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Temporal Authority (Martin Luther)

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"Temporal Authority: To What Extent It Should Be Obeyed," Excerpts

By Martin Luther

1523

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To the illustrious, highborn prince and lord, Lord John,[1] Duke of Saxony, Landgrave of Thuringia, Margrave of Meissen, my gracious lord.

Grace and peace in Christ. Again,[2] illustrious, highborn prince, gracious lord, necessity is laid upon me, and the entreaties of many, and above all your Princely Grace's wishes,[3] impel me to write about temporal authority and the sword it bears, how to use it in a Christian manner, and to what extent men are obligated to obey it.

. . .

Part Two[4]

How Far Temporal Authority Extends

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[T]he temporal lords are supposed to govern lands and people outwardly. This they leave undone. They can do no more than strip and fleece, heap tax upon tax and tribute upon tribute, letting loose here a bear and there a wolf.[5] Besides this, there is no justice, integrity, or truth to be found among them. They behave worse than any thief or scoundrel, and their temporal rule has sunk quite as low as that of the spiritual tyrants. . . .

But, you say: Paul said in Romans 13 [:1] that every soul [*seele*][6] should be subject to the governing authority; and Peter says that we should not be subject to every human ordinance [I Pet. 2:13]. Answer: Now you are on the right track, for these passages are in my favor. St. Paul is speaking of the governing

authority. Now you have just heard that no one but God can have authority over souls. Hence, St. Paul cannot possibly be speaking of any obedience except where there can be corresponding authority. From this it follows that he is not speaking of faith, to the effect that temporal authority should have the right to command faith. He is speaking rather of external things, that they should be ordered and governed on earth. His words too make this perfectly clear, where he prescribes limits for both authority and obedience, saying, “Pay all of them their dues, taxes to whom taxes are due, revenue to whom revenue is due, honor to whom honor is due, respect to whom respect is due” [Rom. 13:7]. Temporal obedience and authority, you see, apply only externally to taxes, revenue, honor, and respect. Again, where he says, “The governing authority is not a terror to good conduct, but to bad” [Rom. 13:3], he again so limits the governing authority that it is not to have the mastery over faith or the word of God, but over evil works.

. . .

You must know that since the beginning of the world a wise prince is a mighty rare bird,[7] and an upright prince even rarer.[8] They are generally the biggest fools or the worst scoundrels on earth; therefore, one must constantly expect the worst from them and look for little good, especially in divine matters which concern the salvation of souls. They are God’s executioners[9] and hangmen; his divine wrath uses them to punish the wicked and to maintain outward peace. Our God is a great lord and ruler; this is why he must also have such noble, highborn, and rich hangmen and constables. He desires that everyone shall copiously accord them riches, honor, and fear in abundance. It pleases his divine will that we call his hangmen gracious lords, fall at their feet, and be subject to them in all humility, so long as they do not ply their trade too far and try to become shepherds instead of hangmen. If a prince should happen to be wise, upright, or a Christian, that is one of the great miracles, the most precious token of divine grace upon that land. Ordinarily the course of events is in accordance with the passage from Isaiah 3 [:4], “I will make boys their princes, and gaping fools[10] shall rule over them”; and in Hosea 13 [:11], “I will give you a king in my anger, and take him away in my wrath.” The world is too wicked, and does not deserve to have many wise and upright princes. Frogs must have their storks.[11]

. . .

Part Three

Now that we know the limits of temporal authority, it is time to inquire also how a prince should use it. We do this for the sake of those very few who would also like very much to be Christian princes and lords, and who desire to enter into the life in heaven. . .

Now you will say, “Who would then want to be a prince? That would make the princely estate the worst on earth, full of trouble, labor, and sorrow. What would become of the princely amusements—dancing, hunting, racing, gaming, and similar worldly pleasures?”[12] I answer: We are not here teaching how a temporal prince is to live, but how a temporal prince is to be a Christian, such that he may reach heaven. Who is not aware that a prince is a rare prize in heaven?[13] I do not speak with any hope that temporal princes will give heed, but on the chance that there might be one who would also like to be a Christian, and to know how he should act. Of this I am certain, that God’s word will neither turn nor bend for princes, but princes must bend themselves to God’s word.

. . .

Therefore, we will close with this brief summation, that a prince’s duty is fourfold: First, toward God there must be true confidence and earnest prayer; second, toward his subjects there must be love and Christian service; third, with respect to his counselors and officials he must maintain an untrammeled reason and unfettered judgment; fourth, with respect to evildoers he must manifest a restrained severity and firmness. Then the prince’s job will be done right, both outwardly and inwardly; it will be pleasing to God and to the people. But he will have to expect much envy and sorrow on account of it; the cross will soon rest on the shoulders of such a prince.

