

The Smalcald Articles – Historical Context, Content, Current Significance

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“Pope Paul III convoked a council...”

The Preface to the Augsburg Confession reminded Emperor Charles V of past promises to seek a general council. At two Diets of Speyer, 1526 and 1529, he had promised the evangelical princes that he would seek such a council. “If the outcome...should be such that the differences between us and the other parties in the matter of religion should not be amicably and in charity settled, then here, before Your Imperial Majesty, we make the offer in all obedience...that we will appear and defend our cause in such a general, free, Christian Council...To the assembly of the General Council, and at the same time to Your Imperial Majesty, we have...addressed ourselves and made appeal in this matter...To this appeal, both to Your Imperial Majesty and to a Council, we still adhere” (TR, 437).

The German grievances (*gravamina*) against the papacy, especially those having to do with the outrageous flow of monies from the German lands to Rome, were not addressed at Augsburg in 1530. The emperor promised, therefore, to prevail upon the pope to convoke a general council within six months. Charles should have known from history that this was unrealistic. Events proved him too optimistic by far. When he approached the Roman Court in the aftermath of the Diet they were reluctant to agree to a council. During the remainder of Clement VII's papacy the council idea was a political card in the power games between Pope and Emperor. In 1532 the Diet of Regensburg refused to agree to conditions set down by the Smalcald League: that the imperial courts suspend all cases in which church lands were being taken from Protestant princes and restored to Catholic bishops and abbots; and that the Lutheran estates be left alone to permit the preaching of the gospel freely in their territories. In private negotiations at Nürnberg, however, Charles accepted the Protestants' conditions because he needed their agreement to support a new effort against the Turks. This Peace of Nürnberg (1532) gave the Reformation princes and cities a breathing space until such time as a council would meet.

Pope Clement VII took it seriously when the Diet of Regensburg stated, in 1532, that further delay in convening a general council could result in the convening of a German national council. In that same year papal representatives discussed the prospects of a council with Emperor Charles. Clement proposed Placentia, Bologna, or Mantua – all Italian cities – as the site. In 1533 he sent Udo Rangoni to discuss with Saxon Elector John Frederick (as the representative of the Smalcald League) the conditions under which the Pope would agree to a general council. It must be in Italy, under papal control, with participants agreeing in advance to submit to the decisions of the council. The location might be a bargaining piece and negotiable, but submission to pope and council was not. In fact, even when Clement parleyed about a council he was actually opposed to it and never did anything concrete about convoking it.

How such a council must turn out the Diet at Augsburg had made plain. Emperor and princes had hoped for peace and reconciliation. The Diet only made the disunion more apparent and exacerbated it. At Augsburg, even without the actual papal presence, papal minions persuaded a pious emperor that he must deal with the evangelicals in a harsh and peremptory way. When (in 1533) the Elector of Saxony asked Philip Melanchthon for his counsel on the

subject, the latter urged attendance at a free conference, a meeting not controlled by the Pope, where all parties would meet as peers and seek agreement on the basis of Scripture.

Paul III ascended to the papal throne in 1534. Charles V pressured the new pope and Paul's bull convoking a council at Mantua was issued on June 2, 1536. In this initial bull nothing was said about participants, agenda, or ground rules.

Mantua was far removed from Rome, on the southern slopes of the Alps. It was an imperial city, under the direct rule of the Emperor, not part of the Papal States or of any Italian state. This could be important when it came to the question of safe-conduct and whether it must be honored in the case of a heretic.

“And afterwards transferred it” (Preface .1).

In April of 1537 the council was postponed until November. It was further postponed to May 1, 1538. In 1538 it was transferred from Mantua to Vicenza, to be held May 21, 1539. Then it was indefinitely suspended because Emperor Charles was at war with France.

*“We had to expect that we would be summoned...
or be condemned unsummoned”* (Preface .1).

Could the Lutherans properly attend a council? Could they risk attendance at a council? If they decided to decline, how should they do that?

Elector John Frederick was not sure he ought to even give a hearing to the legate who delivered the notice of the council. He commanded Chancellor Brueck to prepare questions for the theologians and jurists at Wittenberg to consider. Do we recognize the pope's authority to call a council? What if the legate is not accompanied by a representative of the emperor as co-convenor? Would not hearing the legate already be an act of submission to the pope? Should the elector not immediately protest the pope summoning a council without the emperor's concurrence? What if the elector were invited as a participant and not merely a consultant (in which role the non-electoral estates were being invited)??

In a personal visit to Wittenberg on July 24, 1536, John Frederick presented his own position paper and the questions which Brueck had prepared. In his paper the Elector signaled what he expected the answer of the jurists and theologians to be. He expressed his personal view that to accept the invitation would be to accept the pope's authority, which they must instead explicitly reject. They must recognize the pope's sinister motives and intentions, since his only purpose was to suppress the gospel. They must realize that in going to Mantua the Protestants would be waiving their earlier demand (with which the Emperor agreed and on which the Emperor had heretofore insisted) that the council be held on German soil. They must declare their willingness to participate in and submit their teachings to a free Christian council of all parties, where Scripture would reign supreme. As we shall see, John Frederick's counsel not to attend finally prevailed when the Smalcald League met at Smalcald in February and early March, 1537.

The learned men of Wittenberg responded to their Elector on August 8. The gist of their counsel was to wait and see whether the papal legate's message cited the Protestant princes as heretics or invited them as participants. If the legate were rebuffed without a hearing of any kind, the Roman party would feel justified in condemning the Protestants unheard. The Reform party would also be painted as despisers of the Imperial Majesty, since the Emperor was willing to accept a council at Mantua on papal terms rather than have no council. Merely hearing the papal legate would not constitute a recognition of the Pope's authority on the Elector's part. Finally, no

decision should be made before they knew how the pope's message was worded. If it contained a citation to come and be condemned they must, of course, decline. If, however, they were invited to defend their doctrine they should accept, but with a protest that this was not the free Christian council to which they had appealed. They must make it clear in either case that they did not acknowledge the Pope as their judge.

On or about August 20, the Elector instructed Dr. Martin Luther to write articles which members of the Smalcald League could consider for presentation at a council, if they should decide to attend. On August 30 John Frederick informed his Wittenberg professors that he was not satisfied with their views on the subject of a council. He declared that there was more legal argument than Scripture in their opinion. The jurists, in his view, had been a bad influence on the theologians.

The second bull having to do with the council which Paul III had announced is dated September 23. This "Bull concerning the Reforms of the Roman Court" called for "the utter extirpation of the poisonous, pestilential Lutheran heresy."

On December 1, the Elector was in Wittenberg again. He warned Luther and his colleagues that they must not trust papal intentions. He also broached the idea of a counter-council, a German council which any Christian of any position could attend and be heard. His *Memorandum* on the subject actually detailed procedures for convoking and conducting such a council.

On December 6, the Wittenberg scholars informed the elector that they did not favor his idea of a counter-council, a German council. It would make the evangelical party look like schismatics and it would be tantamount to accepting religious war as inevitable.

On December 11, the elector commissioned Luther to write articles in anticipation of the council at Mantua.

Luther had no illusions about the fairness or the outcome of any council which might be held on papal terms. The pope or his representatives would not be inclined to discuss doctrine on the basis of Scripture alone. The papists would surely insist on doing things their way. Regardless of what the Lutherans presented, the papists must be expected to do what the emperor did after hearing the *Confutation* at Augsburg: declare Rome the winner and insist that all must conform.

Luther felt that anything but a free, Christian, German council would be unfruitful and dangerous. Nevertheless, he would be willing to attend even a papal council if it afforded the opportunity to confess the truth. At table in Wittenberg on December 12, Luther said, "If we should be summoned and should appear, it would be best to assail them at our first meeting. It is all the same whether wrath comes at the beginning or the end. Let us therefore attack the papacy with the article of justification... If we took our stand on this article, all other articles we might concede would have no effect... No concord is to be hoped for from the council because they go, not to yield to Christ, but rashly to judge and condemn."

Bugenhagen rejoined, "Doctor, when you get to Mantua, the pope will be pleased with you, will welcome you, will not let you go, will take care of you for the rest of your life" (LW 54: Table Talk, p. 215f, No. 35027).

The assignment given the projected council at Mantua included the *pro forma* charge to reform abuses in the church. The council should also concern itself with launching a united and concerted effort against the Turks. Of greatest interest to the German Reformers, however, and highest on the Pope's list of priorities, was "the utter extirpation of the poisonous, pestilential Lutheran heresy."

*“The Romish court is so dreadfully afraid of
a free Christian Council...”* (Preface .3).

Both Clement VII (• 1534) and his successor Paul III (1534-1549) found ways to procrastinate. The papacy has a long memory, and after the debacles at Constants and Basel in the previous century, no pope was interested in a council he could avoid. “...The Pope would rather see all Christendom perish and all souls damned than suffer either himself or his adherents to be reformed even a little, and his tyranny to be limited...” (Preface .3).

*“I verily desire to see a truly Christian Council...
Not that we need it...”* (Preface .10).

Luther had openly expressed his view that councils are fallible at the Leipzig Debate in 1519. In his Letter to the Christian Nobility of the German Nation (1520) he called for a council to be summoned by the emperor at the insistence of the princes.

Pietro Paolo Vergerio the Younger visited Elector John Frederick of Saxony for diplomatic discussions on possible terms for a council in 1535. When John Frederick sought counsel on how to respond to Vergerio’s overtures Luther replied in a letter of August 20, 1535. He did not reject the idea of a council out of hand; he simply did not regard it as a realistic prospect: “I am not yet able to consider this to be serious business” (LW 50: Letters III, 847).

In a conversation with Vergerio on November 7, 1535, Luther told the papal envoy that he would attend a council “even if I knew you would burn me.” It was to Vergerio that he also expressed the thought which he included in the Preface: There was nothing for evangelical Christians to gain from a papal council. Least of all did they need instruction and reform. But perhaps they could help Rome learn the gospel and put it into action.

Vergerio was later accused of being a Lutheran and deprived of his bishopric. During the last years of his life he worked as a functionary in the court of the Protestant Duke Christoph of Württemberg. Though he was reform-minded and has even been characterized as “evangelical,” he never left the Roman Church to become a Protestant.

Let’s briefly review how some of the people most concerned felt about the prospect of a council in the 1530s. The Emperor had promised a German council for reasons of imperial politics and could not deliver because of papal politics. “Pope Paul III convoked a council,” not because he wanted to but because he could no longer avoid it. Nevertheless, he succeeded in putting it off until December of 1545 – at Trent. Elector John Frederick of Saxony did not want to attend any pope’s kind of council and wasn’t sure he should even open the invitation. He let his scholars argue the point and commissioned Luther to prepare some articles, but when the Smalcald League declined the summons to Mantua it was a victory for the Elector. The theologians of Wittenberg were by no means enthused about a papal council but did not know how to refuse. Each did his part to get ready.

“Our side” (Preface .2).

So far we have renewed acquaintance with only a few of the people who made up “our side” in the mid-1530s. In the context of the impending council and of the theological and political situation our side included adherents to the Augsburg Confession – not Zwinglians – members of the Smalcald League, and some of the princes and estates who were seeking alliance with the League at the time. The Smalcald Articles are so named because they were prepared for a meeting of the Smalcald League in the city of Smalcald.

Schmalkalden was a city on the border between Ducal Hesse and Electoral Saxony, in the center of a tiny realm bearing the same name. On the southwestern fringes of the Thuringian Forest, it was wholly owned by Hesse after 1593. It was easy of access for those who met there, and a fairly secure place where the Saxons' famous outlaw would not be in danger of arrest by imperial forces or other Catholic enemies.

The first meeting of Protestant princes at Smalcald took place on November 29, 1529, shortly after they became Protestants. That is, it was about the time the evangelical estates issued their *Protestation* in reaction to the double-dealing of the 1529 Diet of Speyer, which had reneged on the agreement of the 1526 Diet of Speyer. The imperial courts were beginning to reclaim church properties which Reformation princes had expropriated, to restore them to the Roman Church. This first meeting ended with the collapse of political negotiations between Lutherans and Zwinglians because they were not one in the doctrine of the Lord's Supper. They could not agree on the Schwabach Articles (October 19, 1529). It was not remarkable in those days that people who were not agreed in faith would find it impossible to form a mutual defense pact.

A new meeting was scheduled for January 30, 1530, to be attended only by those estates who could in good conscience subscribe the Schwabach Articles. It was Elector John the Steadfast of Saxony and his Wittenberg theologians who insisted on this. Philip of Hesse urged the inclusion of the Swiss Reformed. His theological boundaries were wider in large part because his political aims went beyond defense against Catholic invaders. Tension over this issue between Philip of Hesse and the Electors of Saxony, first John and then John Frederick, threatened the existence of the League at various times.

Before entering in on an alliance which would commit him to resist his emperor, Elector John of Saxony sent Chancellor Gregor Brueck to seek the opinion of Luther and his Wittenberg colleagues. What does a prince owe the emperor to whom he has sworn allegiance if the emperor should oppress the prince's people in religious matters? Their first reaction and answer was, in part, "According to our consciences we can neither approve of such an alliance nor advise [that it be initiated] ... We would rather wish to be ten times dead than to have on our consciences the thought that our gospel should have been the cause of such bloodshed and damage" (LW 49: Letters II, p. 2487).

Luther personally opposed the formation of an alliance among the Protestants against the imperial power. He believed it would disrupt the political unity of Europe by disrupting the Holy Roman Empire. He recognized the mixed motives, the confusion of spiritual and secular aims, in Landgrave Philip of Hesse. Basically, however, he simply believed that forceful opposition to authority is wrong. "Your Electoral Grace is not to defend my faith, or that of anyone else," he wrote to Elector John (LW 49: Letters II, p. 2507). In his "Warning to His Dear Germans" (1530) he urged his people to obey God's Word in all they did and let the lawyers settle the legal questions. Above all, they must avoid any warfare in which Christians would kill Christians, Germans would kill Germans.

Bugenhagen, on the other hand, believed that princes owe their people protection even if that means resistance to the emperor. And that was the position which the Saxon lawyers took, too – not out of deference to Bugenhagen but from their understanding of German law and especially of the *pactum*. The *pactum* was the ancient compact between German peoples and their rulers, according to which the ruler must act in the best interests of his people. If he failed to act in the best interests of the people they were not bound to obey him. It was this

understanding of the relationship between ruler and people that made the device of interdict effective during the Middle Ages.

The Recess of the Diet of Augsburg gave the Protestants until April 15, 1531, to repudiate their Confession and accept the *Confutation*. In December of 1530 they met at Smalcald for the second time and agreed that they must agree on a mutual defense pact. First, however, they asked the Emperor for a postponement of the terms of the Recess of Augsburg. They got no reply. On March 29 the princes met at Smalcald and organized. They wanted to present a united front against the Emperor, to resist any attempt to enforce the Recess of Augsburg, to assert their territorial rights in the face of any imperial demands, to resist anyone who wanted to enforce the Edict of Worms (1521) which the Diet of Speyer (1529) had revived. The League was in principle a defensive alliance and its initial charter was a six-year mutual defense pact: “On all occasions that any of us is attacked for the Word of God and the doctrine of the gospel or for any other thing connected therewith, all the others will come to his aid at once so far as possible and will assist in delivering him” (quoted in *WLQ* 80:2, Spring 1983, 857). The South Germans of Martin Bucer were included; the Swiss of Huldreich Zwingli were not. The original members were Landgrave Philip of Hesse, Elector John of Saxony, the dukes of Braunschweig and Lüneburg, the prince of Anhalt, and two counts of Mansfeld. Add these cities: Strassburg, Constance, Memmingen, Lindau, Ulm, Reutlingen, Bibirach, Isny, Lübeck, Magdeburg, and Bremen.

It was the growing strength of the Smalcald League which compelled Charles V to accept the Religious Peace of Nürnberg in 1532 after the Catholic princes and estates had rejected the same terms at the Diet of Regensburg in that same year. Cities and states were added between 1531 and 1537, including the Duchy of Württemberg which Philip of Hesse “reformed” by conquering it on behalf of a Protestant duke. Even Henry VIII of England sought membership in 1534, after the Act of Supremacy had effected his break with Rome. On the advice of the Wittenberg theologians – and in keeping with the League’s own most important membership requirement – it was decided that Henry could be admitted when he accepted the Augsburg Confession. Rebel against Rome he might be, but Lutheran never!

The League met at Smalcald in 1535 to renew its charter and to expand its membership. Charles V had appointed his brother Ferdinand, ruler of Austria, “King of the Romans.” That made Ferdinand heir apparent of the Holy Roman Empire. More important at the time and more important for the Reformation, Ferdinand as Charles’ surrogate took a more aggressive stance against the Protestants than Charles found it expedient or possible to do. In April of 1536, however, the Treaty of Vienna between King Ferdinand and Elector John Frederick of Saxony paved the way for new members to be accepted into the League.

As mentioned earlier, the existence of the Smalcald League was from time to time threatened by the tensions between electoral Saxony and Hesse. Philip of Hesse had not given up his desire to include all “evangelicals” in the League, including the Zwinglian Swiss. The announcement of the council to be held at Mantua helped the two major adherents recognize that they needed each other and that they would do well to respond jointly to the council invitation.

The League was defeated in the Smalcald War of 1546 and 1547 but its members were still able to negotiate the Peace of Augsburg (1555), which gave legal recognition to Lutheranism in the Empire under the principle of *cuius regio eius religio*.

“I was directed to compile and collect the articles of our doctrine” (Preface .2).

When the theologians had persuaded the Elector that “our side” really must attend the council, he commissioned Luther to draw up a confession. The task was assigned in late August of 1536, perhaps on August 20, but not before that date. John Frederick told Luther to formulate the points of doctrine that could not be yielded and any points that might be conceded. In part, the commission read: “With regard to the articles of the Christian doctrine and religion it should once more set forth how far and in what articles and portions it is possible or not to yield and make concession for the sake of peace and unity... Set forth your thoughts at every place: What and to what extent, to be answerable to God and with good conscience and for the sake of Christian love, one can concede and yield... It is our further desire that you will treat and complete this matter with the highest diligence and in secret” (Göttingen).

It is not clear that he took the task in hand before December, although Chancellor Brueck reported to John Frederick on September 3 that Luther seemed to have the work well in hand. The Elector reminded Luther of the need for the articles on December 11. The intention was that the confession be subscribed by the Lutheran theologians and taken along to Smalcald as the Saxons’ confession. The hope was that they would also be accepted by the Smalcald League for presentation at the council – if they should decide to attend the council.

“I have accordingly compiled these articles” (Preface .3).

Luther wrote in German, the mother tongue of the princes and estates, rather than in Latin, the working language of jurists and theologians. By December 18 he had finished Parts I and II, and a portion of Part III. The manuscript, preserved in the library at the University of Heidelberg, shows that Luther made many changes as he labored over content and expression. In Part II, particularly, he used a narrative style, showing the historical development of the errors against which he was defending the truth. Plain to see in the manuscript is the change in Article VI of Part III. At first the article read, “...that the true body and blood of Christ are under the bread and wine” (*Wittenberg Concord of 1536*) to “that the bread and wine of the Lord’s Supper are the true body and blood of Christ” (emphases added). As we shall see, this change proved fateful at Smalcald.

Then he became ill with a severe heart condition. Thereafter he proceeded by dictating. The original manuscript bears the handwriting of two different scribes (in addition to Luther’s writing). Neither scribe’s hand is recognized from its appearance in other documents.

“That...those who live and remain after me may have my testimony...” (Preface .3).

