 1932.
- Horsch, John. "Luther's Attitude to Liberty of Conscience," American Journal of Theology, XI (1907), pp. 307-15.
- Hyma, Albert. Christianity and Politics. New York: Lippincott, 1938.
- Koehler, W. Reformation und Ketzerprozess. Tuebingen: J. C. B. Mohr, 1901.
- Lindsay, Thomas M. A History of the Reformation. II. New York: Scribners, 1922.
- Luck, G. Coleman. "Calvin and Servetus," Bibliotheca Sacra, CIV (January-March, 1947), pp. 236-41.
- Moerikofer, J. C. Bilder aus dem kirchlichen Leben der Schweiz. Leipzig: S. Hirzel, 1864.
- Newman, Albert Henry. A Manual of Church History. II. Philadelphia: American Baptist Publication Society, 1903.
- Parker, T. H. L. "Bibliography and Survey of the British Study of Calvin, 1900-1940," Evangelical Quarterly, XVIII (April, 1946), pp. 123-32 and 199-208.
- Preuss, H. "Calvin und seine Gesetzgebung," Kirchliche Zeitschrift, LX (June, 1936), pp. 321-6.
- Schaff, D. S. "Martin Luther and John Calvin," Princeton Theological Review, XV (October, 1917), pp. 530-53.
- Schaff, Harold H. "Anabaptists, the Reformers, and the Civil Governments," Church History, I (March, 1932), pp. 27-47.
- Schaff, Philip. History of the Christian Church, VII. New York: Scribners, 1923.
- Schwiebert, E. G. "The Medieval Pattern in Luther's Views of the State," Church History, XII (June, 1943), pp. 98-117.

Troeltsch, Ernest. The Social Teaching of the Christian Churches. 2 vols. Translated from the German by Olive Wyon. London: George Allen and Unwin, c.1949.

Wappler, Paul. Inquisition und Ketzerprozesse in Zwickau dargestellt im Zusammenhang mit der Entwicklung der Ansichten Luthers und Melanctons ueber Glaubens und Gewissensfreiheit. Leipzig: M. Heinsius Nachfolger, 1908.