

LUTHERAN POLITICAL RESISTANCE: THE MAGDEBURG CONFESSION OF 1550 AND  
THE DOCTRINE OF THE LESSER MAGISTRATE

BY

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## ABSTRACT

Christians throughout the world can struggle with an unjust government. Scripture is clear that God has established the government for the benefit of society. Yet, there are certainly times that governments have not ruled justly. In 1550, in response to the Interims, the city of Magdeburg resisted the imperial government. The Magdeburg pastors drafted a confession that explained their political resistance. This thesis demonstrates that *the Magdeburg Confession of 1550* presents a biblical avenue for political resistance. To demonstrate this, this thesis will look to the historical and political context of *the Magdeburg Confession*. Then this thesis will summarize *the Confession* and analyze the arguments presented by the Magdeburg pastors in *the Confession*. This thesis will continue by affirming that the Magdeburg pastors have presented a biblical defense for political resistance, despite a few cautions. Finally, this thesis will conclude by offering a few lessons for today based upon *the Magdeburg Confession*.

## INTRODUCTION

“Let everyone be subject to the governing authorities, for there is no authority except that which God has established” (Rom 13:1 NIV). God’s instruction through the Apostle Paul in Rom 13 makes the Christian’s obligation to obey authority clear. However, throughout history, Christians have wrestled with this truth. Does this mean that God has given the government authority to rule *carte blanche*? While on trial before the Sanhedrin in Acts 5, Peter confesses that human power is limited. “Peter and the other apostles replied: ‘We must obey God rather than human beings!’” (Acts 5:29). Rom 13 and Acts 5 give scriptural principles that can be applied to help the believer use their sanctified wisdom to make the appropriate decision based upon these principles. Using sanctified wisdom on this matter, however, is not easy. The question remains, “at what point does one obey God rather than human beings?” When does Acts 5 trump Rom 13?

One possible answer to this question comes from *the Magdeburg Confession of 1550*. A political and theological dilemma convinced the Magdeburg pastors that they faced a scenario in which they “must obey God rather than human beings.” A study of the historical context of *the Magdeburg Confession* shows that the confession of their true Lutheran faith was at stake. Through an analysis of the constitutional and scriptural arguments presented in *the Magdeburg Confession of 1550*, this essay will show that the doctrine of the lesser magistrate presented in *the Confession* provides an avenue for biblical political resistance in their specific context.

## PART 1: LITERATURE REVIEW

Before developing the historical context of *the Magdeburg Confession* and analyzing *the Confession* itself, this thesis will provide an overview and review of the present English literature available on the topic. This literature review will also comment on several resources that help lend understanding in the context of *the Magdeburg Confession*. There is not an abundance of academic English sources that address *the Magdeburg Confession of 1550*. An English translation of *the Magdeburg Confession* was not published until 2012. The most influential writing in English on the subject within confessional Lutheranism is *Tyranny and Resistance* by David Whitford. The driving question behind Whitford's book is whether the Magdeburg pastors were the theological descendants of Thomas Müntzer or Martin Luther. The conclusion that Whitford comes to is that *the Magdeburg Confession* follows the tradition of Luther.<sup>1</sup> Whitford's work was beneficial for this thesis as he presented an overview of *the Magdeburg Confession* and suggested a possible interpretation.

There are several journal articles, essays, and other sources consulted for the study of this thesis. Two articles and an essay specifically addressed *the Magdeburg Confession*. Whitford wrote an article titled "John Adams, John Ponet, and a Lutheran Influence on the American Revolution" for *the Lutheran Quarterly*. This work was less helpful for this thesis but provided a concise overview of *the Magdeburg Confession*. Whitford

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1. David M. Whitford, *Tyranny and Resistance: The Magdeburg Confession and the Lutheran Tradition* (St. Louis: Concordia, 2001), 98.

also wrote an essay in *Caritas Et Reformatio: Essays on Church and Society in Honor of Carter Lindberg* titled “The Duty to Resist Tyranny: The Magdeburg Confession and the Reframing of Romans 13.” Whitford argues that the Magdeburg pastors reframed Rom 13 to assert the duty of a governor. Whitford believes this presented the theological argument necessary to make resistance supportable by the public.<sup>2</sup> Oliver Olson’s “Theology of Revolution: Magdeburg, 1550-1551” in the *Sixteenth Century Journal* provides excellent insight into the context of *the Magdeburg Confession* and the thoughts that led to the writing of *the Confession*. Olson properly connects the arguments made by the Magdeburg pastors to the conversations concerning political resistance that took place at the time of the Schmalkaldic League.<sup>3</sup>

Other articles consulted addressed Lutheran thought regarding resistance. Ryan Macpherson’s article “Natural Law in the Lutheran Reformation” in *Logia* provided a strong argument for the importance of understanding the natural law argument in *the Magdeburg Confession*. Macpherson’s article does not only address *the Magdeburg Confession*. Macpherson highlights that *the Magdeburg Confession* “asserted that government policies should ‘agree with reason and not [be] at variance with the Word [of God].’”<sup>4</sup> Cynthia Grant Bowman’s “Luther and the Justifiability of Resistance to Legitimate Authority,” in *the Journal of the History of Ideas*, helped trace the growth in Luther’s thought concerning the ethics of resistance. Bowman highlighted the importance of the jurists in growing Luther’s understanding.<sup>5</sup> Two other writings

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2. David M. Whitford, “The Duty to Resist Tyranny: The Magdeburg Confession and the Reframing of Romans 13,” in *Caritas Et Reformatio: Essays on Church and Society in Honor of Carter Lindberg*, ed. David M. Whitford (St. Louis: Concordia, 2002), 92-93.

3. Oliver Olson, “Theology of Revolution: Magdeburg, 1550-1551,” *Sixteenth Century Journal* 3.1 (1972): 59.

4. Ryan Macpherson, “Natural Law in the Lutheran Reformation,” *Logia* 29.1 (2020): 19.

5. Cynthia Grant Bowman, “Luther and the Justifiability of Resistance to Legitimate Authority.” *Journal of the History of Ideas* 40.1 (1979): 12.

which are important to understand the Lutheran thought on resistance are Luther's writings. "Temporal Authority: To What Extent It Should Be Obeyed" provides an early understanding of the possibility of resistance in Luther's thinking. "Dr. Martin Luther's Warning to His Dear German People" provides a more developed theology of revolution from Luther. In Luther's Warning, he appeals to both imperial and natural law as defenses for resistance to the government.<sup>6</sup> The writings are essential due to the influence of Luther on the Magdeburg pastors, which will be addressed more thoroughly in the body of this thesis.

Several sources were consulted to understand the historical context that led to *the Magdeburg Confession*. Luka Ilic's book *Theologian of Sin and Grace* helped draw out the connection between Luther and Flacius, one of the Magdeburg theologians.<sup>7</sup> Thomas Kaufmann's "'Our Lord God's Chancery' in Magdeburg and Its Fight against the Interim" explained the context of the Interims, which led to Magdeburg's desire to resist the empire. Kaufmann connects the cities' vigor and efforts to the fact that they believed their cause was based upon a truth claim.<sup>8</sup> The book *The Lutheran Confessions: The History and Theology of the Book of Concord* by Arand, Kolb, and Nestingen presented valuable background knowledge concerning the Interims, which were significant in the background of both *the Magdeburg Confession* and *the Formula of Concord*. Other histories consulted to gain an understanding of the events that led up to *the Magdeburg Confession* were: *The Devil Behind the Surplice* by Wade Johnston, *German Histories in the Age of Reformations, 1400-1650* by Thomas A. Brady

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6. Martin Luther, "Dr. Martin Luther's Warning to His Dear German People" (1531): trans. Martin H. Bertram, in *Luther's Works: The Christian in Society IV*, American Edition, vol. 47, ed. Franklin Sherman (Philadelphia: Fortress, 1971): 21. Hereafter AE.