Finally, I must add an appendix in answer to those who raise questions about restitution[14] that is, about the return of goods wrongfully acquired. This is a matter about which the temporal sword is commonly concerned; much has been written about it, and many fantastically severe judgments have been sought in cases of this sort. I will put it all in a few words, however, and at one fell swoop dispose of all such laws and of the harsh judgments based upon them, thus: No surer law can be found in this matter than the law of love. In the first place, when a case of this sort is brought before you in which one is to make restitution to another, if they are both Christians the matter is soon settled; neither will withhold what belongs to the other, and neither will demand that it be returned. If only one of them is a Christian, namely, the one to whom restitution is due, it is again easy to settle, for he does not care whether restitution is ever made to him. The same is true if the one who is supposed to make restitution is a Christian, for he will do so.

But whether one be a Christian or not a Christian, you should decide the question of restitution as follows. If the debtor is poor and unable to make restitution, and the other party is not poor, then you should let the law of love prevail and acquit the debtor; for according to the law of love the other party is in any event obliged to relinquish the debt and, if necessary, to give him something besides. But if the debtor is not poor, then have him restore as much as he can, whether it be all, a half, a third, or a fourth of it, provided that you leave him enough to assure a house, food, and clothing for himself, his wife, and his children. This much you would owe him in any case, if you could afford it; so much the less ought you to take it away now, since you do not need it and he cannot get along without it.

If neither party is a Christian, or if one of them is unwilling to be judged by the law of love, then you may have them call in some other judge, and tell the obstinate one that they are acting contrary to God and natural law,[15] even if they obtain a strict judgment in terms of human law. For nature teaches—as does love—that I should do as I would be done by [Luke 6:31]. Therefore, I cannot strip another of his possessions, no matter how clear a right I have, so long as I am unwilling myself to be stripped of my goods. Rather, just as I would that another, in such circumstances, should relinquish his right in my favor, even so should I relinquish my rights.

Thus should one deal with all property unlawfully held, whether in public or in private, that love and natural law may always prevail. For when you judge according to love you will easily decide and adjust matters without any lawbooks. But when you ignore love and natural law you will never hit upon the solution that pleases God, though you may have devoured all the lawbooks and jurists. Instead, the more you depend on them, the further they will lead you astray. A good and just decision must not and cannot be pronounced out of books but must come from a free mind, as though there were no books. Such a free decision is given, however, by love and by natural law, with which all reason is filled; out of the books come extravagant and untenable judgments. Let me give you an example of this.

This story is told of Duke Charles of Burgundy.[16] A certain nobleman took an enemy prisoner. The prisoner’s wife came to ransom her husband. The nobleman promised to give back the husband on condition that she would lie with him. The woman was virtuous, yet wished to set her husband free; so she goes and asks her husband whether she should do this thing in order to set him free. The husband wished to be set free and to save his life, so he gives his wife permission. After the nobleman had lain with the wife, he had the husband beheaded the next day and gave him to her as a corpse. She laid the whole case before Duke Charles. He summoned the nobleman and commanded him to marry the woman. When the wedding day was over he had the nobleman beheaded, gave the woman possession of his property, and restored her to honor. Thus he punished the crime in a princely way.

Observe: No pope, no jurist, no lawbook could have given him such a decision. It sprang from untrammeled reason, above the law in all the books, and is so excellent that everyone must approve of it and find the justice of it written in his own heart. St. Augustine relates a similar story in *The Lord’s Sermon on the Mount*.[17] Therefore, we should keep written laws subject to reason, from which they originally welled forth as from the spring dependent on its rivulets, or make reason a captive of letters.

[1] John the Steadfast (1468–1532) was the brother of Frederick the Wise, whom he succeeded in the Electorate in 1525. Politically less sagacious than his brother, John nevertheless was a man of fearless courage and deep evangelical conviction. It was he who in the elector's absence refused to publish the bull directed against Luther. It was he who advised his brother to adopt the Reformer's cause more openly. It was he to whom Luther sent single sheets of the Wartburg New Testament as they became available, that John might be able daily to read the Scriptures.

[2] Luther had treated this same matter before in *A Sincere Admonition* (1522) (in this volume, pp. 51–74) and in *An Open Letter to the Christian Nobility* (1520). PE 2, 61–164. Cf. p. 83.

[3] Duke John himself was among those who requested Luther to write this treatise. See the Introduction, p. 79.

[4] The main divisions of the treatise are suggested in Luther's dedication to Duke John; see p. 81; cf. also the Introduction, p. 79.