Luther thought of the articles as his last will and testament. He made some recovery after his December 18 heart attack, enough to undertake the trip to Smalcald at the end of January. En route he had an attack of kidney stones and contracted a bladder ailment. He fully expected to die. Some who are less than enthusiastic about the Smalcald Articles have argued that the personal nature of the document in some way disqualifies it from confessional status.

“...in addition to the confession which I have issued previously” (Preface .3).

Luther is probably referring to his *Confession concerning the Holy Supper of 1528*. He had also published *Disputation concerning Justification* in 1536. Just before writing this Preface in preparation for publishing the articles he had published his second Galatians commentary (1538). But, “False brethren...dare to cite my writings and doctrine directly against myself” (Preface .4). “I ought to reply to everything while I am still living” (Preface .5). Luther’s health was such that he felt a sense of urgency when he wrote the articles in 1536, when he made the

unsuccessful attempt to present them 1537, when he published them in 1538. Adding to the urgency was the knowledge that his words were already being misused and his position misrepresented.

Luther was to report on his work before January 25, 1537, a week before the Diet was scheduled to convene. He sent his work to the Elector on January 3. The manuscript included these words, omitted by Luther when he published the Smalcald Articles in 1538: “This is sufficient doctrine for eternal life. As to political and economic affairs, there are enough laws to trouble us, so that there is no need of inventing further troubles much more burdensome. Sufficient unto the day is the evil therefore” (quoted in TR, *Historical Introduction*, 59). The articles did not include any points that could in good conscience be yielded.

“*I have presented few articles*” (Preface .14).

Part I includes four articles, summarizing the doctrine of God, confessing the Holy Trinity. Part II includes four articles and treats of our redemption. Part III includes fifteen articles concerning which “we may treat with learned and reasonable men, or among ourselves.”

“*THE FIRST PART Treats of the Sublime Articles Concerning the Divine Majesty...*”

Part I confesses the Trinity, as does Article I of the Augsburg Confession. As had the confessors at Augsburg, Luther wanted to make clear that he and his party were members of the universal Christian Church, joining in the confession of the ecumenical creeds. Moreover, he wanted to develop his further articles out of this “doctrine of God” (theology). This was more than a device. It expressed his conviction.

There was another reason, as there had been at Augsburg, for affirming faith in the Triune God and espousing the creeds. The legal code of the Holy Roman Empire was based to a considerable extent on the *Corpus iuris civilis*. That included the stipulation of the Theodosian Code that the only legal religion of the Roman Empire was Trinitarian Christianity. The Lutherans could not be condemned as outlaws for being in violation of this provision.

There is no mention of the Nicene Creed with “the Creed of the Apostles” and “that of St. Athanasius.” Perhaps because it is a Greek, an Eastern creed (Council of Constantinople, 381) Luther did not mention it here. In his *Treatise on the Three Symbols or Creeds of the Christian Faith*, written just a year after Smalcald he mentioned the Nicene Creed only as an afterthought, giving a place of honor to the *Te Deum* instead. In that writing he was elaborating on “the sublime articles concerning the divine majesty.”

Perhaps it is not necessary to say that in Luther’s designation of Mary as “pure” and “holy” he did not ascribe sinlessness to her. Although the idea of her immaculate conception had already been debated for some centuries, it was not promulgated as dogma until December 8, 1854. Luther’s use of the words here simply reinforces the truth of her virginity at the time of Jesus’ birth. The words give her due respect as God’s instrument, “full of grace,” but it is the Lord who is magnified in the angel’s expression and in Article IV.

The *sempervirgine* of the Latin text says more than Luther’s simple *Jungfrau*. At the present time certain liberal Roman Catholic scholars are not only denying the *semper* but are also consigning the virgin birth to the category of myth.

“Concerning these articles there is no contention or dispute since we on both sides confess them.” The original manuscript reveals that Luther first wrote “believe and confess” and then crossed out the words “believe and,” evidently because he doubted that the papists really did believe them.

TO FOLLOW:

II. The Second Part of the Smalcald Articles

III. The Third Part of the Smalcald Articles

IV. The Third Part Concluded & the Reception of the Articles

V. *Treatise on the Power and Primacy of the Pope*

II. THE SECOND PART OF THE SMALCALD ARTICLES

THE SECOND PART Treats of the Articles which Refer to the Office and Work of Jesus Christ, or Our Redemption.

There are four major points, treating Christ's work, the mass (including the invocation of the saints), the monastic system, and the papacy.

The first and chief article is this...

“That Jesus Christ, our God and Lord, died for our sins, and was raised again for our justification, Romans 4:25.

“And he alone is the Lamb of God which taketh away the sins of the world, John 1,29; and God has laid upon Him the iniquities of us all, Isaiah 53:6.

“Likewise: All have sinned and are justified without merit by His grace, through the redemption that is in Christ Jesus, in His blood, Romans 3:23f.”

If the doctrine of the Trinity is fundamental, the doctrine of our redemption through Jesus Christ is central. Luther does more than assign a number to this article. He immediately “editorializes” on it, calling it the “chief article.” In the early days of the Reformation he occasionally referred to himself as an “evangelist.” In this article he does the work of an evangelist. With four key Scripture references he summarizes the expiatory, vicarious, universal, justifying work of Jesus Christ (Romans 4:25; John 1:29; Isaiah 53:6; Romans 3:23f). He lets the Word of God speak with minimal argumentation on his own part. He lets the gospel provide its own exclamation points.

“Now, since it is necessary to believe this, and it cannot be otherwise acquired or apprehended by any work, law, or merit, it is clear and certain that this faith alone justifies us.” Here he quotes Romans 3:28 and 26, two marvelous statements on justification by faith alone.

“Of this article nothing can be yielded or surrendered.” Acts 4:12 (“no other name”) and Isaiah 53:5 (“with his stripes we are healed”) are quoted. Then, “Upon this article all things depend which we teach and practice, in opposition to the Pope, the devil, and the world...”

What he will say in the other articles of this Part II regarding the mass, chapters and cloisters, and the papacy will all be related directly to the central doctrine of our completed redemption, apprehended by faith alone.

Not only is this the article on which the church stands or falls, it is also the article which would cause the Roman Church to fall if it ever accepted it. It didn't, it hasn't, and it won't. Ten years after Luther wrote these words Pope and Council condemned this teaching at Trent, Session 6, January 13, 1547. Canon 9 says, “If anyone says that by faith alone the impious is justified, in such a way as to mean that nothing else is required to cooperate in order to obtain the grace of justification, and that it is in no way necessary that he be prepared and disposed by the movement of his own will: let him be anathema.”

Canon 11 pronounces the anathema on anyone who says “that men are justified, either by the imputation alone of the justice of Christ or by the remission of sins alone.”

Canon 12 reads, “If anyone says that justifying faith is nothing else but confidence in the divine mercy which remits sins for Christ's sake; or that this confidence alone is that whereby we are justified: let him be anathema.”

Vatican II does not repeat Trent's anathemas, nor does it repent of them. It really has very little to say in a direct way about justification. As Rome has always said, faith is necessary: "Since no one can be saved who has not first believed, priests, as co-workers with their bishops, have as their primary duty the proclamation of the Gospel of God to all" (*Documents*, 538f). That this does not mean "faith alone" becomes clear in a statement which insidiously mixes a wonderful evangelical statement on Christ's redemptive work with a horrible example of Rome's confusion of justification and sanctification, of law and gospel: "As an innocent lamb He merited life for us by the free shedding of His own blood. In Him God reconciled us to Himself and among ourselves. From bondage to the devil and sin, He delivered us, so that each one of us can say with the Apostle: The Son of God 'loved me and gave himself for me' (Galatians 2:20). By suffering for us He not only provided us with an example for our imitation. He blazed a trail, and if we follow it, life and death are made holy and take on a new meaning" (*Documents*, 221).

The Council makes clear elsewhere that it does not really regard salvation as being by Christ alone, by faith in him alone: "The plan of salvation also includes those who acknowledge the Creator. In the first place among these there are the Moslems, who, professing to hold the faith of Abraham, along with us adore the one and merciful God, who on the last day will judge mankind... Those also can attain to everlasting salvation who through no fault of their own do not know the gospel of Christ or His Church, yet sincerely seek God and, moved by grace, strive in their deeds to do His will as it is known to them through the dictates of conscience" (*Documents*, 35).

Luther left someone out of Part I, Article IV and Part II, Article I. Vatican II "remedies" this "lack" in a number of ways. Let one example suffice here. "Embracing God's saving will with a full heart and impeded by no sin, she devoted herself totally as a handmaid of the Lord to the person and work of her Son... Rightly therefore the holy Fathers see her as used by God not merely in a passive way, but as cooperating in the work of human salvation through true faith and obedience... In an utterly singular way she cooperated by her obedience, faith, hope, and burning charity in the Savior's work of restoring supernatural life to souls. For this reason she is a mother to us in the order of grace" (*Documents*, 87-90).

"We must be sure concerning this doctrine and not doubt." Whoever does not recognize that this first and chief article *solo Christo, Sola fide*, is the real battleground between Christ and the Pope has not penetrated to the meaning of the Reformation, will not be ready to embrace the Smalcald Articles as his confession, will never comprehend that the papacy is the very Antichrist.

"...The battle against the Pope is one of faith. If anyone battles against the Pope on any other ground, the Pope is sure to win in the end. Some countries tried it with force of arms; others, by withholding contributions to the papal treasury; others by political maneuverings; others by ridicule. They all lost. When Luther used the Gospel of justification by faith, he, though standing alone, set consciences free, and the papal crown became very shaky. But when people drifted away from the Gospel again, and became indifferent in their faith, the wound which Luther had inflicted soon began to heal" (Meyer, 5).

Article II: Of the Mass

Article XXIV of the Augsburg Confession states, "Falsely are our churches accused of abolishing the Mass; for the Mass is retained among us, and celebrated with the highest reverence" (TR, 65). The article goes on to set forth an evangelical understanding and use of the

Lord's Supper. Article II of Part II in the Smalcald Articles is not a contradiction of the Augustana. Rather, it abominates "The Mass in the Papacy."

II.1 "...The Mass in the Papacy...above and before all other popish idolatries...has been the chief and most specious. For it has been held that this sacrifice or work of the Mass ...frees men from sins, both in this life and also in purgatory, while only the Lamb of God shall and must do this... Of this article nothing is to be surrendered or conceded, because the first article [Of Redemption] does not allow it."

With that closing causal clause Luther does what Lutherans must always do: relate thesis or antithesis to the central article of our faith, the central truth of Scripture. In his *Confession concerning Christ's Super – 1528* Luther had written, "As the greatest of all abominations I regard the mass when it is preached or sold as a sacrifice or good work... My greatest sins were that I was so holy a monk, and so horribly angered, tortured, and plagued my dear Lord with so many masses for more than fifteen years" (LW 37: Word Sacrament III, 370).

Session 22 of the Council of Trent discussed the *Doctrine on the Sacrifice of the Mass*. There are nine chapters and nine canons on the subject. Canon 1 reads, "If anyone says that in the Mass a true and proper sacrifice is not offered to God; or that 'to be offered' is nothing else but that Christ is given to us to eat: let him be anathema."

Canon 3: "If anyone says that the sacrifice of the Mass is only a sacrifice of praise and thanksgiving or, that it is a bare commemoration of the sacrifice consummated on the cross, but not a propitiatory sacrifice; or, that it profits only him who receives; and that it ought not to be offered for the living and the dead for sins, pains, satisfaction, and other necessities: let him be anathema."

Those ideas were not invented at Trent. The accretions and excrescences of centuries found their formulation at Trent, after Luther had very perceptively put his finger on the "greatest of all popish idolatries." Trent never said that Luther had misrepresented the Mass or that Luther failed to understand the Mass. It said that anyone who rejects the Mass as Rome understands and preaches and practices it is accursed.

The participants at Vatican Council II were explicitly required to affirm and uphold the Canons and Decrees of the Council of Trent. With regard to the Mass they did, but without the anathemas: "As often as the sacrifice of the cross in which 'Christ, our Passover, has been sacrificed' (1 Corinthians 5:7) is celebrated on an altar, the work of our redemption is carried on" (*Documents*, 16). "Acting in the person of Christ, [the ministerial priest] brings about the eucharistic sacrifice, and offers it to God in the name of all the people. For their part the faithful join in the offering of the Eucharist by virtue of their royal priesthood... Taking part in the eucharistic sacrifice, which is the fount and apex of the whole Christian life, they offer the divine Victim to God..." (*Documents*, 27f).

The fathers at Vatican II quoted the fathers at Trent when they said that Jesus is "the same one now offering through the ministry of priests, who formerly offered himself on the cross" (fn: Council of Trent, Session 22, Sept. 17, 1562, *Doctrine on the Holy Sacrifice of the Mass*, c.2) (*Documents*, 141). One more sampling, included because it includes the familiar term "unbloody": "...Through the hands of priests and in the name of the whole Church, the Lord's Sacrifice is offered in the Eucharist in an unbloody and sacramental manner until He Himself returns" (*Documents*, 534f).

II.2 “If, perchance, there were reasonable Papists we might speak moderately and in a friendly way, thus: first...it is but a pure invention of men, and has not been commanded by God...”

Two decades of looking for reasonable papists had taught Luther to couch such an offer in the subjunctive. “If,” “perchance,” “were,” and “might” come from the pen of a man who knew that from a gospel perspective a reasonable papist was a contradiction in terms, a man whose intellect and loyalties must be at odds with one another. Luther was not one to forbid everything not commanded by God, even in connection with the Lord’s Supper. But when he speaks here of “a pure invention of men” he is speaking of the very essence of the idolatrous and work-righteous Mass.

II.3 “Secondly. It is an unnecessary thing, which can be omitted without sin and danger.

II.4 “Thirdly. The Sacrament can be received in a better and more blessed way, (yea, the only blessed way), according to the institution of Christ...”

II.5 “Let it be publicly preached to the people that the Mass as men’s twaddle can be omitted without sin, and that no one will be condemned who does not observe it, but that he can be saved in a better way without the Mass.”

In the winter of 1521 there were riots in Wittenberg when Karlstadt, with the help of Zwilling and other fanatics, began to distribute the Lord’s Supper under both bread and wine. They did not start by telling the people that they could receive both kinds without sin. They insisted instead that it was a grievous sin to receive the Lord’s Supper in only one kind. The people were not ready, consciences were burdened, and public disorder ensued. Just after Ash Wednesday Luther slipped away from the Wartburg, appeared in Wittenberg, and began on the First Sunday in Lent (Invocavit) to preach a series of eight sermons (ending on the Second Sunday, Reminiscere). He defended the practice of communion in both kinds, taught that it is according to Christ’s institution, but especially counseled love and patience in effecting change. Thereafter, those in Wittenberg who were discerning and ready received the cup but those who had troubled consciences and weak understanding were still served the bread alone, at a side altar.

II.6 “Fourthly. Since such innumerable and unspeakable abuses have arisen in the whole world from the buying and selling of masses, the Mass should by right be relinquished, if for no other purpose than to prevent abuses...”

II.7 “Fifthly. But since the Mass is nothing else, and can be nothing else...than a work of men...by which one attempts to reconcile himself and others to God, and to obtain and merit the remission of sins and grace (for thus the Mass is observed when it is observed at the very best...) for this very reason it must and should be condemned and rejected. For this directly conflicts with the chief article, which says that it is not a wicked or a godly hireling of the Mass with his own work, but the Lamb of God and the Son of God, that taketh away our sins.”

The essence of the Roman Mass, not the abuses, makes it an abomination. At its best it must be condemned because it is based on work-righteousness and fosters work-righteousness. Thus it subverts the first and chief article, of redemption.

II.8 “But if anyone should advance the pretext that as an act of devotion he wishes to administer the Sacrament, or Communion, to himself, he is not in earnest... For if he wishes to commune in sincerity, the surest and best way for him is in the Sacrament administered according to Christ’s institution...”

II.9 “So, too, it is not right...for one to use the common Sacrament of the Church according to his own private devotion, and without God’s Word and apart from the communion of the Church to trifle therewith.”

Luther, in excoriating the private mass, is not rejecting the private communion of a bedridden Christian or an isolated believer who desires the Sacrament. What he condemns here is the offering of a sacrifice as a meritorious work, by an officiant who has no intention of sharing the Supper with a congregation or the least fraction of a congregation.

The “common Sacrament of the Church” and the “communion of the Church” is not the property of the ordained priesthood or of an individual priest “offering” the mass in private. The Lord’s Supper belongs to the assembly of believers.

II.10 “This article concerning the Mass will be the whole business of the Council... For if it were possible for them to concede to us all the other articles, yet they could not concede this. As Campegius said at Augsburg that he would be torn to pieces before he would relinquish the Mass, so, by the help of God, I, too, would suffer myself to be reduced to ashes before I would allow a hireling of the Mass...to be made equal to Christ Jesus... Thus we are and remain eternally separated and opposed to one another. They feel well enough that when the Mass falls, the Papacy lies in ruins. Before they will permit this to occur, they will put us all to death if they can.”

Lorenzo Campegio (1474-1539) was the papal legate at the Diet of Augsburg. Martie Crowe, erstwhile basketball coach at JFK Prep, expressed similar sentiments in a letter to the *Milwaukee Journal* some years ago: While Rome has the Mass it has God and it has the truth and it has Martie Crowe. Without the Mass Rome has nothing: “When the Mass falls, the Papacy lies in ruins.”

II.11 “In addition to all this, this dragon’s tail, the Mass, has begotten a numerous vermin-brood of manifold idolatries.”

“The dragon’s tail” must be an appendage of that old dragon, Satan. Mixing metaphors, Luther (not fancifully) attributes a great many Roman abuses to the generative powers of the Mass.

II.12 “First, purgatory. Here they carried their trade into purgatory by masses for souls, and vigils...the Common Week and All Souls Day, (and) by soul-baths... Purgatory...is to be regarded as nothing but a specter of the devil. For it conflicts with the chief article that only Christ, and not the works of men, are to help souls. Not to mention the fact that nothing has been commanded or enjoined upon us concerning the dead.”

Masses for souls and everything else Luther mentions here in connection with purgatory are in conflict with the chief article. Purgatory is a *Teufelsgespensst* says Luther’s German, a satanic apparition, meant to deceive and scare and make people doubt their salvation in Christ.

Vigils take place on “eves,” the nights before feast days or saints’ days. An important purpose of such vigils, with their prayers and candles and rosaries, was (is?) intercession for the

souls in purgatory. The Common Week is an annual observance of an entire week devoted to intercession for all the souls in purgatory, including the vigil of All Hallows E'en (October 31), All Saints Day (November 1), and All Souls Day (November 2).

The expression "soul-baths" might make us think of some sort of ceremonial lustrations. In fact, the reference is to public baths established for the poor, with the intention that the poor who benefited from them should pray for the soul of the donor.

The Second Vatican Council has less to say on the subject of purgatory than did John Tetzel. It still does speak approvingly of prayers for the dead: "Very much aware of the bands linking the whole Mystical Body of Jesus Christ, the pilgrim Church from the very first ages of the Christian religion has cultivated with great piety the memory of the dead. Because it is 'a holy and wholesome thought to pray for the dead that they may be loosed from sin' (2 Maccabees 12:46), she has also offered prayers for them" (*Documents*, 81).

II.13 "...The devotion of men...does not establish an article of faith, which is the prerogative of God alone."

The purported practice of Judas Maccabeus in an apocryphal book, Tertullian's 2nd century mention of anniversary days, Ambrose's 4th century mention of vigil weeks, Augustine allowing that their might be a purgatory – none of these can establish an article of faith. Nor can the writings of Pope Gregory I the Great (• 604), the single richest source of teaching on purgatory.