7. Luka Ilic, *Theologian of Sin and Grace: The Process of Radicalization in the Theology of Matthias Flacius Illyricus* (Göttingen: Vandenhoeck & Ruprecht, 2014), 94-97.

8. Thomas Kaufmann, "'Our Lord God's Chancery' in Magdeburg and Its Fight against the Interim," *Church History* 73.3 (2004): 582.

Jr., *Luther, and the Reformation* by James Mackinnon, *The Church of the Lutheran Reformation* by Conrad Bergendorff, and an essay by Armin Panning titled, “Smalcald Politics and Smalcald Articles.”

Finally, several sources were consulted to understand the imperial constitution and the political context of Germany in the 16<sup>th</sup> century. Richard Benert’s “Lutheran Resistance Theory and the Imperial Constitution” provides an understanding of the constitutional basis for the Lutheran duty to resist tyranny. Benert highlights the importance of corporate responsibility in the doctrine of the inferior magistrate in Lutheran political thought.<sup>9</sup> Hans Baron’s “Religion and Politics in the German Imperial Cities During the Reformation” in *the English Historical Review* provides the nuance of the roles of imperial cities and imperial free cities to the conversation regarding Lutheran dealings with temporal authority.<sup>10</sup>

This literature review has provided a summary of the sources consulted in the research for this thesis. Much has been written about the Schmalkaldic League, Lutheran resistance, the Interims, and other matters concerning issues faced by the Lutherans in the 16<sup>th</sup> century. Unfortunately, there is not an abundance of material written in English regarding *the Magdeburg Confession*. Aside from Whitford’s book and his other writings, little has been written that evaluates the Magdeburg Confession’s theological conclusions. The review of the literature available shows that the writing of this thesis is warranted, as little has been written to evaluate the Magdeburg pastors’ conclusions.

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9. Richard R. Benert, “Lutheran Resistance Theory and the Imperial Constitution,” in *Lutheran Quarterly* 2.2 (1988): 198.

10. Hans Baron, “Religion and Politics in the German Imperial Cities During the Reformation” *the English Historical Review* 52.207 (1937): 632.

## PART 2: HISTORICAL CONTEXT OF *THE MAGDEBURG CONFESSION OF 1550*

Several different events led up to the writing of *the Magdeburg Confession of 1550*. The pastors did not write *the Confession* in a vacuum. A survey of the Imperial Diet of Augsburg, the formation of the Schmalkaldic League, *Dr. Luther's Warning to His Dear German People*, the Schmalkaldic War, and the Augsburg Interim will provide the necessary background information to set the stage for *the Magdeburg Confession of 1550*. The first part of this thesis will also give a brief overview of the Gnesio-Lutherans, and the city itself.

### **The Imperial Diet of Augsburg**

Charles V called the Imperial Diet of Augsburg of 1530 hoping that the religious dispute between the church and the Lutherans could come to a settlement.<sup>11</sup> At the Diet of Augsburg, the Lutherans presented the *Augsburg Confession*<sup>12</sup> written by Melancthon. However, the Catholic majority did not come to genuinely deliberate and discuss the faith.<sup>13</sup> Upon the request of Charles V, the Catholics replied with *the Confutation*.<sup>14</sup> Ultimately Charles sided with the

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11. Conrad Bergendoff, *The Church of the Lutheran Reformation: A Historical Survey of Lutheranism* (St. Louis: Concordia, 1967), 66.

12. Armin Panning, "Smalcald Politics and Smalcald Articles," 1. <http://essays.wisluthsem.org:8080/handle/123456789/3584>

13. James Mackinnon, *Luther and the Reformation: Vindication of the Movement* (New York: Russell & Russell, 1962), 12.

14. Panning, "Smalcald Politics and Smalcald Articles," 1.

Catholics and required the Lutheran princes to accept the Confutation and even threatened to enforce this by force.<sup>15</sup> Charles gave power to this threat, “demanding full submission by all involved under terms of the Edict of Worms.<sup>16”</sup><sup>17</sup> Discussions ensued after Charles’ decree, but virtually all thought that this would lead to war.<sup>18</sup>

### **The Schmalkaldic League**

As previously stated, it appeared as though a war was on the horizon. To protect the work done, in December of 1530, the Lutherans set out to establish a defensive league. This defensive league was to protect themselves from the attack allowed by the conclusion of the Diet of Augsburg.<sup>19</sup> “Officially, the league was purely defensive: ‘this alliance has...no other reason, cause, or intent than to defend and afford protection to ourselves and our subjects and dependents, in case we are invaded, attacked, or in any other manner...interfered with because of the Christian, just, and righteous cause for which our Christian alliance has been formed.’”<sup>20</sup> The Schmalkaldic League

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15. Mackinnon, *Luther and the Reformation*, 13.

16 The Edict of Worms was the response to the Diet of Worms where Luther refused to recant for his teachings against the Catholic Church. “Promulgated by Charles V after Luther’s appearance before him in 1521, the Edict not only outlawed Luther but proscribed his followers. In fact, Lutheranism—as it came to be called—was illegal, and the threat remained that Charles would use the force of the Holy Roman Empire as well as his own considerable power to implement the edict.” Charles P. Arand, James A. Nestingen, and Robert Kolb, *The Lutheran Confessions: History and Theology of the Book of Concord* (Minneapolis: Fortress, 2012), 63.

17. Arand et al., *The Lutheran Confessions*, 119.

18. Arand et al., *The Lutheran Confessions*, 124.

19. Whitford, “The Duty to Resist Tyranny: The Magdeburg Confession and The Reframing of Romans 13,” 89.

20. Thomas A. Brady Jr., *German Histories in the Age of Reformations, 1400-1650* (Cambridge: Cambridge University Press, 2009), 221.

was officially constituted on December 23rd of 1535.<sup>21</sup> The League was unique in its unity of faith defined by *the Augsburg Confession*.<sup>22</sup>

Aside from the unity the League brought through the formation under *the Augsburg Confession*, it was particularly influential as it set the course for Lutheran political resistance. The Lutherans knew that Christians owed obedience to the government. Luther, in the past, pushed for non-resistance.<sup>23</sup> However, when the threat of violence seemed to become a reality, they found a justification for resistance.

The Lutherans discussed the ability to resist the empire at Torgau in October of 1530.<sup>24</sup> “The theologians’ consensus, recorded in Luther’s own handwriting, revealed a constitutional (rather than natural law) basis for political resistance: ‘We certainly are in those situations in which (as [the legal experts] demonstrate) one may resist the government authority...that until now we have taught absolutely not to resist the governing authority was due to the fact that we did not know that the governing authority’s law itself grants [the right of armed resistance].’”<sup>25</sup>

The Saxon lawyers presented a constitutional defense for political resistance. “The power of the Emperor, they pointed out, was limited by the conditions of his election. He was not the absolute sovereign, but the elected head of the empire, and was not invested with more authority over its ruling members than that of the president of an aristocratic republic.”<sup>26</sup> The formation of

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21. Brady Jr., *German Histories in the Age of Reformations, 1400-1650*, 220.