[5] Not only were the beasts which were set free for purposes of hunting a threat to the lives of the peasants, but the hunts themselves were destructive of their lands and property. *MA*^{3} 5, 398, n. 28, 22.

[6] See p. 86, n. 17.

[7] *Seltzam vogel*; see Wander (ed.), *Sprichwörter-Lexikon*, I, 1285, "*Fürst*," No. 61.

[8] Cf. ibid., I, 1283, "*Fürst*," No. 31.

[9] The term *stockmeyster*, meaning "jailer," is also used by Luther synonymously with *Zuchtmeister* for Paul's "custodian" of Gal. 3:24–25. See his exegesis of the Nunc Dimittis in a sermon preached on the Day of the Purification of Mary, February 2, 1526, where the term must mean more than merely a guard or warden; it refers actually to one who flogs or otherwise inflicts legal punishment in execution of a sentence. *WA* 20, 247. See also in the fourth of his Weimar sermons (on which this treatise is based; cf. the Introduction, p. 79) Luther's statement that "princes are the hangmen and *Stockblöcher* of Christ" (WA 10^{III}, 381, 1. 31), the latter term being a tautological construction of the two words for "stock" and "block" and signifying an instrument of torture or punishment. Grimm, *Deutsches Wörterbuch*, X^{3}, 54.

[10] *Maulaffen* is literally an ape with a wide or open mouth. Grimm, Deutsches Wörterbuch, VI, 1796. In his 1522 *Wider den falsch genannten geistlichen* stand Luther defined the word in these terms, "They open their mouths up wide and preach of great things but there is nothing back of it." *WA* 10^{II}, 125. The various meanings of the term in Luther are discussed in *WA* 10^{II}, 510, n. 121, 22.

[11] The proverb means in effect: "like people, like prince" according to Wander (ed.), *Sprichwörter-Lexikon*, I, 1230, "*Frosch*," No. 34. It derives from the Aesop fable about the frogs who insisted on having a king, and were finally granted a stork who devoured them all.

[12] See Luther's criticism of the rulers' preoccupation with amusements to the neglect of their office elsewhere in this volume, pp. 249–250 and 367–368.

[13] *Eyn furst wiltprett ym hymel ist*. Cf. p. 113, n. 80. This proverbial expression (cf. Wander [ed.]), *Sprichwörter-Lexikon*, I, 1288, "*Fürst*," No. 119) was a favorite of Luther (cf. *PE* 2, 163; *LW* 21, 345). A *Wildbret* was a wild bird or beast hunted as game; the term came also to mean anything rare, precious, and desirable. Grimm, *Deutsches Wörterbuch*, XIV^{2}, 53.

[14] The background of this specific question is not known. It may have been raised by Duke John of

Saxony, to whom the treatise is dedicated. *MA*[3] 5, 400, n. 40, 31.

[15] See the 1521 definition of "natural law" deduced by Melanchthon from Rom. 2:15, "A natural law is a common judgment to which all men alike assent, and therefore one which God has inscribed upon the soul of each man." Charles Leander Hill (trans.), *The "Loci Communes" of Philip Melanchthon* (Boston: Meador, 1944), p. 112. Cf. *LW* 40, 97–98. Luther frequently cited Matt. 7:12 and Luke 6:31 when speaking of the natural law of love. See, e.g., in this volume, pp. 287, 292, 296. Cf. Karl Holl, *Gesammelte Aufsätze zur Kirchengeschichte*, Vol. I, Luther (6th ed.; Tübingen: Mohr, 1932), p. 265, n. 1.

[16] Charles the Bold, Duke of Burgundy in 1467–1477, had actually been involved in such a unique case at Vlissingen in 1469 according to the Dutch historian Pontus Heuter (1535–1602), *Rerum Burgundicarum libri sex* (Hagae-Comitis, 1639), pp. 393ff. In Luther's fourth sermon at Weimar, October 25, 1522, on which this treatise is based, he had referred to the wise ruler simply as a "king." *WA* 10[III], 384. Melanchthon relates the same incident in *C. R.* 20, 531, No. XLII. Both accounts may derive from a contemporary lyrical poem. *CL* 2, 393, n. 32.

[17] *Sermon on the Mount* I, xvi, 50. An abridged version of Augustine's story, dealing with a similar deception involving a woman's fornication by consent of her husband who was imprisoned for defaulting on a debt to the public treasury, was appended to a German edition of the treatise already in 1523 (*WA* 11, 280–281). The full text of the original story is in Denis J. Kavanagh (trans.), *Saint Augustine: Commentary on the Lord's Sermon on the Mount*. FC, p. 71–73, MPL 34, 1254.

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