II.15 "...It will not do to frame articles of faith from the works or words of the holy Fathers... The rule is this: The Word of God shall establish articles of faith, and no one else, not even an angel."

Here Luther enunciates the Reformation principle *Sola Scriptura*.

There is another principle of establishing doctrine and it relies on another source in addition to Scripture: "...There exists a close connection and communication between sacred tradition and sacred Scripture. For both of them, flowing from the same divine wellspring, in a certain way merge into a unity and tend toward the same end. For sacred Scripture is the word of God inasmuch as it is consigned to writing under the inspiration of the divine Spirit. To the successors of the apostles, sacred tradition hands on in its full purity God's Word, which was entrusted to the apostles by Christ the Lord and the Holy Spirit... It is not from sacred Scripture alone that the Church draws her certainty about everything which has been revealed..." (*Documents*, 117). Vatican II also said: "The [Church] has always regarded the Scriptures together with sacred tradition as the supreme rule of faith, and will ever do so" (*Documents*, 125).

There is more. The faith has not been delivered to the saints once and for all time: "The tradition which comes from the apostles develops in the Church with the help of the Holy Spirit. For there is a growth in the understanding of the realities and the words which have been handed down. This happens through the contemplation and study made by believers...through the intimate understanding of spiritual things they experience, and through the preaching of those who have received through episcopal succession the sure gift of truth. For, as the centuries succeed one another, the Church constantly moves toward the fullness of divine truth until the words of God reach their complete fulfillment in her" (*Documents*, 115f). Luther was correct when he said that the Pope, too, is an enthusiast. "It is clear, therefore, that sacred tradition, sacred Scripture, and the teaching authority of the Church...are so linked and joined together that

one cannot stand without the others, and that all together and each in its own way under the action of the one Holy Spirit contribute effectively to the salvation of souls” (Ibid., 118). If no one of these can stand without the other then Scripture cannot stand alone.

Here also belongs the teaching of the First Vatican Council, reaffirmed by Vatican II, that the Pope speaking as pope is infallible in matters of faith and morals. “Therefore his definitions, of themselves, and not from the consent of the Church, are justly styled irreformable, for they are pronounced with the assistance of the Holy Spirit, an assistance promised to him in blessed Peter. Therefore they need no approval from others, nor do they allow any appeal to any other judgment. For then the Roman Pontiff is not pronouncing judgment as a private person. Rather, as the supreme teacher of the universal Church, as one in whom the charisma of the infallibility of the Church itself is individually present, he is expounding or defending a doctrine of the Catholic faith” (Ibid., 48).

II.16,17 “Secondly...evil spirits have perpetrated much knavery by appearing as the souls of the departed, and with unspeakable lies and tricks demanded masses, vigils, pilgrimages, and other alms...”

The devil, whose business and special talent it is to deceive, may have been directly responsible. “*Die bösen Geister*” may also have been grasping, greedy priests who disguised their appearance and voices to scare bereaved (or callous) survivors into paying for masses.

II.18 “Thirdly. (T)he pilgrimages. Here, too... the Mass controlled everything...”

II.21 “Fourthly. Fraternities, in which cloisters, chapters, vicars have assigned and communicated (by a legal contract and sale) all masses and good works, etc., both for the living and the dead. This is...contrary to the chief article, Of Redemption...”

Fraternities (also called confraternities), what we might call auxiliaries, are first mentioned in the 8th century. These groups supported monastic foundations in a material way, joined them in prayers, and in a limited way joined in their special work. In return, it was understood that whatever meritorious things were done by that monastic community (including the offering of masses) should accrue to the “account” of the members of the fraternity. In the later Middle Ages the fraternities tended to be connected with trade guilds. The guilds had their patron saints, special chaplains, and special services. At some point the various mendicant friars began to involve the guild members in their work in exchange for votive masses. Initiation fees, annual dues, and special collections were a rich source of revenue.

Luther had already blasted this phenomenon in a sermon of 1519. Here in Article II he again attacks it because it is “contrary to the chief article, Of Redemption.”

II.22,23 “Fifthly. The relics... The worst is that these relics had to work indulgence and the forgiveness of sins as a good work and service of God, like the Mass...”

Relics are *relicta*, remains. In the Old Catholic Church (180-325) the anniversary of a martyr’s death might be observed with a special service at the place where his or her bones or ashes reposed. This was commemoration, veneration, and an affirmation of the communion of saints on earth and in heaven. The aspect of superstitious seeking for help and the element of merit to be gained by prayerful visits at such a place were not long in developing.

Long before Luther and longer before the Council of Trent, emperors and councils and popes had warned against trading in false relics and stealing authentic relics. On December 4, 1563, the Council of Trent made clear that the Roman Church is opposed to certain abuses of

relics but not to their religious use: “Those who affirm that veneration and honor are not due to the relics of the saints; or that these and other sacred monuments are uselessly honored by the faithful; and that the places dedicated to the memories of the saints are in vain visited with the view of obtaining their aid; are wholly to be condemned...”

II.24 “Sixthly. Here belong the precious indulgences granted (but only for money) both to the living and the dead... For the merit of Christ is obtained not by our works or pence, but from grace through faith, without money and merit; and is offered not through the power of the Pope, but through the preaching of God’s Word.”

In theory, indulgences granted relief only from the temporal punishments which the Catholic Church imposed by way of discipline. These temporal punishments for venial sins could be carried out while the sinner lived or in purgatory after he died. Indulgence was not, in principle, the forgiveness of sins, the removal of guilt and God’s eternal punishment. In practice the clergy did not always make (perhaps did not even know how to make) the distinction clear to their people. Indulgence peddlers did not mind the blurring of distinctions, so that when Wittenbergers bought indulgences across the river in 1517 they thought they were buying licenses to sin.

Of the Invocation of Saints

Luther inserted this excursus on the invocation of the saints at the urging of his co-workers who met with him at Wittenberg in late December of 1536. Both John Huss and Jean Gerson, who was one of Huss’s judges at the Council of Constance, had spoken out against the cult of saints. Berthold of Regensburg, a popular Franciscan of the 13th century, had preached against it. Luther’s humanist contemporary Erasmus had written in a critical vein against the practice of invoking the saints.

II.25-28 “The invocation of the saints is also one of the abuses of Antichrist conflicting with the chief article, and destroys the knowledge of Christ...”

“...Although the angels in heaven pray for us (as Christ Himself also does), as also do the saints on earth, and perhaps also in heaven, yet it does not follow thence that we should invoke and adore the angels and saints...and regard them as helpers in need...and ascribe to each one a particular form of assistance, as the Papists teach and do. For this is idolatry, and such honor belongs alone to God... If now such idolatrous honor were withdrawn from angels and departed saints, the remaining honor would be without harm, and would quickly be forgotten. For when advantage and assistance, both bodily and spiritual, are no more to be expected, the saints will not be troubled, neither in their graves nor in heaven...”

The chief article, of redemption, is also endangered by the idolatrous practice of invoking the saints for help in time of need. In the paganism of the old Roman Empire there was a god or goddess for every benefit and need, every life situation. Especially in the time of the Empire Church, as pagans poured into the church because it was the politic thing to do, much of that paganism was imported into the Catholic Church, East and West. Syncretistically, pagan deities and heroes took on the names and characteristics and functions of biblical figures and Christian saints.

Luther cannot affirm on the basis of Scripture that the saints in heaven pray for us. He will allow the possibility that they do, since the Scriptures do not explicitly exclude that possibility. He will not allow the conclusion that we should pray to them. The modern Roman

Church, like that of the Middle Ages, has no such compunctions: “[The saints and martyrs] sing God’s perfect praise in heaven and offer prayers for us...Through their merits [the Church] pleads for God’s favors” (*Documents*, 168).

II.29 “In short, the Mass itself and anything that proceeds from it, and anything that is attached to it, we cannot tolerate, but must condemn, in order that we may retain the holy Sacrament pure and certain, according to the institution of Christ, employed and received through faith.”

We are anticipating “Article IV: Of the Papacy” in bringing the following quotation, but it seems the most appropriate place for it: “The Mass mirrors the essential character of the Antichrist which Paul delineates in 2 Thessalonians. In its posture of reverence and devotion, in the exalted claims it makes, in its prominence in the church, in its train of anti-Christian error, in the Christ-denying ‘gospel’ it opposes to the Christ-redemption it acts out we see the blasphemy of the Antichrist. While the Mass abides, the Antichrist remains. The Mass is his image” (Toppe in “Today,” 26).

Article III: Of Chapters and Cloisters

“That chanters and cloisters, which were formerly founded with the good intention to educate learned men and chaste women, ought again to be turned to such use, in order that pastors, preachers, and other ministers of the churches may be had, and likewise other necessary persons for the secular government...and well-educated maidens for mothers and housekeepers, etc.

“If they will not serve this purpose, it is better that they be abandoned or razed, rather than, with their blasphemous services invented by men, regarded as something better than the ordinary Christian life and the offices and callings ordained by God. For all this also is contrary to the first chief article concerning the redemption made through Christ Jesus...”

Luther will speak of monastic vows in Article XIV of Part III. His purpose in speaking of chapters and cloisters here is to contrast work-righteous monastic ideas with the truth of the “first chief article.” But he seems to have a practical motive, too: Let the resources of the monastic foundations be used for education, as they once had been.

Luther elaborated on the decay of the chapters and cloisters and the concomitant damage to education and the parishes in *On the Councils and the Church* in 1539: “...If they were at least willing to do something...so that they would again, in some sense, look like a school, and so that one could have pastors and bishops and thus help to rule the church. O Lord God, what immeasurable benefit they could be to the church! ...They allow the parishes to lie waste and the people to become rude and wild without the Word of God. I have heard it from people whom I must believe that in many dioceses there are two, three and four hundred good parishes vacant. Isn’t it dreadful and terrible to hear of such conditions among Christians?” (LW 41: Church and Ministry III, 135).

It is interesting that in this discussion of chapters and cloisters Luther also, incidentally, allows that the ministry includes offices (services) other than the pastorate and the preaching ministry. Luther writes, “*Pfarrherren, Prediger und andere Kirchendiener.*”

Article IV: Of the Papacy

IV.1 “...The Pope is not, according to divine law or according to the Word of God the head of all Christendom (for this belongs to One only, whose name is Jesus Christ), but is only

the bishop and pastor of the Church at Rome, and of those who voluntarily or through a human creature (that is, a political magistrate) have attached themselves to him, to be Christians, not under him as a lord, but with him as brethren and comrades, as the ancient councils and the age of St. Cyprian show.”

In claiming headship over all Christians the Pope is a usurper. Rome is one bishopric among many and neither God nor the ancient church gave the Bishop of Rome primacy over other bishops. As Melanchthon would soon point out in his *Treatise on the Power and Primacy of the Pope* neither Scripture nor history sanction papal claims. For Luther, the “ancient councils” were the first four: Nicaea, 325; Constantinople, 381; Ephesus, 431; Chalcedon, 451.

We speak in the present tense when we say, “The Pope is a usurper.” Vatican II said, “...Christ...rules [the church] through the Supreme Pontiff and the bishops” (*Documents*, 33). It said, “In order that the episcopate itself might be one and undivided, He placed Peter over the apostles, and instituted in him a permanent and visible source and foundation of unity of faith and fellowship” (*Ibid.*, 38). It said, “...In virtue of his office, that is, as Vicar of Christ and pastor of the whole Church, the Roman Pontiff has full, supreme, and universal power over the Church, and he can always exercise this power freely” (*Ibid.*, 43).

IV.2 “But to-day none of the bishops dare to address the Pope as brother; ...but they must call him most gracious lord, even though they be kings or emperors. This we will not, cannot, must not take upon our conscience...”

The history of medieval Europe from the time of Louis the Pious (814-840) is the story of struggles for control of Western Christendom – politically as well as spiritually. It is the story of endless diplomacy and warfare between Germanic emperors and Roman pontiffs. In the bull *Unam Sanctam* (November 18, 1302) Pope Boniface VIII claimed temporal as well as spiritual authority over all Christians. By that time not every prince in Europe was ready to believe that the pope has the temporal sword by divine right. Most Christians, however, still believed that in spiritual things “it is altogether a matter of necessity for salvation for every human being to be subject to the Roman Pontiff.” The letters of Bishop Cyprian of Carthage to Bishop Cornelius of Rome regularly address the latter as “brother.”

IV.3 “Hence it follows that all things which the Pope... has done and undertaken have been and still are purely diabolical affairs and transactions (with the exception of such things as pertain to the secular government, where God often permits much good to be effected for a people even through a tyrant and faithless scoundrel) for the ruin of the entire holy Christian Church...and for the destruction of the first and chief article concerning the redemption made through Christ Jesus.”

Ironic and tragic that a minister of the church should do the devil’s work in spiritual matters but often succeed in the work which is not in the realm of the gospel. Beginning with Leo I, throughout the Germanic invasions and occupations, many popes functioned ably and beneficently as *de facto* rulers of Italy.

IV.4-6 “For all his bulls and books are extant, in which he roars like a lion (as the angel in Rev. 12 depicts him), that no Christian can be saved unless he obeys him and is subject to him in all things that he wishes, that he says, and that he does. All of which amounts to nothing less than saying: Although you believe in Christ, and have in Him everything that is necessary to salvation, yet it is nothing and all in vain unless you regard me as your

god, and be subject and obedient to me. And yet it is manifest that the holy Church has been without the Pope for at least more than five hundred years, and that even to the present day the churches of the Greeks and of many other languages neither have been nor are yet under the Pope. Besides, as often remarked, it is a human figment which is not commanded, and is unnecessary and useless; for the holy Christian Church can exist very well without such a head, and it would certainly have remained better if such a head had not been raised up by the devil. And the Papacy is also of no use in the Church, because it exercises no Christian office; and therefore it is necessary for the Church to continue and to exist without the Pope.”

The “roaring lion” appears in Revelation 10:13, not in Revelation 12.

IV.7,8 “And supposing that the Pope would yield this point, so as not to be supreme by divine right or from God’s command, but that we must have a head, to whom all the rest adhere in order that the unity of Christians may be preserved against sects and heretics, and that such a head were chosen by men, and that it were placed within the choice and power of men to change or remove this head Supposing, I say, that the Pope and See at Rome would yield and accept this (which, nevertheless, is impossible; for thus he would have to suffer his entire realm and estate to be overthrown and destroyed, with all his rights and books, a thing which, to speak in few words, he cannot do), nevertheless, even in this way Christianity would not be helped, but many more sects would arise than before.

“For since men would have to be subject to this head, not from God’s command, but from their personal good pleasure, it would easily and in a short time be despised, and at last retain no member... Oh, the complicated and confused state of affairs that would result!”

If the Pope were to do what he cannot do, what would the result be? The situation would be what it is now: a multiplicity of sects, more than at the time the Ninety-five Theses were posted. We should not lose sight of the fact, however, that even the “monolithic” Medieval Church was also a great conglomerate of sects and heresies, often represented by the various rival monastic and mendicant orders. The unifying principle was the papacy and there was union without unity. But, Luther’s main object has been to review for us what the papacy is doing to people’s souls.

IV.9 “Therefore the Church can never be better governed and preserved than if we all live under one head, Christ, and all the bishops, equal in office (although they be unequal in gifts), be diligently joined in unity of doctrine, faith, Sacraments, prayer, and works of love, etc. ...as did also the apostles, and, afterwards, all bishops throughout all Christendom, until the Pope raised his head above all.”

Is it not interesting that in grouping unity of doctrine, the Means of Grace, prayer, and works of love Luther gave expression to a unit concept of church fellowship?

IV.10-12 “This teaching shows forcefully that the Pope is the very Antichrist, who has exalted himself above, and opposed himself against Christ, because he will not permit Christians to be saved without his power. This is, properly speaking, *to exalt himself above all that is called God*, as Paul says, 2 Thessalonians 2:4. Even the Turks or the Tartars...allow whoever wishes to believe in Christ...

“The Pope, however, prohibits this faith, saying that to be saved a person must obey him...”

Professor Carleton Toppe, longtime teacher of the course in the Smalcald Articles at Northwestern College in Watertown, writes, “When Martin Luther wrote his Ninety-five Theses, his attitude toward the papacy was still respectful... By the end of 1519 (after the Leipzig Debate) Luther was well on his way to identifying the papacy with Antichrist, especially because its authority was being exercised to the detriment of the gospel... By 1521 Luther’s time ‘under the papacy’ was over. He no longer stood ‘under’ but ‘over against’ the papacy” (Toppe, “Today,” 1ff). Luther persisted in his view of the papacy as Antichrist. In the last full year of his life he wrote *Against the Roman Papacy, An Institution of the Devil*. In the night before his death he said, as he had said before, “May God fill you with hatred of the pope.” (“Today,” 111).

Professor Toppe asks, “Who could be a greater enemy of Christ and the church than one who subverted the gospel and the doctrine of justification by faith (‘the chief article’) while masquerading as Christ’s own vicar?” (“Today,” 7). Then he offers this sober judgment: “Lutherans who no longer possess the confessional vision to recognize the Antichrist, nor the confessional strength to stand with Luther in condemning him, may be said to have lost no small measure of their perception both of who Jesus Christ really is and of the salvation he has won” (Ibid., 1c).

IV.13 “...The Pope has wished to be called the supreme head of the Christian Church by divine right. Accordingly he had to make himself equal and superior to Christ, and had to cause himself to be proclaimed the head and then the lord of the Church, and finally of the whole world, and simply God on earth, until he has dared to issue commands even to the angels in heaven.”

Whether or not any pope has ever dared to issue commands even to the angels in heaven, the rest of what Luther says here is true. What he meant by issuing commands even to the angels in heaven he himself made clear in a sermon on Matthew 18:18, preached later in 1537, at Wittenberg. As translated by Professor John Meyer, Luther said, “And what is still worse the archmiscreant in Rome has dared to give orders to angels, as to his hirelings: If during the Golden Year any pilgrim should die on his way to Rome, they must carry him immediately up to heaven. These are his words: ‘Listen, you angels, I command you in the name of Christ, that you carry such pilgrims directly to heaven.’ – How could he become more arrogant? Even the devil...could not treat our Lord with greater disdain. It is shocking to hear that a poor mortal should so elevate himself and reach above all angels into heaven where Christ Himself is seated on the throne, and thus should make himself equal with God and act as Christ’s vice-regent, and claim authority even over the angels, who are subject to Christ alone. This certainly means ‘to exalt himself above God’” (Meyer, 33).

It has been alleged that Pope Clement VI’s 1350 Bull *Ad memoriam reducendo* is spurious. This is what the document says, commanding the angels in heaven: “Lead to heaven the souls of pilgrims who might die on their way to Rome.” Whatever historical-critical scholarship might finally determine about the bull’s authenticity, Luther’s and our exegesis of 2 Thessalonians 2 stands.

IV.14 “...When we distinguish the Pope’s teaching from...Holy Scripture, it is found that the Pope’s teaching, where it is best, has been taken from the imperial and heathen law, and treats of political matters and decisions or rights, as the Decretals show...”

What good doctrine has the papacy produced? “The Pope’s teaching” has produced some excellent law statements, political pronouncements, interpretations of legalities. The sources for these have not been Holy Scripture with its gospel core but the *Corpus iuris civilis* and other heathen authorities.

IV.15,16 “In these four articles they will have enough to condemn in the Council. For they cannot and will not concede us even the least point in one of these articles...