22. Brady Jr., *German Histories in the Age of Reformations, 1400-1650*, 220.

23. Brady Jr., *German Histories in the Age of Reformations, 1400-1650*, 221.

24. Macpherson, “Natural Law in the Lutheran Reformation,” 18.

25. Macpherson, “Natural Law in the Lutheran Reformation,” 18.

26. Mackinnon, *Luther and the Reformation*, 23.

the Schmalkaldic League, and its defense of political resistance, would set a precedent of resistance later followed by the Magdeburg pastors in *the Confession*.

### **Dr. Martin Luther's Warning to His Dear German People**

The next aspect of the historical context of *the Magdeburg Confession* was a letter from Luther concerning political resistance. This letter was written in the wake of the Diet of Augsburg but will be treated separately due to its significant impact on *the Magdeburg Confession*. The letter is thought to have been written in October 1530 but was not published until April 1531.<sup>27</sup>

Luther viewed the terms of the Augsburg Recess as intolerable.<sup>28</sup> Therefore, following the terms would not be the route he would advise. However, as Luther believed, disobedience would move the emperor to turn to the use of force.<sup>29</sup> For this reason, he wrote the *Warning to His Dear German People*.<sup>30</sup>

In Luther's previous writings concerning resistance to the government, he had not gone beyond civil disobedience.<sup>31</sup> In the *Warning*, Luther goes further than he had in the past. He allows for "active, armed resistance to the emperor."<sup>32</sup> Bertram summarizes the conclusions of Luther's document this way, "Insurrection, to be sure, is still forbidden to the Christian; but defensive action in protection of the gospel—even if military means be used, and even if these be

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27. Luther, "Dr. Martin Luther's Warning to His Dear German People," 6.

28. Luther, "Dr. Martin Luther's Warning to His Dear German People," 5.

29. Luther, "Dr. Martin Luther's Warning to His Dear German People," 5.

30. Luther, "Dr. Martin Luther's Warning to His Dear German People," 6.

31. Luther, "Dr. Martin Luther's Warning to His Dear German People," 6.

32. Luther, "Dr. Martin Luther's Warning to His Dear German People," 6.

directed against the emperor—is not to be counted as insurrection.”<sup>33</sup> One point Luther looks to clarify in the *Warning* is that disobedience and insurrection are not synonymous. Luther was always concerned for the peace of the land, consider his letter concerning the Peasant’s Revolt. He states his point this way, “To act contrary to law is not rebellion; otherwise every violation of the law would be rebellion. No, he is an insurrectionist who refuses to submit to government and law, who attacks and fights against them, and attempts to overthrow them with a view to making himself ruler and establishing the law, as Munzer did; that is the true definition of a rebel.”<sup>34</sup>

Although the work of the Saxon lawyers was undoubtedly helpful in the development of Luther’s thoughts on political resistance, the fact that Luther approved of a form of resistance carried significant weight in the minds of the Magdeburg pastors. The Magdeburg pastors use many of the arguments in *the Confession* that Luther presents in *the Warning*.<sup>35</sup> In his book, *Tyranny and Resistance*, Whitford asserts, “The intention is obvious: The authors do not consider themselves to be writing an original work, but they see themselves as continuing on a path already marked by Luther.”<sup>36</sup>

Luther penned this letter in fear of war. This armed conflict would not occur in Luther’s lifetime. An unofficial treaty was formed in 1532 as a part of the Peace of Nuernberg. “In private negotiations, however, held in the city of Nuernberg, Charles accepted both conditions. In exchange for help against the Turk, Charles agreed to quash the court cases, and he renewed his

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33. Luther, “Dr. Martin Luther’s Warning to His Dear German People,” 7.

34. Luther, “Dr. Martin Luther’s Warning to His Dear German People,” 20.

35. Whitford, *Tyranny and Resistance*, 62.

36. Whitford, *Tyranny and Resistance*, 62.

promise to try to have a council announced in six months and convened within a year. Until such a council met, the Smalcald League members would be free to practice their faith.”<sup>37</sup>

### **The Schmalkaldic War**

The peace did not last. A few significant events occurred to enable Charles to pursue his previous verdict. Tension in Europe and with the Turks began to settle. He no longer needed financial support from the Lutherans. Further, Martin Luther, the dynamic leader of the cause, had died.<sup>38</sup> Charles now had an opportunity to act. The Schmalkaldic War began in 1546.<sup>39</sup> The imperial forces would win the war rather quickly by April 1547.<sup>40</sup> The threat of imperial violence against the Lutheran cause was no longer a fear but a reality.

However, military action did not resolve the conflict between the two parties. Charles looked for a “German” solution.<sup>41</sup> In search of a solution, he called the Diet of Augsburg in September 1547. The Diet resulted in “the infamous Augsburg Interim.”<sup>42</sup>

### **The Augsburg Interim**

At the Diet of Augsburg of 1547, the Archbishop of Mainz was tasked to solve the disunity among the German churches.<sup>43</sup> The Archbishop brought together a group who presented an

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37. Panning, “Smalcald Politics and Smalcald Articles,” 4.

38. Wade Johnston, *The Devil Behind the Surplice: Matthias Flacius and John Hooper on Adiaphora* (Eugene: Pickwick Publications, 2018), 16.

39. Johnston, *The Devil Behind the Surplice*, 16.

40. Johnston, *The Devil Behind the Surplice*, 16.

41. Whitford, *Tyranny and Resistance*, 63.

42. Whitford, *Tyranny and Resistance*, 63.

43. Arand et al., *The Lutheran Confessions*, 175.

interim solution known as the Augsburg Interim.<sup>44</sup> The Interim made few concessions to Lutheran theology and largely returned to medieval catholic theology. “Two concessions were granted to the Evangelical churches: the right to commune the laity in both kinds and the right to permit priests to marry.”<sup>45</sup>

The churches of Germany resisted the Augsburg Interim.<sup>46</sup> Many key Lutheran theologians issued critiques of the Interim, including Amsdorf, Aquila, Brenz, and Melancthon.<sup>47</sup> However, Elector Moritz of Saxony realized that he would not be able to enforce the Interim. He had his Wittenberg theologians develop a “mediating formula for Saxony.”<sup>48</sup> Melancthon agreed to work on a compromise.<sup>49</sup>

### The Leipzig Interim

The compromise Melancthon worked on was later called the Leipzig Interim. Melancthon and the Wittenberg theologians looked to compromise on matters they considered adiaphora.<sup>50</sup> The compromise, however, was not met with popularity. “Many former students of Melancthon found it an appalling betrayal of God, Luther, and their Praeceptor’s own integrity. They labeled the settlement ‘the Leipzig Interim.’ They found its doctrinal content inadequate, confusing, and at points heretical. Moreover, they were convinced that its compromises in various areas of

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44. Arand et al., *The Lutheran Confessions*, 175.

45. Arand et al., *The Lutheran Confessions*, 176.

46. Johnston, *The Devil behind the Surplice*, 17.

47. Arand et al., *The Lutheran Confessions*, 177.

48. Johnston, *The Devil behind the Surplice*, 17.

49. Arand et al., *The Lutheran Confessions*, 178.

50. Arand et al., *The Lutheran Confessions*, 178.

church life were dishonest and could only confuse the common people.” The Leipzig Interim lacked in a few key areas: justification by faith was taught without the word alone, good works were labeled as necessary for salvation, the Latin rite was restored, and Roman bishops were needed to ordain priests.<sup>51</sup>

### The Gnesio-Lutherans: Opposition to the Interims

The overwhelming majority of Lutherans rejected the Augsburg Interim, but more accepted the Leipzig Interim. Thus, two factions were created within Lutheranism. The two sides would be known as the Gnesio-Lutherans and the Philippists. The Gnesio-Lutherans opposed the Leipzig Interim. The Philippists, supporters of Philipp Melanchthon, favored the compromises proposed in the Leipzig Interim.<sup>52</sup> The two groups would later disagree about more than just the Leipzig Interim. However, these disagreements go beyond the scope of this thesis.

The city of Magdeburg became a landing spot for those who opposed the Interims.<sup>53</sup> The key leaders of the Gnesio-Lutherans in Magdeburg were Nikolaus von Amsdorf, Matthias Flacius Illyricus, Nicolaus Gallus, and Erasmus Alberus.<sup>54</sup> The Gnesio-Lutherans would resist the stipulations of the Augsburg Interim when the empire enforced them upon the city of Magdeburg. During their resistance, the Magdeburg pastors wrote *the Magdeburg Confession of 1550* to defend their actions.

The Philippists believed the issues raised in the Interims were matters of adiaphora. The Gnesio-Lutherans disagreed. This disagreement would come to be known as the Adiaphoristic

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51. Arand et al., *The Lutheran Confessions*, 179.

52. Johnston, *The Devil Behind the Surplice*, 17.

53. Olson, “Theology of Revolution: Magdeburg, 1550-1551,” 67.

54. Whitford, *Tyranny and Resistance*, 65.

Controversy. The following quote from Flacius can summarize the Gnesio-Lutheran viewpoint, “Nihil est adiaphoron in casu confessionis et scandali.” The Gnesio-Lutherans firmly believed that standing up to the Interims was a matter of Christian confession. The battle was not merely political but a matter of God’s Word. Their beliefs bound them to disobey the Interim.

### **Magdeburg: Our Lord God’s Chancery**

After the Schmalkald League lost the Schmalkaldic War, Magdeburg was placed under the power of Moritz in the spring of 1547. However, Magdeburg decided to continue its resistance.<sup>55</sup> “Magdeburg would obey the emperor only in secular matters, not in religious, and would not surrender.”<sup>56</sup> Magdeburg was put under imperial ban then under siege.<sup>57</sup> “During the siege of the forces of Elector Maurice of Saxony between October 15, 1550, and November 15, 1551, Magdeburg emerged as the apparent resolute bulwark of Protestantism.”<sup>58</sup> Magdeburg was, now more than ever, a significant player in the landscape of Lutheranism.

Magdeburg, the home of the Gnesio-Lutherans, received the nickname “Our Lord God’s Chancery.” The nickname was primarily given due to Magdeburg’s extraordinary number of theological writings in the aftermath of the Schmalkaldic War and the Interims. No other printing centers in the entire empire produced more works than Magdeburg in 1549 and 1550.<sup>59</sup> One of the works produced was the *Magdeburg Confession of 1550*, published on April 13, 1550.

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55. Olson, “Theology of Revolution: Magdeburg, 1550-1551,” 66.

56. Olson, “Theology of Revolution: Magdeburg, 1550-1551,” 66.

57. Olson, “Theology of Revolution: Magdeburg, 1550-1551,” 66-67.

58. Kaufmann, “‘Our Lord God’s Chancery’ in Magdeburg and Its Fight against the Interim,” 568.

59. Kaufmann, “‘Our Lord God’s Chancery’ in Magdeburg and Its Fight against the Interim,” 572.

## PART II: THE POLITICAL CONTEXT OF *THE MAGDEBURG CONFESSION*

This thesis has provided a historical survey of the pertinent events that led to *the Magdeburg Confession of 1550*. It is now imperative to consider the political context of *the Magdeburg Confession* to understand the arguments presented in the document. “The Confession, it must be remembered, was as much a political document as a theological one.”<sup>60</sup> This thesis will address four aspects of the political context: the constitutional arrangement of the Holy Roman Empire, the duties of the emperor in the empire, the duties of the prince in the empire, and the duties of an imperial free city in the empire.

### **The Constitutional Arrangement of the Holy Roman Empire**

“The Holy Roman Empire was neither holy, nor Roman, nor an empire.”<sup>61</sup> Is this saying accurate? In a similar vein of thought, this thesis will ask the following question: what kind of empire was the Holy Roman Empire? One cannot answer this question quickly. The Holy Roman Empire had no formally written constitution to which to point. However, in essence, the Holy Roman Empire did have a constitutional arrangement. This thesis will provide an overview of the constitutional arrangement of the Holy Roman Empire. An understanding of the constitutional arrangement of the Holy Roman Empire helps to explain the context

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60. Johnston, *The Devil Behind the Surplice*, 69.

61. The author fondly remembers his high school European History teacher at Kettle Moraine Lutheran making this joke.

of *the Magdeburg Confession*. The constitutional arrangement is hard to articulate because the Holy Roman Empire, even before the Reformation, was in a time of transition. The unwritten constitution of the Holy Roman Empire would significantly change throughout its existence.<sup>62</sup> Ideas of national identity, federalism, and sovereignty of individual estates influenced how those within the empire viewed the structural arrangement of the empire.

Instead of focusing upon what cannot be said concerning the constitutional arrangement of the empire, this thesis will establish what can be said. The arrangement is summed up well in the following way. “The Empire had a bewilderingly complex constitution in which estates were formally loyal to the emperor, Imperial diets were regularly convened to deal with political problems and set rules, and standing imperial tribunals attempted to resolve disputes.”<sup>63</sup>

#### The Roles of the Emperor and the Princes in the Empire

Within the framework of the understood constitution of the empire, the emperor led the empire. The emperor had a higher authority through diets and courts than the princes of the estates. Further, the princes of the estates held loyalty to the empire and the emperor. The cities and princes were considered lesser magistrates compared to the empire and emperor.<sup>64</sup> However, the emperor was not equal to a monarch.<sup>65</sup> The electors of the Holy Roman Empire elected the

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62. Heinz H. F. Eulau, “Theories of Federalism Under the Holy Roman Empire,” in *The American Political Science Review* 35.4 (1941): 643.

63. John M. Owen IV, “When Do Ideologies Produce Alliances? The Holy Roman Empire, 1517-1555,” in *International Studies Quarterly* 49.1 (2005): 84.