“In the Council we will stand not before the Emperor or the political magistrate, as at Augsburg...but before the Pope and the devil himself, who intends to listen to nothing, but merely...to condemn, to murder and to force us to idolatry. Therefore we ought not here to kiss his feet, or to say: ‘Thou art my gracious lord,’ but as the angel in Zechariah 3:2 said to Satan: The Lord rebuke thee, O Satan.

In three of these four articles, especially, we have seen the basis for our conviction that the papacy is the Antichrist of 2 Thessalonians. The papacy is the Antichrist on the basis of its rejection and condemnation of the first and chief article, of redemption. The papacy is the Antichrist in placing tradition and the teaching authority of the church and papal infallibility above the authority of Scripture, Article II. The papacy is the Antichrist in its claims to primacy, which usurp the authority of Christ and exalt the Pope above him.

Basing its conclusion on an exegesis of 2 Thessalonians 2:1-12, our synod in 1959 “adopted without a dissenting voice and with the full consent of those present in the convention” a *Statement on the Antichrist*. It concluded: “We reject the idea that the teaching that the Papacy is the Antichrist rests on a merely human interpretation of history or is an open question. We hold rather that this teaching rests on the revelation of God in Scripture which finds its fulfillment in history. The Holy Spirit reveals this fulfillment to the eyes of faith. Since Scripture teaches that the Antichrist would be revealed and gives the marks by which the Antichrist is to be recognized (2 Thessalonians 2:6,8), and since this prophecy has been clearly fulfilled in the history and development of the Roman Papacy, it is Scripture which reveals that the Papacy is the Antichrist” (*Proceedings*, 1959).

III. THE THIRD PART OF THE ARTICLES

Concerning the following articles we may treat with learned and reasonable men, or among ourselves. The Pope and his government do not care much about these...

There are fifteen articles. Again, there are no “points that could be yielded.” Luther continued to concentrate on doctrines where no concession could be made – to papists or to anyone else. Each article bears some relation to the first and chief article, of redemption, and so there can be no yielding or concession.

For reasons and because of circumstances which we will discuss later, the theologians at Smalcald as a group did not treat the articles among themselves. At least three of the men who signed the articles would later demonstrate that they had not “internalized” everything that Luther prepared for them in the articles. Philip Melancthon, with his “mediating” views on the Lord’s Supper and conversion; John Agricola, with his antinomianism; Andreas Osiander, with his notion of justification as a process which begins in sanctification – all proved at last to be at odds with the confession and with the Augsburg Confession, too.

I. Of Sin

- I.1 “Here we must confess, as Paul says in Romans 5:11, that sin originated from one man Adam, by whose disobedience all men were made sinners, subject to death and the devil. This is called original or capital sin.”

In December of 1536, when he was working on the articles, Luther was lecturing on Genesis 3, which includes the account of the Fall. Although sin and its consequences were not new subjects for him, he was certainly studying them in depth at the time. The Latin translation elaborated on Luther’s German. Where Luther wrote, “*Dies heißt die Erbsünde oder Hauptsünde,*” the translator expanded: “*Hoc nominatur originale, hereditarium, principale et capitals peccatum.*”

- I.2 “The fruits of this sin are afterwards the evil deeds which are forbidden in the Ten Commandments...in short, not to know or regard God...”

The root sin, harking back to the first sin, is proud unbelief: “Not to know or regard God.”

- I.3 “This hereditary sin is so deep and a corruption of nature that no reason can understand it, but it must be believed from the revelation of Scripture, Psalm 51:5; Romans 5:12ff; Exodus 33:3; Genesis 3:7ff. Hence, it is nothing but error and blindness in regard to this article what the scholastic doctors have taught...”

Scripture must reveal what the sin-blinded conscience of natural man cannot discern. The sins against the First Commandment and the First Table are not even recognized as sins. Five of the seven views which Luther cites (I.4,5,6,7,10) express the Pelagian view that man by nature is able to obey God and do what pleases him:

- I.4 “That since the fall of Adam the natural powers of man have remained entire and incorrupt, and that man by nature has a right reason and a good will: which things the philosophers teach.”

The “philosophers” are Plato and Aristotle. By implication they are also the scholastic theologians, whom Luther often called “the sophists,” who took their cue from either Plato or Aristotle. Moral philosophers like Kant (“*Du kannst, denn du sollst*”) are heirs of Pelagius, as are most secular educators who believe that there is a moral standard.

- I.5 “Again, that man has a free will to do good and omit evil, and conversely, to omit good and do evil.

- I.6 “Again, that man by his natural powers can observe and keep all the commands of God.

- I.7 “Again, that by his natural powers, man can love God above all things and his neighbor as himself...”

- I.10 “[Again,] that it is not founded upon Scripture that for a good work the Holy Ghost with His grace is necessary.”

All of these views disregard the Scriptures, quoted by Luther in I.3. They do not face the fact that because of the Fall Adam and all his offspring are spiritually dead.

Neither, however, do the Semi-Pelagian views cited in I.8,9. These were also views of certain scholastics, later enunciated at the Council of Trent and reaffirmed at Vatican II.

Semi-Pelagianism espouses the view that human nature is not spiritually dead, but has been weakened by original sin and needs divine aid (grace) to do what is pleasing to God.

“Examining his heart, man finds that he has inclinations toward evil... Man is split within himself. As a result, all of human life, whether individual or collective, shows itself to be a dramatic struggle between good and evil, between light and darkness. Indeed, man finds that by himself he is incapable of battling the assaults of evil successfully, so that everyone feels as though he is bound by chains... Sin has diminished man” (*Documents*, 211).

“When the structure of affairs [the social environment] is flawed by the consequences of sin, man, already born with a bent toward evil, finds there new inducements to sin, which cannot be overcome without strenuous efforts and the assistance of grace” (*Documents*, 224). Not hopelessly alienated from God and helpless to do his will but “born with a bent toward evil.”

I.8 “Again, *if a man does as much as is in him, God certainly grants him his grace.* This was the approach of William of Ockham and Gabriel Biel, two late scholastics who were part of Luther’s curriculum as he progressed toward his doctorate in theology. “*Fac quod in te est,*” they said; “Do what is in you.” “Do your best; God will do the rest.”

Says Vatican II: “...Authentic freedom is an exceptional sign of the divine image in man. For God has willed that man be left ‘in the hand of his own counsel,’ [fn: Cf. Eccl. (Sir) 15:14] so that he can seek his Creator spontaneously, and come freely to utter and blissful perfection through loyalty to Him. Hence man’s dignity demands that he act according to a knowing and free choice. Such a choice is personally motivated and prompted from within. It does not result from blind internal impulse nor from mere external pressure... Man achieves such dignity when, emancipating himself from all captivity to passion, he pursues his goal in a spontaneous choice of what is good, and procures for himself, through effective and skillful action, apt means to that end. Since man’s freedom has been damaged by sin, only by the help of God’s grace can he [do this]” (*Documents*, 214).

I.9 “Again, if he wishes to go to the Sacrament, there is no need of a good intention to do good, but it is sufficient if he has not a wicked purpose to commit sin; so entirely good is his nature and so efficacious the Sacrament.”

The documents of Vatican II are too subtle and refined to say something quite this gross.

I.11 “Such and many similar things have arisen from want of understanding and ignorance as regards both this sin and Christ, our Savior, and they are truly heathen dogmas, which we cannot endure. For if this teaching were right, then Christ has died in vain, since there is in man no defect nor sin for which he should have died; or He would have died only for the body, not for the soul, inasmuch as the soul is sound, and the body only is subject to death.”

With that sentence we are back to “the first and chief article.”

II. Of the Law

II.1a “Here we hold that the Law was given by God, first, to restrain sin by threats and the dread of punishment, and by the promise and offer of grace and benefit.”

The command to Adam and Eve, “You must not eat,” was law. It was intended to fortify and confirm them in their relationship with God. This use cannot benefit fallen man:

II.1b-5 "...All this miscarried an account of the wickedness which sin has wrought in man. For thereby a part were rendered worse, those, namely, who are hostile to the Law... The rest become blind and arrogant, and conceive the opinion that they observe and can observe the Law by their own powers... The chief office or force of the Law is that it reveal original sin with all its fruits, and show man how very low his nature has fallen... The Law must tell man that he has no God nor regards God, and worships other gods, a matter which before and without the Law he would not have believed. In this way he becomes terrified, is humbled, desponds, despairs, and anxiously desires aid, but sees no escape; he begins to be an enemy of God, and to murmur, etc. This is what Paul says, Romans 4:15 [Luther's manuscript reads Romans 3]: The Law worketh wrath. And Romans 5:20: Sin is increased by the Law."

Luther does not enter in on the other uses of the law. He relates this article to Article I, Of Sin, showing that fallen man needs the law to learn what sin is and to show that the law is not a remedy for sin. He is also preparing the way for the next article, where he begins by discussing the law's role in the beginning of repentance.

III. Of Repentance

III.1-8 "This office [of the Law] the New Testament retains and urges... This, then, is the thunderbolt of God by which He strikes in a heap both manifest sinners and false saints, and suffers no one to be in the right, but drives them all together to terror and despair... This is not *activa contritio* or manufactured repentance, but *passiva contritio*, true sorrow of heart, suffering and sensation of death... This, then, is what it means to begin true repentance; and here man must hear such a sentence as this: You are all of no account, whether you be manifest sinners or saints; you all must become different and do otherwise than you now are and are doing, whether you are as great, wise, powerful, and holy as you may. Here no one is godly, etc.

"But to this office the New Testament immediately adds the consolatory promise of grace through the Gospel, which must be believed, as Christ declares, Mark 1:15: Repent and believe the Gospel...

"But whenever the Law alone, without the Gospel being added, exercises this its office, there is death and hell, and man must despair, like Saul and Judas... On the other hand, the Gospel brings consolation and remission, not only in one way, but through the Word and Sacraments..."

Article III is the longest of the Smalcald Articles. If it consisted of only these first eight paragraphs it would still be of great value. They describe repentance, not as an act which man can manufacture but which God produces. They assign law and gospel each to its specific role in repentance, and clearly distinguish between the two. They teach us pastoral theology, the care of souls. They crush and then console, slay and then make alive us who read and believe them. They are in accord with and apply the first and chief article, of redemption. Like the articles on sin and the law Rome can never accept what they say, just as they say it. They served Luther's purpose well in 1536-38 (from writing to publication) and they serve us well today.

III.9 "...We must now contrast the false repentance of the sophists with true repentance, in order that both may be the better understood.

Of the False Repentance of the Papists

III.10 “It was impossible that they should teach correctly concerning repentance, since they did not know the real sine. For, as has been shown above, they do not believe aright concerning original sin...”

The Pope’s teaching of repentance, the Sacrament of Penance, is poisoned at its source by the failure to accept what Scripture says about sins and original sin, about natural man’s real condition since the Fall. In the excursus which follows Luther teaches a course in how not to care for souls.

III.11,12 “It had to follow thence that they did penance only for actual sins... And of such repentance they fix three parts, contrition, confession, and satisfaction, with this consolation and promise added: If man truly repent, confess, render satisfaction, he thereby would have merited forgiveness, and paid for his sins before God. Thus in repentance they instructed men to repose confidence in their own works.”

Luther himself will examine the three parts of repentance in the Roman system at greater length in his long treatment of the papists’ false repentance. For now, let us state the obvious truth that it is not scriptural to add “satisfaction” to contrition and repentance. What makes the error especially damnable and deadly is that it (of course) regards satisfaction as a meritorious work. It directs the sinner to his own (non-existent) resources and thus away from Christ.

III.13 “Hence the expression originated, which was employed in the pulpit when public absolution was announced to the people: *Prolong, O God, my life, until I shall make satisfaction for my sins and amend my life.*”

The terror of it! Will I have time? How much is enough? What must I do? “There was here no mention of Christ nor faith; but men hoped by their own works to overcome and blot out sins before God. And with this intention we became priests and monks...” (III.14).

III.15 “As to contrition, this is the way it was done: Since no one could remember all his sins (especially as committed through an entire year), they inserted this provision, namely, that if an unknown sin should be remembered later this also must be repented of and confessed, etc. Meanwhile they were commended to the grace of God.”

The Fourth Lateran Council decreed in 1215 that, “All the faithful of both sexes shall, after they have reached the age of discretion, faithfully confess all their sins at least once a year to their own priest and perform to the best of their ability the penance imposed.” Human nature being what it is, how many tried to get by with the annual minimum and then tried to remember a year’s worth of sins? Instead of simply speaking God’s word of forgiveness and imparting every consolation of the gospel, legalists provided loopholes and special provisions for the forgetful. The grace of God to which they were commended was not God’s favorable disposition but the grace which would enable them to remember, to make a more complete confession, to make satisfaction.

III.16-18 “Moreover, since no one could know how great the contrition ought to be in order to be sufficient before God, they gave this consolation: He who could not have contrition, at least ought to have attrition, which I may call half a contrition or the beginning of contrition...”

“And when it happened that any one said that he could not have contrition nor lament his sins (as might have occurred in illicit love or the desire for revenge, etc.), they asked whether he did not wish or desire to have contrition. When one would reply Yes (for who save the devil himself would here say No?), they accepted this as contrition, and forgave him his sins on account of this good work of his...

“Here we see how blind reason, in matters pertaining to God, gropes about, and, according to its own imagination, seeks for consolation in its own works, and cannot think of Christ and faith...”

One of the early scholastics, Abelard (• 1143), described true contrition as springing “not from fear of punishment, but from love of righteousness.” Operating with such a definition a priest could indeed terrify souls and, as Luther had in his monkish days, scare himself to despair as well. But weren’t Abelard and those who followed his definition posing false alternatives? The Christian’s contrition springs from both, since he is saint and sinner simultaneously.

III.19,20 “As regards confession, the procedure was this: Every one had to enumerate all his sins (which is an impossible thing). This was a great torment (The sinner? could never know whether he had made a sufficiently pure confession Yet he was pointed to his own works, and comforted thus: The more fully one confesses, and the more he humiliates himself and debases himself before the priest, the sooner and better he renders satisfaction for his sins; for such humility certainly would earn grace before God.

“Here, too, there was no faith nor Christ, and the virtue of the absolution was not declared to him, but upon his enumeration of sins and his self-abasement depended his consolation.”

And was this not preaching idolatry, urging and teaching people to put themselves in the place of God and his Christ? Confess, humiliate and abase yourself, render satisfaction. Not, “God in Christ has done,” but “Do.”

III.21 “As to satisfaction, this is by far the most involved part of all. For no man could know how much to render for a single sin, not to say how much for all. Here they have resorted to the device of imposing a small satisfaction, which could indeed be rendered, as five Paternosters, a day’s fast, etc.; for the rest of the repentance they were directed to purgatory.”

For “satisfaction” in the first line Luther has *Genugtuung*. Where our translation has “repentance” at the end of the paragraph Luther wrote *Buße*. In its underlying meaning the latter also means something close to “satisfaction.” It has the sense of making good for a misdeed, compensating by an equivalent act of suffering. “Penance” would be a better translation than “repentance.”

III.22,23 “...There was nothing but anguish and misery. Some thought that they would never get out of purgatory, because, according to the old canons, seven years repentance (*Buße*, again) is required for a single mortal sin. Nevertheless, confidence was placed upon our work of satisfaction... But this confidence was impossible. For, although any one had done penance in that way for a hundred years, he would still not have known

whether he had finished his penance. That meant forever to do penance and never to come to repentance [Das hieß immerdar gebüßt and nimmermehr zur Buße kommen].”

The first and chief article, of redemption, seems to have been relegated to the marginal in all of this. Do we sometimes, unwittingly, do the same by not including in our sermons an explicit and concrete recounting of the Savior’s completed work of satisfaction for our sins?

III.24 “Here now the Holy See at Rome, coming to the aid of the poor Church, invented indulgences, whereby it forgave and remitted satisfaction...so that one could grant indulgence for a hundred years and another for a hundred days. But [the Pope] reserved to himself alone the power to remit the entire satisfaction.”

Notice what was forgiven and remitted (or suspended, Luther’s *aufgehoben*). Satisfaction. The first plenary indulgence was granted in connection with the First Crusade (1095) as a recruitment device. It had conditions attached.

III.25 “Now, since this began to yield money, and the traffic in bulls became profitable, he devised the golden jubilee year, and fixed it at Rome... This meant to find and raise up the treasures of the earth.”

No one knew in 1095 that military expeditions to the Holy Land were going to be called crusades. For the first hundred years they were called “pilgrimage and holy war.” In 1300 Boniface VIII caught on that indulgence could be granted for pilgrimage to anywhere, even without holy war. Thus began the Golden Years, years of pilgrimage to Rome, or money paid in lieu of pilgrimage to Rome – for indulgence. Daniel 11:43, with its words about finding and digging up the treasures of the earth, was used as the basis of a medieval notion that the devil would give Antichrist control of the earth’s treasures.

Luther had published Clement VIII’s Golden Year bull in 1525, annotating it with pointed comments on the cynical and soul-destroying essence of indulgences.

III.26 “At last he also made an inroad into purgatory among the dead, first, by founding masses and vigils, afterwards, by indulgences and the Golden Year, and finally souls became so cheap that he released one for a farthing.”

Recall Tetzel’s jingle. The earliest papal indulgence for the dead seems to have been issued in 1476.

III.27-30 “But all of this, too, was of no avail. For although the Pope taught men to depend upon, and trust in, these indulgences, yet he rendered the whole matter again uncertain. For in his bulls he declares: Whoever would share in the indulgences or Golden Year must be contrite, and have confessed, and pay money...

“If, now, there were some who did not believe themselves guilty of such actual sins in thoughts, words, and works...so that some according to our [monkish] teaching were regarded as holy, without sin and full of good works, so much so that with this mind we would communicate and sell our good works to others, as being superfluous to us for heaven.

“...These did not need repentance. For of what would they repent? ...Such saints were also the Pharisees and scribes in the time of Christ.

“Here comes the fiery angel, St. John [Revelation 10], the true preacher of repentance, and with one bolt hurls both on one heap, and says: Repent!”

Beginning with paragraph 30 Luther leaves off his analysis of Romanism’s false repentance and returns to the teaching of true repentance. Recall Thesis I of the Ninety-five: “When our Lord and Master Jesus Christ said, ‘Repent,’ he willed the entire life of believers to be one of repentance.” In paragraphs 35-40, especially, the Reformer could be understood as elaborating on that thesis.

III.35 “...Repentance teaches us to discern sin, namely, that we are altogether lost, and that there is nothing good in us from head to foot, and that we must absolutely become new and other men.”

Note Luther’s absolute expressions: “altogether,” “nothing,” “from head to foot,” “absolutely.” No Semi-Pelagianism here!

III.36 “...Repentance is not piecemeal and beggarly, like that which does penance for actual sins, nor is it uncertain like that. For it does not debate what is or is not sin, but hurls everything on a heap and says: All in us is nothing but sin... This contrition is not uncertain. For there is nothing left with which we can think of any good thing to pay for sin, but there is only a sure despairing concerning all that we are, think, speak, or do...”

There is no mitigation, amelioration, or vitiation of God’s stern judgment. There is no “Do your best,” “You’re not so bad,” “God knows your good intentions.” “Do what is in you.” There is no idea of softening the law and calling that gospel. Rather, Martin Luther’s great lesson on repentance says, “Nothing but sin,” “nothing left...to pay for sin,” “only a sure despairing.”

III.37 “...Confession, too, cannot be false, uncertain, or piecemeal. For he who confesses that all in him is nothing but sin comprehends all sins, excludes none, forgets none.”