64. Benert, “Lutheran Resistance Theory and the Imperial Constitution,” 195.

65. Whitford, *Tyranny and Resistance*, 122. Included in footnote 48, quoting Luther.

emperor. He held a sense of obligation to rule the empire correctly. In the past, an emperor had even been deposed by the electors.<sup>66</sup>

In the Holy Roman Empire's structure, lesser authorities held some power. "The German portion of the Holy Roman Empire in the sixteenth century comprised political units ('estates') that enjoyed a significant measure of sovereignty and frequently formed intra-Imperial alliances."<sup>67</sup> Despite definitely holding alliances with the emperor, the princes of the estates viewed themselves as in service to their people rather than solely to the emperor. "They were therefore to be considered less the subjects of the emperor than rulers of their own subjects, and their duty to protect their subjects and churches far outweighed any obligations they may have owed the emperor."<sup>68</sup> The amount of autonomy that the princes and estates held is debated.<sup>69</sup>

Within the constitutional framework of the Holy Roman Empire, there was the imperial government, led by the emperor, which had authority over the somewhat autonomous estates. Then there was the outlier of imperial free cities, which will be addressed later. A debate continues about the specific power held by each part of the empire within this constitutional framework. An assertion of a general power dynamic with the emperor on top and the princes below, although having some sense of autonomy, will be sufficient for this thesis.

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66. Benert, "Lutheran Resistance Theory and the Imperial Constitution," 197.

67. Owen, "When Do Ideologies Produce Alliances? The Holy Roman Empire, 1517-1555," 84.

68. Benert, "Lutheran Resistance Theory and the Imperial Constitution," 189.

69. Cf. Benert, "Lutheran Resistance Theory and the Imperial Constitution," for a more thorough treatment of this debate.

### The Role of the Imperial Free City in the Empire

Within the framework of the empire were imperial free cities. Imperial free cities were cities within the Holy Roman Empire that were not under the rule of a local prince but rather were directly under the emperor's authority. The exact relationship to the empire is debated.

“Whatever may have been the original constitutional significance of the title as regards to the relationship of the cities to their bishops, it certainly implied a less close dependence on the person of the emperor than that of the normal ‘imperial city.’”<sup>70</sup> Further, the imperial free cities had the right to vote at imperial diets.<sup>71</sup> In contrast, most cities were included within the estates and were under the power of a prince, and the imperial free cities were “free.” In a sense, the imperial free cities were on par with the estates.

The unique role of the imperial free city is important in the case of Magdeburg. Magdeburg viewed itself as an imperial free city.<sup>72</sup> The city claimed that they had received certain privileges from Otto I, which put them into that category of cities. The exact standing of Magdeburg as an imperial free city is debated.<sup>73</sup> The city did appear to have some rights which warranted their claim, including “the rights to a market, to levy taxes, and to mint money.”<sup>74</sup> The validity of the claim to being an imperial free city is uncertain, but for the sake of analyzing Magdeburg's arguments, this thesis will accept the status the city asserts for itself.

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70. Hans Baron, “Religion and Politics in the German Imperial Cities During the Reformation,” in *Oxford Journals*, 623.

71. Robert Brandt, “Free imperial city”, in *Encyclopedia of Early Modern History Online*, eds. Graeme Dunphy, Andrew Gow (2005–2012).

72. Olson, “Theology of Revolution: Magdeburg, 1550-1551,” 63.

73. Olson, “Theology of Revolution: Magdeburg, 1550-1551,” 63-64.

74. Whitford, *Tyranny and Resistance*, 64.

### PART III: *THE MAGDEBURG CONFESSION OF 1550*

This thesis has established the historical and political context of *the Magdeburg Confession of 1550*. The attention of this thesis will now turn to the specifics of *the Confession* itself. This thesis will treat *the Magdeburg Confession* in the following order: a summary of the parts of *the Confession* will be provided, followed by the assertions given in *the Confession*. After the assertions of *the Confession* are provided, the constitutional and theological justifications behind the assertions will be analyzed. The thesis will answer whether or not *the Magdeburg Confession* provides an avenue for biblical political resistance. Finally, these points will be used to draw conclusions and lessons for the 21<sup>st</sup> century Christian in the United States of America.

#### **A Summary of the Parts of *the Magdeburg Confession of 1550***

*The Magdeburg Confession* presents three major parts. The first part is “The Principal Articles of Christian Doctrine.” The second part is “Concerning Resistance.” The third part is “The Exhortation.” The three parts work together to establish a common understanding of the Christian faith and, thus, lay the foundation for understanding, then justify political resistance. Finally, they appeal to others to join their cause.

## The Principal Articles of Christian Doctrine

The Magdeburg pastors began with Christian doctrine to establish a common basis of faith and understanding from which their doctrine flows. *The Confession* does not seek to argue on these matters, which they believe have already been established.

So in this writing, first of all we shall only repeat – we shall not argue – the articles of doctrine made plain by Luther and set forth at Augsburg as Christian, orthodox, and catholic, and so far unconquered, as those which agree with the doctrine of the Apostles and Prophets, with the Apostles', Nicene, and Athanasian creeds, and with the purer church of all ages.<sup>75</sup>

They believe they are the ones who are following the historic Christian faith.

The pastors summarize Christian doctrine by addressing seven aspects of doctrine: “i. Of God and the distinction of the persons, ii. Of creation, of the cause of sin, and the chief kinds of sin, iii. Of the Law, iv. Of the Gospel and Justification, v. Of the Sacraments, vi. Of the Church and its ministers, and of the power of the Church and its ministers, vii. Of polity and economy, and of the power of each.”<sup>76</sup>

This thesis will not address the specifics of each of these doctrinal points presented. The Magdeburg confessors viewed their theology as a continuation of the doctrine taught in *the Augsburg Confession* and do not stray from these teachings. However, some points of emphasis within their doctrinal presentation will be noted as they highlight some of the doctrinal understandings with which the pastors were working. Further, an understanding of their doctrinal teachings will show that this was a matter of Christian confession for those at Magdeburg.

Concerning sin, the Magdeburg pastors affirm the death for all humankind caused by the sin of Adam. Because of this sin passed down from Adam, humankind is born as “lovers of

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75. The Magdeburg Pastors, *The Magdeburg Confession: 13th of April 1550 AD*, trans. Matthew Colvin (CreateSpace, 2012), 6-7.

76. The Magdeburg Pastors, *The Magdeburg Confession: 13th of April 1550 AD*, 9.

themselves, full of error, worry, mistrust, doubt, hatred of God, wicked lusts, and words and deeds contrary to God – to the point that nothing is left in any part of all of man descended by nature by which he might be able to please God or to receive grace and life.”<sup>77</sup> However, despite this utter corruption of humankind, they do affirm the remnant of civic righteousness even among unbelievers.<sup>78</sup>

Concerning the law, they teach that the law was primarily given so that humans would despair of themselves and look for a savior.<sup>79</sup> However, *the Confession* asserts that this is not the sole purpose of God’s law. *The Confession* highlights what is known as the first use of the law. “God wants even the impious or unregenerate to be governed by an outward discipline in this civil society.”<sup>80</sup> One way that God communicates this desire is through the giving of the natural law, which is seen in the Ten Commandments. “The Ten Words, however, are perpetual laws, and binding on all men of all times, sacred as well as profane, as has been said earlier.”<sup>81</sup> The concept of natural law is a significant emphasis of *the Confession*.

Throughout the presentation of their doctrine, the Magdeburg pastors continue to refute the teachings of the papists, the adiaphorists, and the interimists. These arguments lay the groundwork for their refusal to obey the stipulations of the Interims. This thesis will now present some of their key arguments.

Regarding justification, they view that the adiaphorists have given up on the article of justification through their willingness to follow the Interims.

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77. The Magdeburg Pastors, *The Magdeburg Confession: 13th of April 1550 AD*, 14.

78. The Magdeburg Pastors, *The Magdeburg Confession: 13th of April 1550 AD*, 14-15.

79. The Magdeburg Pastors, *The Magdeburg Confession: 13th of April 1550 AD*, 17.

80. The Magdeburg Pastors, *The Magdeburg Confession: 13th of April 1550 AD*, 18.

81. The Magdeburg Pastors, *The Magdeburg Confession: 13th of April 1550 AD*, 18.

Second, when in their zeal they cast away the exclusive doctrine (that a man is justified by faith alone), and likewise when they begin to say with the adversaries that works are necessary for salvation, they confirm these two errors of our adversaries: that we are just as much righteous by our remaining virtues before God as we are righteous by faith; and that works are able to merit eternal life.<sup>82</sup>

The matter of justification is one they are bound by Christian confession to uphold.

Concerning the Lord's Supper, they oppose the adiaphorists who allow for going back to the papistic style of the mass, which gives only the host to the laity and not the cup. Through this concession on the Lord's Supper, *the Confession* asserts that the adiaphorists are not only violating the sacrament but are also allowing for "an obvious opportunity for the restoration of all kinds of papistical abominations."<sup>83</sup>

Regarding matters of the church, *the Confession* asserts that Christ has given the power to preach the Word and administer the Sacraments to the church. However, the papists say that this power comes through a proper association with the Pope. As addressed earlier, the Interims required ordination to go through Rome. They viewed that this concession allowed for by the Interims as not only improper but as dangerous. "In this chapter it is obvious that they are equipping the council so that it may afterwards completely overturn the true religion for us."<sup>84</sup>

Finally, the doctrinal confession addresses the power of temporal authority, which they develop more fully in the next part of *the Confession*. They assert that God establishes temporal authority to bless society and the church.<sup>85</sup> In this section, the confessors argue what they believe to be the duty of temporal authority. They are to defend honest citizens and protect the teaching

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82. The Magdeburg Pastors, *The Magdeburg Confession*: 13th of April 1550 AD, 26.

83. The Magdeburg Pastors, *The Magdeburg Confession*: 13th of April 1550 AD, 34.

84. The Magdeburg Pastors, *The Magdeburg Confession: 13th of April 1550 AD*, 40.

85. The Magdeburg Pastors, *The Magdeburg Confession*: 13th of April 1550 AD, 41.

of true religion.<sup>86</sup> This understanding of government then allows them to add a stipulation to the obedience due to the government. “When magistrates and parents themselves lead their charges away from true piety and uprightness, obedience is not owed to them from the word of God.”<sup>87</sup>

The validity of this assertion will be addressed later in this thesis.

Through a summary of “The Principal Articles of Christian Doctrine,” the Magdeburg pastors show that they believed their writing to be primarily concerning proper Christian teaching. Addressing Christian doctrine allows *the Confession* to assert that this was a matter of “obeying God rather than men.”

### Concerning Resistance

The portion of *the Magdeburg Confession* that serves as an apology for political resistance constitutes the key presentation of the document. The Magdeburg pastors view this portion of *the Confession* as continuing Luther’s thought on political resistance. “The Magdeburg Confession is strikingly similar to Luther’s Warning to His Dear German People.”<sup>88</sup> At this point, it is right to remember who the document’s intended audience was. The Magdeburg pastors wrote it for Charles V and addressed resistance done by magistrates. *The Confession* states the driving force behind its argumentation in the following way. “It is now all the more needful that we should prove by our Defense whether a Christian magistrate can or ought to preserve his State and the Christian teachers and hearers in it against his own superior magistrate.”<sup>89</sup> They do not set forth the defense for political resistance to allow for chaos. The argumentation is regarding Christian

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86. The Magdeburg Pastors, *The Magdeburg Confession: 13th of April 1550 AD*, 41.

87. The Magdeburg Pastors, *The Magdeburg Confession: 13th of April 1550 AD*, 42.

88. Whitford, *Tyranny and Resistance*, 78.

89. The Magdeburg Pastors, *The Magdeburg Confession: 13th of April 1550 AD*, 49.

confession and rulers. *The Confession* presents three argumentations defending political resistance: the duty of the Magistrate based upon Rom 13, the proper understanding of what is owed to Caesar based upon Matt 22, and the historical precedent for resistance.

### ***The Duty of the Magistrate Based Upon Romans 13***

The key to the argumentation presented on Rom 13 is how the Magdeburg pastors translate Rom 13. They present Rom 13:3 as an instruction for magistrates. “The Magistrate is an ordinance of God for honor to good works, and a terror to evil works.”<sup>90</sup> However, if the magistrate does not follow this order instituted by God, they are doing the devil’s deeds. Therefore, in turn, those who resist the evil deeds of a magistrate are not resisting what God has ordained but rather the devil.<sup>91</sup> The Magdeburg pastors do limit this resistance. “But he who resists, it is necessary that he resist in his own station, as a matter of his calling.”<sup>92</sup> On these grounds, *the Confession* asserts that it is the duty of the lesser magistrate to resist the higher authority in the case of tyranny.

With concern for those who may abuse this teaching, *the Confession* lays out different levels of offense. The levels of offense are presented to help consider in what instances the lesser magistrates have the authority and duty to resist the higher authority.

The first level of injury is when the magistrate causes injury that is not “extremely atrocious, but remediable” because of their weakness.<sup>93</sup> The second level of injury is when the harm is done to an individual or a few and does not cause others to sin.<sup>94</sup> The third level of injury

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90. The Magdeburg Pastors, *The Magdeburg Confession: 13th of April 1550 AD*, 57.

91. The Magdeburg Pastors, *The Magdeburg Confession: 13th of April 1550 AD*, 57.

92. The Magdeburg Pastors, *The Magdeburg Confession: 13th of April 1550 AD*, 57.

93. The Magdeburg Pastors, *The Magdeburg Confession: 13th of April 1550 AD*, 58.

94. The Magdeburg Pastors, *The Magdeburg Confession: 13th of April 1550 AD*, 58.

is when the inferior magistrate is “forced to certain sin, that he is not able to suffer it without sin if defense is omitted.”<sup>95</sup> The final level of injury is when the tyrant persecutes the people’s rights and persecutes God.<sup>96</sup> The final two levels of injury are when the ruler is guilty of tyranny and can rightfully be resisted.<sup>97</sup> The argument presented here is that the higher magistrate has a duty from God; they can be resisted if their duty is neglected.

### ***The Proper Understanding of What is Owed to Caesar***

The argument concerning what is owed to Caesar uses Christ’s words in Matt 22 as a starting point for consideration. “So give back to Caesar what is Caesar’s, and to God what is God’s” (Matt 22:21). *The Confession* uses this section to assert that the affirmative statement is true in this statement from Christ and the negative. “The things which are God’s are not to be rendered unto Caesar.”<sup>98</sup> The justification for this line of thinking is presented in the way that Christians handle the Ten Commandments. The Ten Commandments give negatives, “Thou shalt not.” However, the affirmative can rightly be deduced from the Ten Commandments. If one is not to do this, they are to do that.