Taking God’s law at face value, neither contrition nor confession will be piecemeal or in any other way deficient. More important, taking the gospel at face value, neither will satisfaction be uncertain: “Neither can the satisfaction be uncertain, because it is not our uncertain, sinful work, but it is the suffering and blood of the innocent Lamb of God who taketh away the sin of the world” (III.38).

“...In Christians this repentance continues until death, because, through the entire life it contends with sin remaining in the flesh, as Paul, Romans 7:14-25, testifies that he *wars with the law in his members*, etc.; and that, not by his own powers, but by the gift of the Holy Ghost that follows the remission of sins. This gift daily cleanses and sweeps out the remaining sins, and works so as to render man truly pure and holy.”

The Christian life is not an adding up of sins and good works to determine whether the balance is in our favor. Christ is in the balance and it is in our favor. I am still a sinner who deserves damnation and there is nothing I can do about it. This will be true till the day I die. I am a saint, forgiven by grace through faith on the basis of Jesus’ blood and righteousness, and there is nothing I need to add to that.

The final two paragraphs of Article III are not part of Luther’s 1536 autograph. They were added when he published the articles in 1538. It is obvious that he felt the need to say something to the “sectarists,” Reformed and Anabaptist groups which were beginning to proliferate and which also posed a threat to the gospel.

III.42 “On the other hand, if certain sectarists would arise...holding that all those who had once received the Spirit or the forgiveness of sins, or had become believers, even though they should afterwards sin, would still remain in the faith, and such sin would not harm them, and crying thus: ‘Do whatever you please; if you believe, it all amounts to nothing; faith blots out all sins,’ etc. – they say, besides, that if any one sins after he has received faith and the Spirit, he never truly had the Spirit and faith...”

Here Luther repudiates the counsel of libertine presumption, “It doesn’t matter how you live as long as you are a believer.” He also rejects the counsel of despair. “If you do fall into sin after becoming a Christian you never were a believer, never had the Holy Spirit.”

III.43,44 “It is, accordingly, necessary to know and to teach that when holy men, still having and feeling original sin, also daily repenting of and striving with it, happen to fall into manifest sins...that then faith and the Holy Ghost has departed from them. For the Holy Ghost does not permit sin to have dominion to gain the upper hand so as to be accomplished, but represses and restrains it so that it must not do what it wishes. But if it does what it wishes, the Holy Ghost and faith are not present.”

The Reformer concludes this article on pastoral theology with more good pastoral theology.

IV. Of the Gospel

“...The Gospel...gives us counsel and aid against sin... First, through the spoken Word by which the forgiveness of sins is preached in the whole world; which is the peculiar office of the Gospel. Secondly, through Baptism. Thirdly, through the Holy Sacrament of the Altar. Fourthly, through the power of the keys, and also through the mutual conversation and consolation of brethren...”

The brevity of this article would take us aback if Luther had not already been expounding the gospel in the previous articles, where he set it forth in the “first and chief article,” distinguished it from the law, and contrasted it with the Pope’s anti-gospel. We recognize, too, that his brief definition is connected with the long article on repentance, just completed, and anticipates the articles on the sacraments which follow. This is not Luther’s comprehensive statement on what the gospel is, but it suffices for his purpose here. It reminds us that the sacraments are the gospel in forms other than the spoken Word, and that it is the word of forgiveness which makes them sacraments, means whereby God imparts his grace. The grace which God dispenses in each of these means is the grace of forgiveness, the grace to believe that he is gracious, the grace that aids us against sin.

Rome continues to regard confirmation, matrimony, holy orders, and unction as means of grace (*Documents*, 28f). Again, this is not grace as God’s unmerited and unconditional favor, but enabling grace for the life of sanctification which will at last (it is hoped) issue in justification. Although Protestants use the means of grace listed by Luther in Article IV, they do not believe that they really are means of grace.

V. Of Baptism

“Baptism is nothing else than the Word of God in the water, commanded by His institution... We do not hold with Thomas and the monastic preachers who forget the Word (God’s institution) and say that God has imparted to the water a spiritual power, which through the water

washes away sin. Nor with Scotus and the Barefooted monks, who teach that by the assistance of the divine will, Baptism washes away sins, and that this ablution occurs only through the will of God, and by no means through the Word or water.

“...We hold that children ought to be baptized. For they belong to the promised redemption made through Christ, and the Church should administer it to them.”

Baptism is not essentially an act of human obedience but an act of divine grace and power. It is a sacrament, not a sacrifice. Roman Catholicism seems to understand that better than those Protestants who prate about “believer’s baptism.”

In this article Luther took issue with two aberrant views which were current in his day. The Franciscan Duns Scotus was the “voluntary” scholastic of the late 13th century. That is, his system focused on the will of God, who accepted Christ’s sacrifice because he willed to do so and not because it was the all-sufficient meritorious sacrifice. Accordingly, he regarded the sacrament as efficacious only because God willed it to be so, not because of the working of the Spirit through the gospel. His view was a conscious and radical departure from that of the Dominican Thomas Aquinas (1225-1274), who saw a spiritual power in the water, imparted by God apart from the gospel.

Both of these scholastics considered baptism apart from the gospel. Luther emphasizes “the Word of God in the water.”

As to the baptism of children, they are included in Christ’s redeeming work and the church should baptize them. Luther has much more to say on the subject in his Large Catechism.

VI. Of the Sacrament of the Altar

VI.1 “Of the Sacrament of the Altar we hold that bread and wine in the Supper are the true body and blood of Christ, and are given and received not only by the godly, but also by wicked Christians.”

Luther’s autograph reveals that he originally wrote, “that the true body and blood of Christ are under the bread and wine.” That was close to and in accord with the *Wittenberg Concord of 1536*, the agreement between the Saxons and Martin Bucer’s South Germans on the Lord’s Supper. As quoted in Article VII Formula of Concord, Thorough Declaration (TR, 977) the *Wittenberg Concord* declared “that with the bread and wine the body and blood of Christ are truly and essentially present, offered, and received.” That he changed it to *are*, without any prepositions, may be attributed in part to something that followed a few lines later in the *Wittenberg Concord* (as quoted in the *Triglotta*): Bucer and the South German preachers “concede that through the sacramental union the bread is the body of Christ.” Perhaps the word “concede” left a nagging doubt about the South Germans’ convictions and prompted Luther to cross out what he first wrote and write what appears in Article VI.

More likely, it happened as Melancthon later reported it. Bugenhagen, said Master Philip, persuaded Luther to make the change after hearing that some were explaining away the confession of the *Wittenberg Concord*, denying that it taught the Real Presence. There were also reports that some interpreted the words to mean that the presence of Christ in the Supper is only like his presence in the written or preached Word, that Jesus’ body and blood are not received in a truly corporeal manner.

In his framing of this article Luther also included another point that had been a source of disagreement between Wittenberg and Bucer’s Strassburg. Do the unworthy also receive Christ’s true body and blood? At first, Bucer had not been ready to affirm that, but at last agreed in the

Wittenberg Concord that they do. The “wicked Christians” of our translation are [*die*] *bösen Christen* in Luther’s text, *impii Christiani* in the Latin text.

VI.2-4 “...Not only one form is to be given... For even if it were true that there is as much under one as under both, yet the one form only is not the entire ordinance and institution ordained and commanded by Christ...”

On June 15, 1415, in reaction against John Huss and the Bohemians, the Council of Constance decreed that the laity are to receive only the bread. It anathematized all who dare to act or speak otherwise. It taught that “under the one form there is as much as under the both.” The most recent council said, “Communion under both kinds may be granted when the bishop thinks fit, not only to clerics and religious, but also the laity, in cases to be determined by the Apostolic See, as, for instance, to the newly ordained in the Mass of their sacred ordination, to the newly professed, in the Mass of their religious profession, and to the newly baptized, in a Mass following their baptism” (*Documents*, 156). That is still not what was “ordained and commanded by Christ.”

VI.5 “As regards transubstantiation, we care nothing about the sophistical subtlety by which they teach that bread and wine leave or lose their own natural substance, and that there remain only the appearance and color of bread, and not true bread. For it is in perfect agreement with Holy Scriptures that there is and remains bread, as Paul himself calls it, 1 Cor. 10,16...”

Official Rome has not relinquished the doctrine of transubstantiation. Vatican II speaks of the “sacrament of faith where natural elements refined by man are changed into his glorified body and blood...” (*Documents*, 236f). Only in the Pope’s Church can this miracle occur; only through a legitimately ordained priest can it be effected.

VII. Of the Keys

“The keys are an office and power given by Christ to the Church for binding and loosing sin, not only the gross and well-known sins, but also the subtle, hidden, which are known only to God... For it is not in our power, but belongs to God alone, to judge which, how great, and how many the sins are...”

Luther mentioned “the power of the keys” in Article IV, Of the Gospel. He enumerated them along with the preached Word, Baptism, the Sacrament of the Altar, and “the mutual conversation and consolation of brethren.” He deals with each item in turn, but will have more to say about the keys in the following article: Of Confession.

Article VIII. Of Confession

This article is a further development of Article VII, Of the Keys, and is really connected with all the previous articles of the Third Part. It is typical of Luther that he has difficulty treating repentance, the gospel, the keys, confession, absolution separately. It may be that he isn’t really trying to. Each of these is at heart a proclamation of the gospel and the gospel is what Luther and his Reformation are all about.

VIII.1,2 "...Absolution or the Power of the Keys is also an aid and consolation against sin and a bad conscience, ordained by Christ in the Gospel. Confession or Absolution ought by no means be abolished in the Church.

"But the enumeration of sins ought to be free to every one, as to what he wishes to enumerate or not to enumerate... Since private absolution originates in the Office of the Keys, it should not be despised, but greatly and highly esteemed."

In Article III, Of Repentance, Luther had established that the enumeration of sins in repentance (or in the papistic Sacrament of Penance) is not commanded by God and was being used as an instrument of tyranny. He had shown that the third part of "repentance," satisfaction, was nothing but righteousness by works. That compulsory private confession was abused, however, should not be a reason to dispense with or despise it – especially the aid and consolation of absolution. Furthermore, "Confession or Absolution ought by no means to be abolished in the Church, especially on account of timid consciences and account of the untrained young people, in order that they may be examined, and instructed in Christian doctrine" (VIII.1).

Is not the essential and unique work of a "counseling shepherd" what Luther is describing here?

In VIII.3 to .6, insisting that the "spoken outward Word" is God's means to impart the Spirit and grace, Luther excoriates those "who boast that they have the Spirit without and before the Word." These enthusiasts "wish to be acute judges between the Spirit and the letter, and yet know not what they say or declare."

In .7 and .8 he singles out Thomas Münzer, whose enthusiasm led him to take up arms in the Peasant War, and who was captured and executed after his rabble was routed in battle, May 15, 1525. This most notorious of the Zwickau Prophets, a hero greater than Luther in the late German Democratic Republic, was a great enemy of the papacy. Luther, however, places him in the company of popes when he says, "The Papacy is also nothing but sheer enthusiasm." Why? Because the Pope boasts that "whatever he decides and commands with his church is spirit and right, even though it is above and contrary to Scripture and the spoken Word." We can certainly extend the designation "enthusiast" to many in our day who "judge Scripture or the spoken Word, and explain and stretch it at their pleasure."

One modern example of popish enthusiasm: "The infallibility promised to the Church resides also in the body of bishops when that body exercises supreme teaching authority with the successor of Peter. To the resultant definitions the assent of the Church can never be wanting, on account of the activity of that same Holy Spirit..." (*Documents*, 48). What is the source and norm of truth for the church? Not the written Word of God, but the Holy Spirit working in Peter's successor and in his subject creatures the bishops.

All enthusiasm is from the devil, "who also converted Adam and Eve into enthusiasts, and led them from the outward Word of God to spiritualizing and self-conceit." The enthusiasts deprecate God's Word out of one side of their mouths and cite it for their perverted purposes out of the other side.

VIII.9 "...Enthusiasm...is the origin, power, and strength of all heresy..."

VIII.10 "...It is the devil himself whatsoever is extolled as Spirit without the Word and Sacrament..."

The discourse on the enthusiasts is not to be found in Luther's autograph or in the Latin translation. Luther added those paragraphs before publishing the articles in 1538.

IX. Of Excommunication

“...The true Christian excommunication consists in this, that manifest and obstinate sinners are not admitted to the Sacrament and other communion of the Church until they amend their lives and avoid sin...”

Where our translation has “communion” Luther has “*Gemeinschaft*”, which could as well be “fellowship.” Are we not looking again at an expression of the “unit concept” of fellowship: “the Sacrament and other fellowship.”

Excommunication had been, since the early Middle Ages, a great tool of Western Catholicism, even in matters that were not spiritual or religious. Popes, bishops, and abbots used it as a device to further their own political and territorial interests. The tyranny over souls was extended in scope when interdict was pronounced over all the people of a territory or realm in order to bring the ruler to heel. The greater excommunication – the great ban – brought the power of government into play against those who were being disciplined. Luther himself was under the papal and imperial bans during the last 25 years of his life.

“The greater excommunication, as the Pope calls it, we regard only as a civil penalty, and it does not concern us ministers of the Church... And ministers ought not to mingle secular punishments with this ecclesiastical punishment, or excommunication.” This position not only sets Wittenberg apart from Rome, it also differs distinctly from Calvin’s Geneva and any number of Reformed ideas of “theocracy.”

X. Of Ordination and the Call

Through whom is absolution most often pronounced and who usually announces an excommunication? It is the called minister, more specifically the pastor, and so Luther proceeds with this article on the ministry.

X.1.2 “If the bishops would be true bishops, and would devote themselves to the Church and the Gospel, it might be granted to them for the sake of love and unity, but not from necessity, to ordain and confirm us and our preachers... But because they neither are, nor wish to be, true bishops, but worldly lords and princes, who will neither preach, nor teach, nor baptize, nor administer the Lord’s Supper, nor perform any work or office of the Church, and, moreover, persecute and condemn those who discharge these functions, having been called to do so, the Church ought not on their account to remain without ministers.”

There is much pre-Reformation documentation to show that Luther is not exaggerating here or telling the most lurid stories that could be told about bishops. Not from the viewpoint of morality but from the perspective of the gospel he is citing them for their worst crime: a lack of interest and diligence in the service of the gospel.

X.3 “Therefore, as the ancient examples of the Church and the Fathers teach us, we ourselves will and ought to ordain suitable persons to this office; and, even according to their own laws, they have not the right to forbid or prevent us. For their laws say that those ordained even by heretics should be declared ordained and stay ordained, as St. Jerome writes of the Church at Alexandria, that at first it was governed in common by priests and preachers, without bishops.”

It seems a bit out of character for Luther to appeal to “the ancient examples of the Church and the Fathers.” The *Decretum* of Gratian and the writings of Jerome were not among his favorite authoritative sources. Perhaps this is an appeal to whatever “learned and reasonable men” might remain in the Curia or the Roman hierarchy. It is also an answer to anyone who might try to find the Lutherans guilty of a breach of imperial law and order in ordaining men without the approval and participation of Roman bishops.

“In Wittenberg this right had been exercised for the first time some eleven years earlier, on May 4, 1525, when the archdeacon Georg Roerer was publicly, before the assembled congregation, inducted into the office to which he had been elected and called” (Meyer, 83).

What does Vatican II say on the subject? Not the call but the Sacrament of Orders, not the objective validity of Word and Sacrament, but a “special character” qualify and equip men to act “in the person of Christ.” The priesthood derives its authority through its connection with the episcopacy, not by the call of Christ’s people in a given place. The council said, “Inasmuch as it is connected with the episcopal order, the priestly office shares in the authority by which Christ Himself builds up, sanctifies, and rules His Body... The sacerdotal office of priests is conferred by the special sacrament through which priests, by the anointing of the Holy Spirit, are marked with a special character and are so configured to Christ the Priest that they can act in the person of Christ the Head” (*Documents*, 535).

The citation of Jerome is “mixed,” from two sources which Luther has blended into one. It is handled better by Melancthon in *Of the Power and Jurisdiction of Bishops*. We will see it presented a bit more accurately when we get to that writing.

XI. Of the Marriage of Priests

“To prohibit marriage, and to burden the divine order of priests with perpetual celibacy, they have had neither authority nor right, but have acted like antichristian, tyrannical, desperate scoundrels, and have thereby caused all kinds of horrible, abominable, innumerable sins of unchastity, in which they still wallow... We are unwilling to assent to their abominable celibacy, nor will we tolerate it, but we wish to have marriage free as God has instituted it, as we wish neither to rescind nor hinder His work; for Paul says, 1 Timothy 4:lff., that this is a *doctrine of devils*.”

The Second Vatican Council expressed itself on the subject in this way: “Let [seminarians] perceive...the superiority of virginity consecrated to Christ [fn: Cf. Pius XII, encyclical letter ‘*Sacra Virginitas*’], so that by a choice that is maturely thought out and magnanimous they may attach themselves to God by a total gift of body and soul” (*Documents*, 44).

That is papistic enthusiasm.

IV. THE THIRD PART CONCLUDED & THE RECEPTION OF THE ARTICLES

XII. Of the Church

“We do not concede to them that they are the Church, and they are not; nor will we listen to those things which, under the name of Church, they enjoin or forbid. For, thank God, a child seven years old knows what the Church is, namely, the holy believers and lambs who hear the voice of their Shepherd. For the children pray thus: *I believe in one holy Christian Church*. This holiness does not consist in...ceremonies devised by them beyond Holy Scripture, but in the Word of God and true faith.”

The church is where the voice of the Shepherd is heard and believed. Its holiness consists in “the Word of God and true faith.” It was not neo-platonic philosophy but Scripture which taught Augustine to distinguish between the visible church and the invisible church. Rome has never been willing to accept this teaching from Augustine or Scripture.

To be sure, Rome has departed from the plain and bare meaning of its “*extra ecclesiam nulla salus*,” but it still identifies and equates “the church” with papal and episcopal rule, visible structure, and the Roman system: “They are fully incorporated into the society of the Church who, possessing the Spirit of Christ accept her entire system and all the means of salvation given to her, and through union with her visible structure are joined to Christ, who rules her through the Supreme Pontiff and the bishops. This joining is effected by the bonds of professed faith, of the sacraments, of ecclesiastical government, and of communion” (*Documents*, 53).

We Lutherans are poor relations, benefiting from the largesse of the “real” church: “Separated Christians and communities, though we believe they suffer from defects already mentioned, have by no means been deprived of significance and importance in the mystery of salvation. For the Spirit of Christ has not refrained from using them as means of salvation which derive their efficacy from the very fullness of grace and truth entrusted to the Catholic Church” (*Ibid.*, 346).

We are not lost, but we lack that unity of which the pope and his bishops are the symbol, conservators, and guarantors: “Our separated brethren, whether considered as individuals or as Communities or Churches, are not blessed with that unity which Jesus Christ wished to bestow on all those whom He has regenerated and vivified into one body and newness of life – that unity which the Holy Scriptures and the revered tradition of the Church proclaim. For it is through Christ’s Catholic Church alone, which is the all-embracing means of salvation, that the fullness of the means of salvation can be obtained. It was to be the Apostolic College alone, of which Peter is at the head, that we believe our Lord entrusted all the blessings of the New Covenant, in order to establish on earth the one Body of Christ into which all those should be incorporated who already belong in any way to God’s People” (*loc. cit.*).

Our special problem is that our ministers lack episcopal ordination: “The ecclesial Communities separated from us lack that fullness of unity with us which should flow from baptism, and we believe that especially because of the lack of the Sacrament of Orders they have not preserved the genuine and total reality of the Eucharistic mystery” (*Ibid.*, 364).

As long as we remain ignorant, however, our refusal to join the Pope’s Church is not culpable and we are safe: “All must be incorporated into Him by baptism, and into the Church which is His Body... Whosoever, therefore, knowing that the Catholic Church was made necessary by God through Jesus Christ, would refuse to enter her or to remain in her, could not be saved” (*Ibid.*, 593). That is as close as Vatican II comes to pronouncing an anathema.

What shall we make of a statement which goes far beyond Article XII's definition of the church, which certainly goes beyond the definitions of earlier councils? "All men are called to be part of this Catholic unity of the People of God, a unity which is harbinger of the universal peace it promotes. And there belong to it or are related to it in various ways, the Catholic faithful as well as all who believe in Christ, and indeed the whole of mankind. For all men are called to salvation by the grace of God" (*Documents*, 32). Isn't this universalism?

Article XIII. How One Is Justified before God, and of Good Works

"What I have hitherto and constantly taught concerning this I know not how to change in the least, namely, that by faith, as St. Peter says, we acquire a new and clean heart, and God will and does account us entirely righteous and holy for the sake of Christ, our Mediator. And although sin in the flesh has not yet been altogether removed or become dead, yet He will not punish or remember it.

"And such faith, renewal, and forgiveness of sins is followed by good works. And what there is still sinful or imperfect also in them shall not be accounted as sin or defect, even for Christ's sake; but the entire man, both as to his person and his works, is to be called and to be righteous and holy from pure grace and mercy, shed upon us and spread over us in Christ. Therefore we cannot boast of many merits and works, if they are viewed apart from grace and mercy, but as it is written, 1 Corinthians 1:31: *He that glorieth, let him glory in the Lord*, namely, that he has a gracious God. For thus all is well. We say, besides, that if good works do not follow, faith is false and not, true."

Comprehensive, yet concise – and precise – is this article on the connection between faith and works, justification and sanctification. In what he regarded as his last will and testament Luther did not change what had been at the heart of his teaching for more than thirty years. Where the word "punish" appears in our English version, at the end of the first paragraph, Luther wrote "*rächen*." Today that vocable means "to avenge." There is nothing wrong with "avenge" or "punish" in the context of Luther's clause, "*so will er sie doch nicht rächen noch wissen*." Nevertheless, two editorial hands have offered two alternatives which reflect Luther's meaning: "*rechnen*" and "*zurechnen*." In Luther's day "*rächen*" was still used in the sense of "reckon" or "impute," words which must always be part of a discussion of justification.

In the same clause our translator, following the Latin text's "*meminisse*," renders Luther's "*wissen*" as "remember." "Know" would not quite catch Luther's sense. Perhaps "take note of" is closer than "remember."

Professor Meyer's comment on a statement in paragraph 2 is worth quoting here: "It may sound a little peculiar when Luther says, a man 'is to be called and *to be* righteous.' This is to remind us that when God pronounces righteous in the Gospel these are not empty words. They produce what they announce. When God speaks, His words are filled with power, and they create what He promises. The Gospel of Christ is a power of God unto salvation. He calls things that are not, so that by His word they come into being. When he pronounces us righteous then, whether we feel it or not, we are righteous. This is to encourage our timid faith" (Meyer, 88).

XIV. Of Monastic Vows

"As monastic vows directly conflict with the first chief article, they must be absolutely abolished... For he who makes a vow to live as a monk believes that he will enter upon a mode of life holier than ordinary Christians lead, and wishes to earn heaven by his own works not only

for himself, but also for others; this is to deny Christ. And they boast from their St. Thomas that a monastic vow is equal to Baptism. This is blasphemy.”

Once again a Roman phenomenon is judged by the standard of justification because of Christ, by grace, through faith in him. Melancthon paraphrases the *Confutation*, the papists’ response to the Augustana: “It has been expressly declared in the Holy Scriptures that the monastic life merits eternal life if maintained by a due observance, which by the grace of God any monk can maintain; and, indeed, Christ has promised this as much more abundant to those who have left home or brothers” (Apology XXVII (XIII), TR 429). In the 2nd century there were those who spoke of martyrdom as a “second baptism,” assuring the martyr of eternal life. After the persecutions ended monasticism became the new form of martyrdom and the new “second baptism.” Thomas Aquinas did not invent the notion but he gave it respectability in *Summa Theologica* (Part II, 189, a.3 ad 3): “A monastic vow is equal to Baptism.”

Perhaps there has been a shift in modern Roman Catholicism from multiple and diverse legalisms to a more focused legalism: “The hope of renewal [in religious communities] must be lodged in a more diligent observance of rule and of constitution rather than in a multiplication of individual laws” (*Documents*, 470).

Rome acknowledges today that although “the evangelical counsels of chastity dedicated to God, poverty and obedience are based upon the words and example of the Lord...the religious life, considered as a stable form of existence, was not directly established by Christ Himself, but it has become a permanent feature of the Church by a legitimate and necessary development” (*Documents*, 447).

XV. Of Human Traditions

XV.1,2 “The declaration of the Papists that human traditions serve for the remission of sins, or merit salvation, is unchristian and condemned... Again, when they declare that it is a mortal sin if one breaks these ordinances, this, too, is not right.”

XV.4,5 “Lastly, there still remains the Pope’s bag of impostures concerning foolish and childish articles... Such deceptions there are without number, which we commend for adoration to their god and to themselves, until they weary of it. We will have nothing to do with them.”

Between the two paragraphs dealing with human traditions appears Luther’s conclusion. We shall consider it shortly. First, however, a bit of attention to the subject of this article. Luther had compiled a lengthy and entertaining catalog and evaluation of the human traditions foisted upon the faithful in his *Letter to the Clergy Assembled at Augsburg, 1530*. The list here in Article XV is condensed and the article especially condemns the “baptism” of bells and altar stones as “a reproach and mockery of Holy Baptism.” Surely he did not regard such practices as adiaphorous.

The previous sentence regarding adiaphora is prompted by two considerations. First, sections 4 and 5 of this article are a kind of postscript, following upon what must have been Luther’s conclusion (.3). Second, the Wittenberg and Saxon theologians asked Luther in the December meeting to add something on adiaphora. If this is his addition it must be considered as partial. He deals only with a few things which he manifestly does not consider adiaphora.

Notice the phrase “their god” (lower case “g”) in the second-last sentence of the article. Now, the English spelling does not prove anything about Luther’s intention. The German must capitalize every noun and so capitalizes “Gott.” “Their” (“ihrem”) signals that the god of the papists is not the living God. In these Smalcald Articles Luther has accused them again and again

of idolatry. The translator interprets this with his lower case “g.” (Actually, the Latin translation did it already, with “*deo*.”)

With “their god” Luther gives radical expression to his final break with Rome. He does not believe that the Pope and the Curia know the God who is God. He excludes them, not all Catholics but Antichrist and his minions, from the Holy Christian Church.

Luther concludes his “last will and testament” with heartening words which we will take to heart:

XV.3 “These are the articles on which I must stand, and, God willing, shall stand even to my death; and I do not know how to change or to yield anything in them. If any one wishes to yield anything, let him do it at the peril of his conscience.”

Comparisons have been made between the Augsburg Confession and the Smalcald Articles. The time between them was a few months short of seven years. They had been momentous years, of growth for the Reformation movement and of growing apart from the Church of Rome. At Augsburg the evangelical party still entertained some hope of at least a fair hearing, perhaps even of convincing the Emperor and Estates and winning over some open-minded prelates. The confession reflects this. At Smalcald the time of conciliation was past and Luther’s confession more than acknowledges that.

At Augsburg in 1530 time was lacking in which to treat more thoroughly of the papacy. Nor would it have been politic to mount the kind of attack that appears in Luther’s articles. After the Diet Luther had written to Jonas regarding the Augustana: “The devil still lives, and he has noticed very well that your Apology (i.e., the Augustana) steps softly, and that it has veiled the articles of Purgatory, the Adoration of the Saints, and especially that of the Antichrist, the Pope” (quoted by Toppe in *WLQ*, 80, p. 7f). After the publication of Luther’s articles in 1538 no one could complain of anything being veiled.

Furthermore, the Augsburg Confession allowed other Protestants to impose their own interpretations on the confessors’ position. The Smalcald Articles were so incisive and emphatic, also in rejecting Zwinglian and Anabaptist positions, that their meaning could not be interpreted away.

“...and presented them to our side” (Preface .2).
(The “Wittenberg” Theologians)

At Elector John Frederick’s direction and at his expense the Saxon theologians were scheduled to meet at Altenburg in December of 1536 to discuss Luther’s articles. The Elector wanted unanimity among his own people before presenting the articles to the Diet in February. The meeting was held at Wittenberg instead, because of Luther’s serious illness. John Agricola came from Eisleben, George Spalatin from Altenburg, Nicholas von Amsdorf from Magdeburg. Those three were joined by the Wittenbergers: John Bugenhagen, Caspar Cruciger, Justus Jonas, and Philip Melancthon. Between December 26 and December 28 they read the articles one by one and discussed them. They suggested the addition of a section on the invocation of the saints. They also wanted longer articles on the Lord’s Supper under one kind, ordination, and adiaphora. Luther obliged them with the addendum *Of the Invocation of the Saints* in Part II, Article II. Perhaps because of his illness, he seems to have resisted the idea of further writing on the other subjects.

On December 28 the eight conferees signed Luther’s document, Melancthon with his infamous qualification: “I, Philip Melancthon, also regard the above articles as right and

Christian. But regarding the Pope I hold that, if he would allow the Gospel, his superiority over the bishops which he has otherwise, is conceded to him by human right also by us, for the sake of the peace and general unity of those Christians who are also under him, and may be under him hereafter” (TR, 501).

This is not the worst thing Melanchthon ever did, and he did later disavow it. His authorship of the *Tractatus de potentate et primatu papae* was already a disavowal. His “allow the Gospel” means more than toleration; it means, “not qualify the Gospel in any way.” His motive was only in part to conciliate the papists or present a face of moderation. He was also expressing his preference for a church government that would be independent of the state. Luther’s articles were delivered to the Elector on January 3 in the form of a copy made by Spalatin. On January 7 the Elector acknowledged them with thanks, expressed his hearty agreement with them, commented on their brevity, and directed Chancellor Brueck to arrange for subscription by the prominent pastors of Saxony.

He also commented on Melanchthon’s qualified subscription and was not well-pleased: “If we, out of a benevolent attitude and for the sake of peace...allow the pope to rule over us...we would expose ourselves to the danger...of being completely rooted out and destroyed, we together with all our descendants. And this we, whom God has redeemed from all this, certainly need not suffer” (quoted by Westerhaus, *WLQ* 63, p. 202). Andreas Osiander is said to have commented on Melanchthon’s reservation: “That is, if the devil would become an apostle.” Carpzov wrote, years later, “This subscription is not a part of the Book of Concord.”

“...and presented them to our side” (Preface .2).
(The Theologians at Smalcald)

Luther, Melanchthon, Bugenhagen, and Jonas left Wittenberg for Smalcald on January 30. Luther did some preaching on the way, but his sermons were shorter than usual. He was intermittently troubled by kidney stones. The Wittenberg party arrived in Smalcald on February 7. En route they had acquired the signature of the Torgau minister Gabriel Didymus. Recall that John Frederick wanted learned clergy from all over Saxony to sign the articles.

Luther preached twice in the city church. He later said that in that large edifice his voice (and Spalatin’s, too) sounded like that of a shrew. On February 9 he preached on part of 1 John 4. Later that day Andreas Osiander tried to give a smaller gathering of theologians a lesson on “Christ in us,” taking exception to what Luther had preached without actually referring to Luther or to his sermon.

The threefold assignment of the theologians during the Diet of Smalcald was relayed to them by Chancellor Gregor Brueck. 1) They should supply proofs from Scripture, church fathers, and councils to support the two confessions of Augsburg. This task they could not undertake because they lacked time and literary resources. 2) They should provide a statement on the papacy, something that had not been done at Augsburg. This was originally assigned to Luther but then assigned to Melanchthon after Luther became deathly ill. 3) They should enumerate the articles which must be defended to the utmost at Mantua, if the rulers decided to attend. This was the need which John Frederick had hoped to address with Luther’s articles.

It was hoped that Luther’s articles would be discussed at the opening assembly of theologians on Saturday noon, February 10. The announced agenda for that meeting included establishing “what and to what extent we will or can yield to the Papists and on which [articles] we intend to insist and remain.” This, of course, was in view of possible attendance at the council. It set the theologians the same task that the Elector had set for Luther. In fact, the

agenda proposal was tendered by the same man who had relayed the Elector's commission to Luther, Chancellor Brueck.

Luther's articles would have been a suitable basis for such discussion. That was the obvious intention of the Elector, working through Brueck. The articles were neither seen nor heard by the assembled theologians on that day.

That Luther's articles never did receive formal consideration by the full assembly of theologians and were never discussed by the princes was due in part to his illness. It was also due in no small way to the machinations of his most gifted co-worker.

In changing his own wording in the article on the Lord's Supper Luther had also departed from the wording of the *Wittenberg Concord*. In doing that he was changing the words of Melanchthon, who had penned the document which the Wittenbergers and South Germans had jointly signed. Luther knew that, whatever the convictions of Bucer, the agreement had not really eradicated the subtle Zwinglianism which infected many of the leaders of the Smalcald League. Melanchthon was convinced that the South Germans would be put off and the Smalcald League would be endangered if Luther's articles were discussed. He was sure they could not be unanimously accepted. He influenced Landgrave Philip of Hesse and that Philip influenced Jakob Sturm of Ulm to lobby his fellow South German city representatives to reject consideration of any confession other than the Augsburg Confession and the Apology.

Melanchthon, in fact, still cherished some hope of concord with the Zwinglians. Official acceptance of Luther's articles by the Smalcald League would exacerbate the situation. For the sake of strengthening the League Philip of Hesse still hoped that the Zwinglians could be regarded as weak brothers rather than as sectarians. Official acceptance of Luther's articles could only reduce the already remote possibility that the Swiss could ever enter the League.

There was to be a joint meeting of the theologians and estates on Sunday, February 18. Luther's articles were to be read in the presence of the princes that day. Again, they were not. Luther himself was absent. He suffered a severe obstruction on February 17. Next morning he preached, but then he was prostrated until the day he left town, apparently a dying man. It is not certain whether the joint meeting took place on February 18. It is evident that the articles did receive general dissemination that day among those who had not yet seen them. Bugenhagen was especially active in urging that they be subscribed.

It is strange that Melanchthon signed the articles and then tried to squelch them so that others would not have to decide what to do about them. The South Germans did in fact refuse, as Melanchthon had feared they would. During the days of the conference the signers of the *Wittenberg Concord* answered questions on the Lord's Supper in a manner that satisfied the Saxons. Bucer, however, spoke for himself and four others when he said that their cities had not instructed them to sign any new confessions. This did not prevent the same five men from later signing Melanchthon's *Tractatus*. They could condemn the papacy with all their hearts, but in the matter of the Lord's Supper they still hoped to mediate between the North Germans and the Swiss Zwinglians.

The five South Germans who did not sign were Martin Bucer and Paul Fagius of Straßburg, Boniface Wolfart of Augsburg, Ambrose Blaurer, and John Fontanus, superintendent of Lower Hesse. There were forty-four subscriptions, but one of them is not really a subscription at all. Dinoysius Melander subscribed "to the [Augsburg] Confession, the Apology, and the [Wittenberg] Concordia on the subject of the Eucharist." That is to say, he didn't like Luther's "are the body and blood..."

By the time Luther left town in the Elector's personal carriage on February 26, almost all who would be signing the Smalcald Articles had signed them. The Reformer was showing early signs of uremic poisoning. As he left town he spoke words of encouragement to those who were near him. He coined what he expected would be his epitaph: "*Pestis eram vivus, moriens ero mors tua, Papa*," "Alive I was your plague; dying I will be your death, O Pope!" He commended the care of his wife and family to Amsdorf. That night he got some relief at Tambach, and the next day was able to write to Kate and report his improvement. Then there was a relapse at Gotha, another stop on the road home. The Elector had sent a messenger to Mrs. Luther at Wittenberg, urging her to take to the road and try to meet her husband before he died. Before reaching Wittenberg Luther got relief when the jouncing of the carriage dislodged a sizable stone. Word was sent back to Smalcald: "Luther lives."

On March 4 or 5, at Erfurt, Egidius Mechler signed for himself; Dr. John Lang signed for himself and his co-workers. All the signatories were expressing their convictions, speaking as teachers of the church, but not acting as official representatives of their princes or estates. The Introduction to the Formula of Concord, Epitome (TR, 777) refers to "the articles composed at Smalcald in the year 1537 and subscribed at that time by the chief theologians." That is not an inaccuracy or an overstatement if we keep in mind that the chief theologians were not acting as the representatives of their rulers.

"...and presented them to our side" (Preface .2).
(The Princes and Estates at Smalcald)

Most of the League's princes were present at the Diet. Duke Henry of Sachsen-Freiberg was accepted as a member at this meeting. Luther sent a memorandum to John Frederick on February 9, once more rehearsing the pros and cons of attending a council, but coming down in favor: "I... would not give a negative answer to the legate" (LW 50: Letters III, 164).

The delegates were not informed of Luther's articles when they arrived. Even Philip of Hesse did not know of them until apprised by Melancthon of their controversial contents. Recall that John Frederick had instructed Luther to keep them secret. He apparently wanted to present them to the princes and estates as an accomplished fact, expecting that with Luther present there would be no contradicting them. He also wanted the articles to test the spirits of all who acquiesced in the Augsburg Confession and wanted to be allied with the Smalcald League. Melancthon understood all of this when he went to the Landgrave Philip with his design to keep the articles from being considered.

As we have seen Philip of Hesse got to Jakob Sturm, the city representative of Ulm. He also had consultations with George Besserer of Ulm and Dr. Hel of Augsburg. Philip's Chancellor Feige chimed in by identifying a number of "doubtful" articles. Sturm addressed a meeting of the city delegates in the morning of February 11. He began by pointing out that there must be no talk of concessions to Rome, for yielding on any point would be misconstrued by friend and foe alike. Then, he said that the city delegates had no instructions or authority to endorse a new confession. "Furthermore, we have the confessions which we transmitted to His Imperial Majesty, in which we were united [at Augsburg in 1530]; and the concern is that the theologians might somehow divide us."

That afternoon Sturm repeated to the princes what he had said to the city delegates in the morning. The Straßburgers later reported that the princes accepted Sturm's position.

Still, there was the hope that the articles could be read out in the presence of rulers and theologians on February 18. That hope fell through when Luther's stones and resultant bladder ailment removed him from further participation at the Diet.

Before finally deciding not to attend the council at all, the delegates gave serious consideration to Melanchthon's proposal to simply present the Augsburg Confession and the *Wittenberg Concord* at Mantua. That council never came to pass, but at the behest of the princes and estates Melanchthon later prepared a *Repetitio Augustanae confessionis sive confessio doctrinae ecclesiae saxonicae* for the Council of Trent in 1545. It was actually presented to the second session of Trent in 1551. The Württembergers and Straßburg presented their own confession at that same session. Neither confession made any apparent positive impact on Trent.

"They have also been accepted and unanimously confessed..." (Preface .2).