The logic of embracing the affirmative of Christ’s words is then used to assert the duty of the lesser magistrate. If a higher authority attempts to claim that which is not owed to him, like religion and human life, then the lesser magistrate is to refuse to grant such things.<sup>99</sup> The

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95. The Magdeburg Pastors, *The Magdeburg Confession: 13th of April 1550 AD*, 59.

96. The Magdeburg Pastors, *The Magdeburg Confession: 13th of April 1550 AD*, 59.

97. The Magdeburg Pastors, *The Magdeburg Confession: 13th of April 1550 AD*, 59.

98. The Magdeburg Pastors, *The Magdeburg Confession: 13th of April 1550 AD*, 63.

99. The Magdeburg Pastors, *The Magdeburg Confession: 13th of April 1550 AD*, 63-5.

argument presented here is that it is the duty of the lesser magistrate to resist the higher authority who tries to take that which is not due to them.

### ***The Historical Precedent for Resistance***

The third argument begins by establishing that the magistrate having the authority to rule with unchecked evil goes against the nature of God's ordinance of government and His purposes.<sup>100</sup>

They, however, assert that there are proper means through which God works to punish this evil.

*The Confession* asserts that this is the job of the lesser magistrate. "Last, we respond very simply and truly concerning the establishing and defending of the kingdom of Christ ... a pious magistrate's arms ought to serve the kingdom of Christ in the same ministry by defending the whole church against unjust persecution."<sup>101</sup> According to the pastors of Magdeburg, defending the church is not only the right of the lesser magistrate but the duty.

To defend that this sort of resistance was part of God's design, *the Confession* lists several historical examples of times when a lesser magistrate resisted their higher authority. The examples include Antiochus in 1 Maccabees, Jehu in 2 Kings, Asa in 1 Kings, and others. These examples are used to conclude the defense of political resistance on the part of the lesser magistrate based upon Scripture and natural law.

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100. The Magdeburg Pastors, *The Magdeburg Confession: 13th of April 1550 AD*, 67.

101. The Magdeburg Pastors, *The Magdeburg Confession: 13th of April 1550 AD*, 69.

### **Assertions of *the Magdeburg Confession***

This thesis has provided a summary of the majority of *the Magdeburg Confession*, the final section that concludes the *Confession* is an appeal for support.<sup>102</sup> This thesis will not address the last section in depth. It will now address two assertions of *the Confession* concerning political resistance. These two assertions are at the heart of *the Magdeburg Confession*. The assertions are woven throughout the sections of *the Magdeburg Confession*. The first assertion is that Magdeburg had a constitutional right to political resistance. The second assertion is that Magdeburg had a theological right to political resistance. The following section of this thesis will summarize these two assertions.

#### Constitutional Justification for Political Resistance

The primary constitutional justification for Magdeburg's right to resistance comes in the assumption that the inferior magistrate has the authority in German law to resist an unjust superior magistrate. *The Confession* asserts the inferior magistrate's right to resist "especially by the prerogative of our German Empire, according to which superiors and inferiors are mutually bound by certain laws and privileges."<sup>103</sup> This assumption is also expressed in terms of the inferior magistrate's office. The Magdeburg pastors asserted that the inferior magistrate had the right of the sword, although this right was not always to be utilized.<sup>104</sup> According to the Magdeburg pastors, within the structure of the Holy Roman Empire, the inferior magistrates, which included the council of a free city, had the power and authority to resist the emperor. This

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102. The Magdeburg Pastors, *The Magdeburg Confession of 1550 AD*, 73-87.

103. The Magdeburg Pastors, *The Magdeburg Confession of 1550 AD*, 80.

104. The Magdeburg Pastors, *The Magdeburg Confession of 1550 AD*, 58.

point did not need to be further developed as they “took for granted the right of the lesser magistrate to resist.”<sup>105</sup> The Lutherans had thoroughly presented the positive law defense in *the Torgau Declaration*.<sup>106</sup>

A second part of the constitutional justification was the duty of the superior magistrate. The superior magistrate was bound by an oath to uphold their duty to the citizens of the land. “The second level is that of atrocious and notorious injuries, as when a leader from a state, or Caesar from an individual leader wishes by unjust violence, contrary to his oath and the laws, to take away life, or spouse, or children, or privilege and sovereignty acquired by inheritance or law.”<sup>107</sup> The assumption presented is that in the constitutional arrangement of the empire, the emperor was bound to the empire and the people by an oath to follow the proper law of the land. In the minds of the Magdeburg pastors, it is a foregone conclusion that the emperor did not have unlimited power. If the superior magistrate broke his oath, he was the one at fault.

The authority of the lesser magistrate and the duties of the superior magistrate constitute the constitutional justification for resistance presented in *the Magdeburg Confession*. The constitutional justification for resistance was not the primary argument presented in *the Magdeburg Confession*. Although, an understanding of this underlying assumption is essential to understanding the doctrine of political resistance presented in *the Confession*. This argument was not drawn out more fully in *the Magdeburg Confession* because the jurists at Torgau in 1530 established constitutional rights to resistance. The rights were found in both the view of electors as governing authorities with the emperor and found in the individual’s right for self-defense.<sup>108</sup>

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105. Whitford, *Tyranny and Resistance*, 78.

106. Whitford, *Tyranny and Resistance*, 78.

107. The Magdeburg Pastors, *The Magdeburg Confession of 1550 AD*, 58.

108. Whitford, “The Duty to Resist Tyranny,” 91.

This argument was settled in the minds of the Lutherans. Therefore, the Magdeburg pastors did not need to spend excessive time on the matter.

### Theological Justification for Political Resistance

The primary argument presented in *the Confession* was a theological justification for political resistance. The argument for a theological justification for political resistance is made through two key parts. The first part is God's design for the role of governing authorities. The second part is based upon the natural law that God has established to govern society. This thesis will address these two parts of the theological justification in more detail.

#### ***God's Design for Governing Authorities***

*The Confession* concedes that God's will is that governing authorities are to be obeyed.<sup>109</sup>

However, the governing authority is limited according to God's institution of government. The Magdeburg pastors use Rom 13 to assert that God has designed the governing authorities to rule for good, not evil. Further, the governing authority cannot demand that which is not due to them. They base this argument on Jesus' words in Matt 22. Two examples of these limits presented in *the Confession* are that the governing authority cannot prevent the proclamation of true religion, and the government cannot unjustly end life.<sup>110</sup> By God's design, the superior magistrate has a responsibility in their ruling and has limits on their ruling. If they go against God's design, they are no longer an ordinance from God but the devil and can rightly be resisted.<sup>111</sup>

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109. The Magdeburg Pastors, *The Magdeburg Confession of 1550 AD*, 52.

110. The Magdeburg Pastors, *The Magdeburg Confession of 1550 AD*, 64-5.

111. The Magdeburg Pastors, *The Magdeburg Confession of 1550 AD*, 57.

In instances where these injustices occur, the lesser magistrate must work within their role given by God to resist the unjust authority.<sup>112</sup> This resistance is to come from “the lowest of the lowest magistrates with whatever power they have.”<sup>113</sup> If the superior magistrate gravely goes against God’s law, the lesser magistrate has the duty to resist their superior. According to the Magdeburg pastors, this is God’s design for governing authorities, allowing for political resistance.