In 1538, when he published the articles, Luther was under the impression that they had been officially adopted at Smalcald. Or was he? It is possible that his illness and absence account for his not knowing that the estates had not officially endorsed the articles, had not acted on them at all. As the two Philips had hoped, they were not considered and therefore not voted upon, and therefore not "accepted and unanimously confessed." The Recess of the Diet of Smalcald makes mention of the two Augsburg documents and Melanchthon's *Treatise on the Power and Primacy of the Pope* but nothing is said about Luther's articles.

Why, then, did Luther let this statement stand in later editions of the articles? Why did he repeat this claim elsewhere? For one thing, the Smalcald Articles had the hearty approval of the man who commissioned them, John Frederick. For another, it was the view of the Elector and of Spalatin that the princes and estates, with the exception of the Hessians and the South Germans, had concurred with the articles. The records of the Diet do not bear this out and there is no other written evidence, but there may have been oral expressions of approval.

Nevertheless, "unanimously confessed" hardly seems to be a fitting description for a writing that had been spurned by five theologians, the South German cities, and the Landgrave who still wanted to regard the Zwinglians as weak brothers. Even if Luther was ignorant of the facts in 1538, didn't anyone later explain the facts surrounding the non-approval of his work? A plausible solution seems to be that Luther knew the facts but simply did not regard the non-signers as "our side," that he did not regard membership in the Smalcald League as identical with true confession of the evangelical faith. "Our side" clearly means "those who are truly in accord with our confession."

Even at that time there were genuine Lutherans and "so-called Lutherans." On March 26, 1537 the League called for further theological discussions. It recognized that the theological basis for the alliance was in jeopardy and wanted to more firmly establish the union.

"It has been resolved that...they be publicly delivered" (Preface .2).

To review briefly, the Diet of Smalcald unanimously rejected the invitation to the council. There is no record that Luther's articles received formal attention by the delegates. The delegates did designate other confessions for presentation at any future council. They mentioned Melanchthon's treatise but not Luther's work.

Who, then, "resolved that...they be publicly delivered"? The answer would seem to be the court of Electoral Saxony and the "Wittenberg" theologians.

“I have determined meanwhile to publish these articles” (Preface .3).

As we have noted, Luther published the articles in the summer of 1535. He followed his own manuscript and thus did not include the subscriptions of the 44 signatories, with Melancthon’s explicit and Melander’s implicit reservations. He added the Preface at this time and omitted the 1536 notation: “This is sufficient doctrine for eternal life. As to the political and economic affairs, there are enough laws to trouble us, so that there is no need of inventing further troubles much more burdensome. Sufficient unto the day is the evil thereof.”

A clue that he may have understood very well that his work was not an official document of the Smalcald League is the fact that he made many other alterations and additions. He made larger additions to the portions on the Mass, purgatory, invocation of the saints, repentance, and confession. There were about fifty other changes, some stylistic and some substantive. Would he have dared to do that with a legal document, which the articles would have been had they been officially adopted?

While Luther lived his second edition appeared in 1543 and another printing was issued in 1545. There were few alterations in the 1543 edition, but the reference to the impending council was deleted from the Preface. Taken together, the 1538 and 1543 editions were printed a total of 27 times in the 16th century.

The most important other edition was that of Johann Stolz and Johann Aurifaber, at Magdeburg in 1553. This was at the time the Philippists were in the saddle at Wittenberg and Magdeburg had become “*unsers Herrn Gottes Kanzelei*,” a haven for genuine Lutherans. Basing their work on Spalatin’s 1536 copy, Stolz and Aurifaber noted Luther’s more important changes of 1538 with asterisks.

The German text of the *Book of Concord of 1580* rests on the work of Stolz and Aurifaber, that is on the manuscript copy which Spalatin took along to Smalcald in 1537, plus the Preface. It was this copy, minus the Preface, which was actually subscribed in late December, late January, late February, and early March by the various signatories.

The first Latin translation of the Smalcald Articles was done by Peter Genarus, a Dane, in 1541. He later returned to the Roman Church and his work was not trusted for the *Book of Concord of 1580*. Nicolaus Selnecker, one of the formulators of 1577, prepared a translation which is characterized as “defective.” His work was revised and published separately in 1582, and the revision was used for the *Book of Concord of 1584*.

The Article as a Lutheran Confession in the 16th Century

Although the assembly for which they were prepared did not adopt them, and although Luther treated them as a writing which he could edit with considerable changes, they were definitely regarded by many as a faithful confession of the Scriptures and of the faith confessed at Augsburg. At the Diet of Regensburg in 1541 Melancthon received John Frederick’s charge: “Stand by the [Augsburg] Confession and the Smalcald Agreement...in word and sense.” In October of 1552 the Elector stated that loyalty to the “Smalcald Agreement” would have prevented many of the division and errors among Lutherans, all of whom claimed to be adherents to the Augsburg Confession. He commended the articles to his sons in his will in 1553. His Saxon pastors were required to subscribe them.

As the century progressed and controversies increased, the articles enjoyed increasing esteem. They were accepted by many who wanted a strong Lutheranism. They became part of the *Corpus doctrinae* in many of the Lutheran territories and were included in Braunschweig’s *Corpus Brunsvicense* in 1563.

The Smalcald Articles were resisted by the Philippists while they still hoped for reunion with the Reformed. After Melancthon published the *Variata* edition of the Augsburg Confession, Luther's articles were regarded and cited as representing the true position of the confessors of 1530. They played an important part in the controversy that followed the Augsburg and Leipzig Interims. No Crypto-Calvinist could subscribe the articles with a clear conscience, as Elector Frederick of the Palatinate learned when he tried to undermine the authority of Luther's work at Naumburg in 1561.

In 1577 the articles were cited in both *Epitome* and *Thorough Declaration of the Formula of Concord*. "...We regard as the unanimous consensus and declaration of our Christian faith and confession...the Articles composed at Smalcald in the year 1537 and subscribed at that time by the chief theologians" (*Epitome* .3, TR, 777). The Comprehensive Summary of the *Thorough Declaration* says (TR, 853): "...We also confess the Articles composed, approved, and received at Smalcald in the large assembly of the theologians in the year 1537... In them the doctrine of the Augsburg Confession is repeated, and...the cause and grounds are indicated, as far as necessary, why we have abandoned the papistical errors and idolatries, and can have no fellowship with them, and also why we know, and can think of, no way for coming to any agreement with the pope concerning them." That the members of the "large assembly of the theologians" acted individually and not in assembly is a quibble which will not detract from our appreciation and confession of the work Luther did in 1536 at Wittenberg.

Significance of the Articles for Our Time

The great confessional document which we have been reviewing has been characterized as "forgotten" and "undervalued." That is not only the opinion of teachers of Middler Church History at Wisconsin Lutheran Seminary. "The least known of all the confessions in the Book of Concord are the so-called Smalcald Articles" (Teigen). "There is only a minuscule literature on the Smalcald Articles in English" (Tjernagel, 207).

Schmauk, in *The Confessional Principle and the Confessions of the Lutheran Church* simply ignores Luther's "last will and testament" – which the true Lutherans among Luther's contemporaries regarded as their confession. Volume 51 of the American Edition (Sermons II calls them "a great sermon," but they are not included in the 54 volumes of American Edition.

Why are they a historical oddity or even an embarrassment among many who bear the name of the Reformer today? Surely the plain teaching concerning Antichrist and his devices and idolatries must be more than the ecumenical spirit can tolerate, even when it can tolerate almost anything else. A confession that insists that...the only source for doctrine is the Word of God and then sets forth that Word in clear, even pungent language cannot be useful for those who have sold their birthright for a mess of historico-critical pottage. The article "Of the Antichrist" is intimately related to "the first and chief article, of Redemption." As the vicarious satisfaction, universal objective justification, and "faith alone" are reduced to opinions or irrelevancies, the equation of the papacy with Antichrist becomes an impolite and uncharitable remnant of medieval polemic, of Teutonic furor.

V. OF THE POWER AND PRIMACY OF THE POPE

Treatise Compiled by the Theologians Assembled at Smalcald, in the Year 1537.

Well, not exactly. This document, too, has a tangled history – not as to its content but as to its authorship, intention, translation, publication, etc. The matter of authorship, as we shall see, was not untangled until the 18th century.

Remember, one of the assignments of the theologians at Smalcald was to formulate a statement on the papacy which the princes and estates could adopt as their own. The intention was to provide a supplement to the Augustana. The confessors at Augsburg did not include a statement on the papacy for fear of offending Emperor Charles and causing him to cut off discussion of religious matters. The precaution did not prevent his dismissing and “confuting” the confession. In the providence of God, however, the statement of 1537 was stronger – because written from more experience and more thoroughly documented – than a statement on the subject could have been in 1530.

It would not have been needed if Luther’s articles had been considered and adopted. It is in full agreement with what Luther said in Part II, Article IV. It says it more fully and with more documentation. It is possible that not all of the theologians had seen Luther’s articles at the time they gave Melanchthon the assignment. The “Wittenbergers” knew, though, about the reservation on the subject of the papacy with which Master Philip had signed Luther’s articles in December. If anyone at Smalcald shared his reservation he did not identify himself to history.

It does not seem daring to say that Melanchthon would not have chosen for himself the task of writing an article on the papacy. Nevertheless, he did an excellent piece of work. Sharing Luther’s position as to the identity of Antichrist, perhaps taking encouragement from the anti-papal spirit of the Diet, his writing is tantamount to a retraction of what he wrote when he subscribed Luther’s articles. He forgot all about granting any pope of his acquaintance anything *de iure humano*. His own evaluation of the treatise was that he had been more harsh than was his wont.

He completed the work by February 17 and it was immediately delivered to the princes and estates. It is the most complete and thorough statement on the papacy – and the papacy as Antichrist – in the Lutheran Confessions.

Melanchthon’s lesson in exegesis and history as those pertain to the papacy is a lucid confessional gem. He addresses three papal claims in three articles. The articles are not designated in the text but it is not difficult to determine the divisions:

Introduction.....1 to .6
Article I.....7 to .30
Article II.....31 to .37
Article III38 to .59

Introduction

Sections .1 – .6 state the points of controversy.

- .1 “The Roman Pontiff claims for himself that by divine right he is above all bishops and pastors.”

The “highest” source for this at the time of Melanchthon’s was Gratian’s *Decretum*. The most recent conciliar source for this claim is Vatican II. For example, “Together with its head, the Roman Pontiff, and never without this head, the episcopal order is the subject of supreme and

full power over the universal Church. But this power can be exercised only with the consent of the Roman Pontiff. For our Lord made Simon Peter alone the rock and keybearer of the Church (cf. Matthew 16:18-19), and appointed him shepherd of the whole flock (cf. John 21:15ff)” (*Documents*, 43f).

.2 “Secondly, he adds also that by divine right he has both swords, i.e., the authority also of bestowing and transferring kingdoms.”

This was the outrageous claim of Boniface VIII in the Bull *Unam Sanctam*, 1301. There were popes before Boniface who wielded the temporal sword without making such an explicit claim. They had more success than Boniface, who was defied by the English Parliament and imprisoned by Philip the Fair of France. It must be said that no such explicit claims are made in the documents of Vatican II, although the existence of the Vatican as a temporal state is still expressive of the claim.

.3 “And thirdly, he says that to believe this is necessary for salvation. And for these reasons the Roman bishop calls himself the vicar of Christ on earth.”

Popes before Innocent III (1198-1216) generally referred to themselves as Vicar of Peter rather than Vicar of Christ. “In virtue of his office, that is, as Vicar of Christ and pastor of the whole Church the Roman Pontiff has full, supreme, and universal power over the Church...” (*Documents*, 43).

.4-6 “These three articles we hold to be false, godless, tyrannical, and pernicious to the Church. Now, in order that our proof may be understood, we shall first define what they call being above all by divine right. For they mean that he is universal, or, as they say, ecumenical bishop, i.e., from him all bishops and pastors throughout the entire world ought to seek ordination and confirmation... Besides this, he arrogates to himself the authority to make laws concerning acts of worship, concerning changing the Sacraments, concerning doctrine, and wishes his articles, his decrees, his laws to be considered equal to the divine laws, i.e., he holds that by the papal laws the consciences of men are so bound that those who neglect them, even without public offense, sin mortally... And what he adds is still more horrible, namely, that it is necessary to believe all these things in order to be saved.”

“...The Roman Pontiff has full, supreme, and universal power over the Church. And he can always exercise this power freely” (*Documents*, 43). Antichrist is not an enemy from outside the church visible. Nor does he exit from the church visible. He works within, claiming supreme leadership by divine right, subverting the gospel, and making the cross of Christ of no effect. He destroys souls.

[Article I]

[I].7-11 “In the first place, therefore, let us show from the Gospel that the Roman bishop is not by divine right above other bishops and pastors.

- I. Luke 22:25 – Christ expressly prohibits lordship among the apostles...
- II. Matthew 18:2 – The same is taught by the parable when Christ in the same dispute concerning the kingdom places a little child in the midst, signifying that among

ministers there is not to be sovereignty, just as a little child neither takes nor seeks sovereignty for himself.

- III. John 20:21 – Christ sends forth His disciples on an equality, without any distinction, when He says: As My Father hath sent Me, even so send I you. He says that He sends them individually in the same manner as He Himself was sent; hence He grants to no one a prerogative or lordship above the rest.”

“In this Church of Christ, the Roman Pontiff is the successor of Peter, to whom Christ entrusted the feeding of His sheep and lambs. Hence, by divine institution he enjoys supreme, full, immediate, and universal authority over the care of souls. Since he is pastor of all the faithful, his mission is to provide for the common good of the universal church, and for the good of the individual churches. He holds, therefore, a primacy of ordinary power over all the churches” (*Documents*, 397).

- “IV. Galatians 2:7f. – St. Paul manifestly affirms that he was neither ordained nor confirmed by Peter, nor does he acknowledge Peter to be one from whom confirmation should be sought. And he expressly contends concerning this point that his call does not depend on the authority of Peter...”

- V. In 1 Corinthians 3:6, Paul makes ministers equal, and teaches that the Church is above the ministers... For he says thus: *All things are yours, whether Paul, or Apollos, or Cephas*, i.e., let neither the other ministers nor Peter assume for themselves lordship or superiority over the Church...”

At the very end of section 11 Tappert (p. 321) includes the Vulgate rendering of 1 Peter 5:3, “Not domineering over the clergy.” It is evident that Melancthon was working with the Latin version and that later Lutherans removed that citation from the text.

From his brief exegesis of pertinent Scripture passages Melancthon proceeds to a few lessons from church history:

- [1].12 “VI. The Council of Nice[a] resolved that the bishop of Alexandria should administer the churches in the East, and the Roman bishop the suburban, i.e., those which were in the Roman provinces in the West... If the Roman bishop already had the superiority by divine law, it would not have been lawful for the Council to take any right from him and transfer it to the bishop of Alexandria...”

Melancthon is referring to Canon 6 of the Council of Nicea, 325.

- [1].13,14 “VII. Again, the Council of Nice[a] determined that bishops should be elected by their own churches, in the presence of some neighboring bishop or of several. The same was observed also in the West and in the Latin churches, as Cyprian and Augustine testify.”

The reference is to Canon 4 of the Council of Nicea.

- [I].15-.21 “[VII, cont.] Cyprian calls this custom a divine tradition and an apostolic observance, and affirms that it is observed in almost all the provinces.

“Since, therefore, neither ordination nor confirmation was sought from a bishop of Rome in the greater part of the world in the Latin and Greek churches, it is

sufficiently apparent that the churches did not then accord superiority and domination to the bishop of Rome.

“...It is manifest that the kingdom of Christ is scattered throughout the whole world; and to-day there are many churches in the East which do not seek ordination or confirmation from the Roman bishop. Therefore, since such superiority is impossible and the churches in the greater part of the world have not acknowledged it, it is sufficiently apparent that it was not instituted.

“VIII. Many ancient synods have been proclaimed and held in which the bishop of Rome did not preside; as that of Nice[a] and most others. This, too, testifies that the Church did not then acknowledge the primacy or superiority of the bishop of Rome.

“IX. Jerome says: *If the question is concerning authority, the world is greater than the city. Wherever there has been a bishop, whether at Rome, or Eugubium, or Constantinople, or Rhegium, or Alexandrian he is of the same dignity and priesthood.*

“X. Gregory, writing to the patriarch at Alexandria, forbids that he be called universal bishop. And in the Records he says that in the Council of Chalcedon the primacy was offered to the bishop of Rome, but was not accepted.

“XI. Lastly, how can the Pope be over the entire Church by divine right when the Church has the election and the custom gradually prevailed that bishops of Rome were confirmed by the emperors? Also, when for a long time there had been contests between the bishops of Rome and Constantinople the Emperor Phocas finally determined that the primacy should be assigned to the bishop of Rome. But if the ancient Church had acknowledged the primacy of the Roman Pontiff, this contention could not have occurred.”

The Eastern Emperor Phocas acknowledged Rome as “head of all the churches” in 607.

[I].22-.30 “They cite against us certain passages, namely, Matthew 16:18f: *Thou art Peter, and upon this rock I will build My Church*; also: *I will give unto thee the keys*; also John 21:15: *Feed My sheep*, and some others...

“In all these passages Peter is the representative of the entire assembly of apostles, as appears from the text itself...

“It is necessary to acknowledge that the keys belong not to the person of one particular man, but to the Church... For Christ, speaking concerning the keys, Matthew 18:19, adds: *If two or three of you shall agree on earth*, etc. Therefore he grants the keys principally and immediately to the Church, just as also for this reason the Church has principally the right of calling...

“As to the declaration: *Upon this rock I will build My Church*, certainly the Church has not been built upon the authority of man, but upon the ministry of the confession which Peter made, in which he proclaims that Jesus is the Christ, the Son of God...

“The ministry of the New Testament...is there where God gives His gifts, apostles, prophets, pastors, teachers; neither does this ministry avail on account of the authority of any person, but on account of the Word given by Christ... And in this way, not as referring to the person of Peter, most of the holy Fathers...interpret this passage...

“As to that which is said John 21:15ff: *Feed my sheep*, and *Lovest thou Me more than these?* it does not as yet follow hence that a peculiar superiority was given Peter. He bids him “feed,” *i.e.*, teach the Word, which Peter has in common with the other apostles.”

[Article II]

[II].31 “The second article is still clearer, that Christ gave to the apostles only spiritual power, *i.e.*, the command to teach the Gospel, to announce the forgiveness of sins, to administer the Sacraments, to excommunicate the godless without bodily force, and that He did not give the power of the sword, or the right to establish, occupy, or confer kingdoms of the world...

“Now, it is manifest that Christ was not sent to bear the sword or possess a worldly kingdom, as He Himself says, John 18:36: My kingdom is not of this world...”

[II].32 “Accordingly, that Christ in His passion is crowned with thorns and led forth to be derided in royal purpose, this signified that in the future, after His spiritual kingdom was despised, *i.e.*, the Gospel was suppressed, another kingdom of a worldly kind would be set up with the pretext of ecclesiastical power.”

Did the crown of thorns and the purple robe really signify that a worldly kingdom would be set up as the church? That happened; it is the story of Catholicism beginning with Constantine. But did the crown and the purple *signify* that it would? Did Melanchthon believe that it did? His Latin “*significatum est fore*” is rendered by the German translator as “*ist alles eine [Be]deutung gewesen*”. “This has come to signify” would seem to be a better translation than “this signified.” Melanchthon is probably reporting other people’s exegesis (or eisegesis) but not adopting it as his own.

[II].33,34 “Therefore the Constitution of Boniface VIII and the chapter *Omnes*, Dist. 22, and similar opinions which contend that the Pope is by divine right the ruler of the kingdoms of the world, are false and godless. From this persuasion horrible darkness has been brought into the Church, and after that also great commotions have arisen in Europe. For the ministry of the Gospel was neglected, the knowledge of faith, and the spiritual kingdom became extinct, Christian righteousness was supposed to be that external government which the Pope had established.”

The Constitution of Boniface VIII is, again, the Bull *Unam Sanctam* of 1301. The chapter *Omnes* is a portion of Gratian’s *Decretum*.

“[II].35 Next, the Popes began to seize upon kingdoms for themselves; they transferred kingdoms, they vexed with unjust excommunications and wars the kings of almost all nations in Europe, but especially the German emperors, sometimes for the purpose of occupying cities of Italy, at other times for the purpose of reducing to subjection the bishops of Germany, and wresting from the emperors the conferring of episcopates...”

Melanchthon is not exaggerating. He is providing a neat summary of Medieval Church History and the History of Europe in the Middle Ages – which two subjects are virtually inseparable.

In the early 13th century John I of England, John “Lackland” was excommunicated by Pope Innocent III and England was placed under interdict. The discipline was lifted when John

placed himself and England and Ireland in vassalage to Innocent as a temporal prince. Beginning with the time of Henry IV in 1077 and continuing to 1346 popes sponsored four counter-emperors. Emperors usually responded by naming anti-popes. Pope Alexander VI was especially active in annexing Italian cities and territories to the Papal States during the 15th century. From the 9th century to the 15th popes appealed to the *Pseudo-Isidorian Decretals* (including the *Donation of Constantine*) which were used to undergird the existence of the Papal States and to justify the constant attempts to extend papal holdings and prerogatives.

[II].36,37 “...It is to be detested...that he binds salvation to these godless and execrable opinions, when he says it is necessary to salvation for men to believe that this dominion belongs to him by divine right.

“Since these great errors obscure faith and the kingdom of Christ, they are in no way to be concealed...”

[Article III]

[III].38-40 “In the third place, this must be added: Even though the bishop of Rome had the primacy and superiority by divine right, nevertheless obedience would not be due those pontiffs who defend godless services, idolatry, and doctrine conflicting with the Gospel. Nay: Such pontiffs and such a government ought to be held accursed, as Paul clearly teaches, Galatians 1:8... And in Acts 5:29: We ought to obey God rather than men. Likewise the canons also clearly teach that *a heretical Pope is not to be obeyed...*

“Now, it is manifest that the Roman pontiffs, with their adherents, defend godless doctrines and godless services. And the marks of Antichrist plainly agree with the kingdom of the Pope and his adherents. For Paul, 2 Thessalonians 2:3, in describing to the Thessalonians Antichrist, calls him *an adversary of Christ, who opposeth and exalteth himself above all that is called God, or that is worshiped, so that he as God sitteth in the temple of God*. He speaks therefore of one ruling in the Church, not of heathen kings, and he calls this one the adversary of Christ, because he will devise doctrine conflicting with the Gospel, and will assume to himself divine authority.

“...In the first place...the Pope rules in the Church... Secondly, the doctrine of the Pope conflicts in many ways with the Gospel, and the Pope assumes to himself divine authority in a threefold manner. First, because he takes to himself the right to change the doctrine of Christ and services instituted by God, and wants his own doctrine and his own services to be observed as divine; secondly, because he takes to himself the power not only of binding and loosing in this life, but also the jurisdiction over souls after this life; thirdly, because the Pope does not want to be judged by the Church or by any one, and puts his own authority ahead of the decision of Councils and the entire Church. But to be unwilling to be judged by the Church or by any one is to make oneself God. Lastly, these errors so horrible, and this impiety, he defends with the greatest cruelty, and puts to death those dissenting.

When the Ostrogoth King Theodoric ruled northern Italy near the end of the 6th century Pope Gelasius I said, “The Pope is to be judged by no one.” The claims of two 15th century councils, Constance and Basel, to superiority over the papacy were condemned by Pope Leo X in 1516.

As to “those dissenting,” Heinrich Vos and Johannes van den Esschen, two Netherlands Augustinian Friars were the first recorded martyrs of the Reformation, burned at the stake in Brussels in 1523. They were soon followed by Henry of Zütphen, whose brutal murder was described by Luther in “The Burning of Brother Henry.”

[III].41-44 “This being the case, all Christians ought to beware of becoming partakers of the godless doctrine, blasphemies, and unjust cruelty of the Pope. On this account they ought to desert and execrate the Pope with his adherents as the kingdom of Antichrist...

“To dissent from the agreement of so many nations and to be called schismatics is a grave matter. But divine authority commands all not to be allies and defenders of impiety and unjust cruelty.

“On this account our consciences are sufficiently excused; for the errors of the kingdom of the Pope are manifest... The idolatry in the profanation of the masses is manifest... The doctrine of repentance has been utterly corrupted by the Pope and his adherents. For they teach that sins are remitted because of the worth of our works. Then they bid us doubt whether the remission takes place. They nowhere teach that sins are remitted freely for Christ’s sake, and that by this faith we obtain remission of sins.”

Nowhere in the documents of Vatican II do they teach this, either.

[III].45-.49 “Thus they obscure the glory of Christ, and deprive consciences of firm consolation, and abolish true divine services, namely, the exercises of faith struggling with despair.

“They have obscured the doctrine concerning sin, and have invented a tradition concerning the enumeration of offenses, producing many errors and despair. They have devised, in addition, satisfactions, whereby they have also obscured the benefit of Christ. From these indulgences have been born... Then, how many abuses and what horrible idolatry the invocation of saints has produced! What shameful acts have arisen from the tradition concerning celibacy! What darkness the doctrine concerning vows has spread over the Gospel! There they feigned that vows are righteousness before God, and merit the remission of sins. Thus they have transferred the benefit of Christ to human traditions, and have altogether extinguished the doctrine concerning faith...

“Then to these errors two great sins are added: The first, that he defends these errors by unjust cruelty and death-penalties. The second, that he wrests the decision from the Church... Yea, he contends that he is above the Council, and can rescind the decrees of Councils, as the canons sometimes impudently speak...”

Pope Pius II, repudiating what Constance and Basel had done and rejecting the idea of any more councils, issued the Bull *Execrabilis* in 1460.

[III].50,51 “Quest. 9, canon 3, says: No one shall judge the first seat; for the judge is judged neither by the emperor, nor by all the clergy, nor by the kinds, nor by the people.

“...When the true judgment of the Church is removed, godless dogmas and godless services cannot be removed, and for many ages they destroy innumerable souls.”

The quotation is from Gratian's *Decretum*.

In sections 52 to 59 Melancthon appeals to all godly men, especially Christian rulers, ("the chief members of the Church"), to remove the errors from the church:

[III].52-.59 "Therefore let the godly consider the great errors of the kingdom of the Pope and his tyranny, and let them ponder, first, that the errors must be rejected and the true doctrine embraced... Then let them ponder also how great a crime it is to aid unjust cruelty in killing saints...

"But especially the chief members of the Church, kings and princes, ought to guard the interests of the Church, and to see to it that errors be removed and consciences be healed... It should be the first care of kings to advance the glory of God. Therefore it would be very shameful for them to lend their influence and power to confirm idolatry and infinite other crimes, and to slaughter saints.

"And even though the Pope would hold Synods, how can the Church be healed if the Pope suffers nothing to be decreed contrary to his will, if he allows no one to express his opinion except his adherents?...

"But since the decisions of Synods are the decisions of the Church, and not of the Popes, it is especially incumbent on kings to check the license of the Popes, and to act so that the power of judging and decreeing from the Word of God is not wrested from the Church...

"But those who agree with the Pope, and defend his doctrine and services, defile themselves with idolatry and blasphemous opinions, become guilty of the blood of the godly...detract from the glory of God, and hinder the welfare of the Church, because they strengthen errors and crimes to all posterity...

Of the Power and Jurisdiction of Bishops

The Augsburg Confession anticipated a church in which the episcopacy would be reformed and the gospel would be tolerated. These things had not occurred in the seven ensuing years. In this section of his treatise Melancthon shows that the churches have the right to provide for a gospel ministry without the Roman or any other order of bishops.

He first establishes that the bishops do not have the power to reserve for themselves the right to appoint, ordain, and confirm ministers in the church (.60-.72). Then he speaks of the tyrannical way in which the bishops had exercised their jurisdiction in matters spiritual and unspiritual (.73-.78). In his summation (.79-.82) he concludes that there are ample reasons not to recognize the reigning bishops and their claims (.79-.82).

.60-.64 "The Gospel assigns to those who preside over churches the command to teach the Gospel, to remit sins, to administer the Sacraments, and besides jurisdiction, namely, the command to excommunicate those whose crimes are known, and again to absolve those who repent.

"And by the confession of all, even of the adversaries, it is clear that this power by divine right is common to all who preside over churches, whether they are called pastors, or elders, or bishops. And accordingly Jerome openly teaches in the apostolic letters that all who preside over churches are both bishops and elders, and cites from Titus 1:5f... And he then adds: *But that afterwards one was chosen to be placed over*

the rest, this was done as a remedy for schism... For at Alexandria, from Mark the evangelist to the bishops Heracles and Dionysius, the elders always elected one from among themselves, and placed him in a higher station, whom they called bishop...

“Jerome, therefore, teaches that it is by human authority that the grades of bishop and elder or pastor are distinct... The power is the same, as he has said above. But one matter afterwards made a distinction between bishops and pastors, namely, ordination...”

Vatican II rejects Melanchthon’s history of how the separate offices developed: “Among the various ministries which, as tradition witnesses, were exercised in the Church from earliest times, the chief place belongs to the office of those who, appointed to the episcopate in a sequence running back to the beginning, are the ones who pass on the apostolic seed. Thus, as St. Irenaeus testifies, through those who were appointed bishops by the apostles, and through their successors down to our own time, the apostolic tradition is manifested and preserved throughout the world...”

“The apostle’s office of nurturing the Church is permanent and was meant to be exercised without interruption by the sacred order of bishops. Therefore, this sacred Synod teaches that by divine institution they have succeeded to the place of the apostles as shepherds of the Church” (*Documents*, 39f).

A most pressing problem which faced the Reformers was whether pastors could be ordained without bishops to ordain them. There were few bishops in the German lands who joined the Lutheran movement. Were bishops with their ordaining function necessary for a legitimate ministry? Melanchthon’s answer is bold and convincing, rooted as it is in Scripture and history.

.65-.71 “...Since by divine authority the grades of bishops and pastor are not diverse, it is manifest that ordination administered by a pastor in his own church is valid by divine law...

“Therefore, when the regular bishops become enemies of the Church, or are unwilling to administer ordination, the churches retain their own right.

“For wherever the Church is, there is the authority to administer the Gospel. Therefore it is necessary for the Church to call, elect, and ordain ministers. And this authority is a gift which in reality is given to the Church... Hence, wherever there is a true church, the right to elect and ordain ministers necessarily exists...”

“Here belong the statements of Christ which testify that the keys have been given to the Church, and not merely to certain persons, Matthew 18:20: *Where two or three are gathered together in my name*, etc.

“Lastly, the statement of Peter also confirms this, 1 [Peter] 2:9: *Ye are a royal priesthood*. These words pertain to the true Church, which certainly has the right to elect and ordain ministers since it alone has the priesthood.

“And this also a most common custom of the Church testifies. For formerly the people elected pastors and bishops. Then came a bishop, either of that church or a neighboring one, who confirmed the one elected by the laying on of hands; and ordination was nothing else than such a ratification. Afterwards new ceremonies were added... The more modern writers added: *I give thee the power to sacrifice for the living and the dead.*”

That last sentence was introduced to the formula for ordination in the 10th century. Luther once commented that it was an astonishing evidence of God's grace that he and his ordaining bishop were not both struck dead at such blasphemy.

.72 "From all these things it is clear that the Church retains the right to elect and ordain ministers. And the wickedness and tyranny of bishops afford cause for schism and discard... Paul, Galatians 1:7f, enjoins that bishops who teach and defend a godless doctrine and godless services should be regarded as accursed."

Having shown that there was no distinction in the New Testament or in the ancient history of the church between pastors and bishops, Melanchthon does not even bother to refute the fiction of apostolic succession.

"Something must be said concerning jurisdiction."

"We have spoke of ordination, which alone, as Jerome says, distinguished bishops from other elders. Therefore there is need of no discussion concerning the other duties of bishops... Something must be said concerning jurisdiction.

"It is certain that the common jurisdiction of excommunicating those guilty of manifest crimes belongs to all pastors. This they have tyrannically transferred to themselves alone, and have applied it to the acquisition of gain... And in what kind of affairs did they abuse this power? Indeed, not in punishing true offenses, but in regard to the violation of fasts or festivals, or like trifles!...

"Since, therefore, bishops have tyrannically transferred this jurisdiction to themselves alone, and have basely abused it, there is no need, because of this jurisdiction, to obey bishops. But since there are just reasons why we do not obey, it is right also to restore this jurisdiction to godly pastors."

Recall that Melanchthon wanted to avoid a situation in which civil authorities would take the place of the bishops. Here he indicates that godly pastors could do a better and more just job than the bishops formerly had. Notice the word "restore." He proposes that expropriated church properties be placed under the jurisdiction of capable and honest pastors.

.77,78 "There remains the jurisdiction in those cases which, according to canonical law, pertain to the ecclesiastical court, as they call it, and especially in cases of matrimony. This, too, the bishops have only by human right, and that, not a very old one, as appears from the *Codex* and *Novellae* of Justinian that decisions concerning marriage at that time belonged to the magistrates... Therefore, also on account of this jurisdiction it is not necessary to obey bishops. And, indeed, since they have framed certain unjust laws concerning marriages, and observe them in their courts, there is need also for this reason to establish other courts. For the traditions concerning spiritual relationships are unjust. Unjust also is the tradition which forbids an innocent person to marry after divorce. Unjust also is the law which in general approves all clandestine and underhanded betrothals in violation of the right of parents. Unjust also is the law concerning the celibacy of priests. There are also other snares of consciences in their laws, to recite all of which is of no profit. It is sufficient to have recited this, that there

are many unjust laws of the Pope concerning matrimonial subjects on account of which the magistrates ought to establish other courts.

Since he had dealt so convincingly with the subject of temporal power in disproving the papal claims, it was not necessary for Melanchthon to do what he had done in Article XXVIII of the Augsburg Confession. There he attacked the claims of all bishops to temporal power, and the tyrannous ways in which they exercised them. Here he concentrates on other abuses.

Summation

“Since, therefore, the bishops, who are devoted to the Pope, defend godless doctrine and godless services, and do not ordain godly teachers, yea, aid the cruelty of the Pope, and, besides, have wrested the jurisdiction from pastors, and exercise it only tyrannically; and lastly, since in matrimonial cases they observe many unjust laws, there are reasons sufficiently numerous and necessary why the churches should not recognize these as bishops.

“But they themselves should remember that riches have been given to bishops as alms for the administration and advantage of the churchesTherefore they cannot with a good conscience possess these alms and meanwhile defraud the Church, which has need of these means for supporting ministers and aiding studies, and caring for the poor, and establishing courtsPeter predicted, 2 [Peter] 2:13, that there would be godless bishops who would abuse the alms of the Church for luxury and neglect the ministry. Therefore let those who defraud the Church know that they will pay God the penalty far this crime.

Reception of Melanchthon’s Treatise

“...All the preachers who have been present in this Assembly at Smalcald...declare that they approve the article concerning the primacy of the Pope and his power, and the power and jurisdiction of bishops, which was presented to the princes in this Assembly at Smalcald. Accordingly they subscribe their names.

All the clergy present in Smalcald signed. They began signing on February 23, but may not all have signed on that day. John Brentz had to leave Smalcald before the time for signing arrived and he asked Bugenhagen to sign for him. Counting Brentz there were 34 subscribers. Several who signed Luther’s articles had already left town. Five who did not sign Luther’s articles now signed Melanchthon’s treatise. They were the South Germans: Martin Bucer, Paul Fagius, Boniface Wolfart, John Fontanus, and Ambrose Blaurer. There can be no doubt that Dr. Martin Luther would have signed if he had been present and well enough to do so.

On the part of the civil rulers and representatives the treatise was well received. It expressed the League’s hostility toward Rome and provided further rationale for declining to attend a council. The theologians signed “according to the command of the most illustrious princes and of the orders and states professing the doctrine of the Gospel.” For the time being the *Tractatus* had a status which Luther’s articles lacked.

Editions and Printings of Melanchthon’s Treatise

The treatise was first published, along with several minor writings of Melanchthon, in 1540. The author was “Anonymous” and the names of the subscribers were not included.

In 1541, Veit Dietrich’s German translation of the *Tractatus* was published in Nürnberg, again without the subscriptions. This edition did, however, name the author, even though Dietrich’s manuscript lacks it.

In later publications Melanchthon's name no longer appeared, perhaps because in Dietrich's manuscript the title read "On the Power and Primacy of the Pope, *by the assembled theologians* at Smalcald, 1537" (italics mine). Stolz and Aurifaber included the treatise in their 1553 edition of the Smalcald Articles and used Dietrich's title. Thus, the title was also taken over by Selnecker for the Book of Concord of 1580. When the Book of Concord of 1584 used Melanchthon's original text it also omitted his name as author in the superscription.

The confusion as to authorship was sorted out by J.C. Bertram in 1770, when he established beyond question that Melanchthon was indeed the author.

Translations of the Treatise and Place in the Book of Concord

The autograph is no longer available. The theologians at Smalcald signed Spalatin's copy. Veit Dietrich had made a German translation for the princes and estates. Nicolaus Selnecker, many years later, prepared a translation on the basis of Dietrich's German text, on the false supposition that Melanchthon had written the treatise in German. As noted above, the Latin of Selnecker was included in the Book of Concord of 1580. In 1584 this was replaced by an older Latin text (1540) which is not in complete agreement with Spalatin's copy, the official copy at Smalcald.

Melanchthon, and perhaps others at Smalcald, thought he had prepared Article XXIX of the Augsburg Confession. The Book of Concord placed the treatise with The Smalcald Articles, at the end. Many writers speak of it as the "Appendix."

Significance of the Treatise in Our Time

The plain language, clear expression, and careful use of Scripture and history make Melanchthon's treatise a model of theological writing for our time. The content of the *Tractatus*, like that of Luther's articles, is also a test of genuine Lutheranism. False ecumenists who love Master Philip's qualified subscription of the Smalcald Articles somehow find it possible to relegate the *Tractatus* to the position of a historical oddity conditioned by the times in which it was written. We for our part do not need the approval of the Smalcald League to regard both writings as part of our Christian confession, because they agree with the Word of God. Nor are we discouraged by the disapproval of Lutherans for whom even an "insofar as" subscription would not mean anything because they do not believe that God has spoken in an absolute and final way in the Bible.

The Roman Church has not undergone an essential change since 1537, despite three subsequent councils. The bulk of Lutheranism is not what it was in 1537, not even essentially. For the most part this is by conscious choice, a deliberate decision. The Zwinglians and Anabaptists and the other Reformed are more confused than ever. We ourselves need to pray daily as Luther prayed at the end of his 1538 Preface:

O Lord Jesus Christ, do Thou Thyself convoke a Council, and deliver Thy servants by Thy glorious advent! The Pope and his adherents are done for; they will have none of Thee. Do Thou, then, help us, who are poor and needy, who sigh to Thee, and beseech Thee earnestly, according to the grace which Thou hast given us, through Thy Holy Ghost, who liveth and reigneth with Thee and the Father, blessed forever. Amen.

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