### *Natural Law*

An argument could be made to move the natural law argument out of the theological justification for resistance into its own category. However, due to the Christian faith informing the authors of *the Magdeburg Confession* and their argumentation, the arguments concerning natural law fit well under the category of theological justifications. God created the world and established these natural laws to which they appeal. The Magdeburg pastors cite natural law as something different from divine law in some instances. “Certainly, they all know, and ought to know, by divine law, natural law, and human law.”<sup>114</sup> However, they do not fully define natural law in their writing. The writers expect the reader to know what natural law is and affirm its legitimacy.

The Magdeburg pastors use the example of Trajan to show that resisting a corrupt ruler is demanded by natural law. They recount the following story concerning Trajan. “When he appointed a Master of the Horse for himself, he handed a sword to him, saying, ‘Use this sword against my enemies, if I give righteous commands; but if I give unrighteous commands, use it

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112. The Magdeburg Pastors, *The Magdeburg Confession of 1550 AD*, 57.

113. The Magdeburg Pastors, *The Magdeburg Confession of 1550 AD*, 60.

114. The Magdeburg Pastors, *The Magdeburg Confession of 1550 AD*, 47.

against me.’ This saying is celebrated and is truly of the law of the nature, that is, of divine law.”<sup>115</sup> According to the Magdeburg pastors, it is part of the rules of nature that governing authority is to rule justly. If they do not follow this law of nature, it is also part of the rules of nature that one can resist them.

These two parts, God’s design for governing authorities and natural law, constitute the theological justifications for political resistance found in *the Magdeburg Confession*. God has explicitly given the responsibility to governing authorities to rule. This responsibility comes with a duty to rule by God’s law. God has also engrained this responsibility of the governing authority into the laws of nature. When a governing authority acts against this design or expectation from natural law, they no longer serve as a legitimate authority.

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115. The Magdeburg Pastors, *The Magdeburg Confession of 1550 AD*, 72.

#### PART IV: ANALYSIS OF THE ASSERTIONS MADE IN *THE CONFESSION*

Now that this thesis has provided a summary of *the Magdeburg Confession of 1550*, this thesis will analyze the assertions made in *the Confession* for their legitimacy. *The Confession's* defense for political resistance is built upon two key justifications: a constitutional and a theological justification for political resistance.

##### **Analysis of the Constitutional Justification for Political Resistance**

Although the constitutional justification is not explained in detail in *the Magdeburg Confession*, the constitutional justification is essential to the legitimacy of Magdeburg's resistance, as they appeal to the authority of a lesser magistrate and the responsibility of a superior magistrate.

Explaining the purpose of their writing, they assert that the defense for resistance is a defense for the ability of a lesser magistrate to resist a superior magistrate.<sup>116</sup> The resistance advocated for is a religious and political matter.

Did Magdeburg have the constitutional authority to resist the empire? It has been established that the constitution of the Holy Roman Empire is ambiguous. What can be said in regards to what is known? If it is granted that Magdeburg was self-aware and correct about its status as an imperial free city, their resistance has legitimacy in a political sense. The Magdeburg pastors were following the example of the Schmalkaldic League and the decisions made at Torgau. They did not disagree with previous Lutheran thought by adhering to this

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116. The Magdeburg Pastors, *The Magdeburg Confession of 1550 AD*, 7.

constitutional defense for political resistance. The support of this type of constitutional defense is seen in a writing by Luther and other Lutheran scholars in 1530.

We are in receipt of a memorandum from which we learn that the doctors of law have come to an agreement on the question: In what situations may one resist the government? Since this possibility has now been established by these doctors and experts in the law, and since we certainly are in the kind of situation in which, as they show, resistance to the government is permissible, and since, further, we have always taught that one should acknowledge civil laws, submit to them, and respect their authority, inasmuch as the gospel does not militate against civil laws, we cannot invalidate from Scripture the right of men to defend themselves even against the emperor in person, or anyone acting in his name.<sup>117</sup>

Previous Lutheran thinking established that the laws of the German lands allowed for political resistance in certain circumstances.

Further, if the Magdeburg pastors correctly understood the laws of their land and time, they were not against biblical precedent either. Suppose this is the case, which for the sake of argument will be granted. In that case, the Magdeburg pastors' advocacy for rebellion is merely working within the structure of the God-ordained government in which they lived and not against it.

Scripture presents an example of a believer utilizing the structure of their government. The Apostle Paul used his Roman citizenship in Acts 22 to avoid unjust treatment from governmental workers. As Paul was about to be flogged, he asked the question, "Is it legal for you to flog a Roman citizen who hasn't even been found guilty?" (Acts 22:25). Paul avoided flogging by exercising his rights as a Roman citizen. Paul knew his rights as a Roman citizen and exercised those rights. If the Magdeburg pastors understood their situation correctly, their constitutional argument is similar. The city of Magdeburg has a constitutional right to political resistance, and the city is then exercising that right.

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117. AE: 47, 8.

### **Analysis of the Theological Justification for Political Resistance**

The defense of political resistance presented by the Magdeburg pastors in *the Magdeburg Confession of 1550* hinges upon their theological argumentation. This thesis will examine three aspects of their theological justifications for their legitimacy. The pastors assert a defense of resistance based upon Rom 13. They set a limit upon governing authorities based upon Matt 22. Finally, they establish a limit for governing authorities based upon natural law.

#### **Resistance Based Upon Romans 13**

The Magdeburg pastors use Rom 13 as one of their sections of Scripture to defend political resistance. From Rom 13, they gain an understanding of a divine expectation for the responsibility of governing authorities. They assert that a governing authority who fails to uphold this responsibility is no longer an ordinance of God. Further, they assert that the vocation of a lesser magistrate allows for this lesser magistrate to resist a higher authority. This thesis will analyze their arguments based upon Rom 13 for their legitimacy.

#### ***The Responsibility of Governing Authorities***

The most controversial aspect of this argument comes in the pastors' handling of Rom 13. Based upon Rom 13, they assert, "The Magistrate is an ordinance of God for honor to good works, and a terror to evil works."<sup>118</sup> The immediate context of Rom 13 is an exhortation toward Christian citizens to obey their governing authorities. Is it appropriate for the Magdeburg pastors to use Rom 13 to assert the duty of the governing authority? To answer this question, this thesis will analyze the context of Rom 13 and the legitimacy of the implied message in Rom 13.

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118. The Magdeburg Pastors, *The Magdeburg Confession of 1550 AD*, 57.

### The Context of Romans 13

The Magdeburg pastors' idea that a magistrate is to be an honor for good and terror for evil comes from Rom 13:3, which the NIV translates as, "For rulers hold no terror for those who do right, but for those who do wrong. Do you want to be free from fear of the one in authority? Then do what is right and you will be commended." Considering the immediate context of Rom 13:1-2, Paul is encouraging Christians not to rebel against governing authorities. God has established the governing authority. Those who rebel against the governing authority will receive judgment. What are the means through which they will receive judgment? As Rom 13:3 explains, the governing authority is the one who will bring judgment upon those who rebel against its God-ordained authority. The fact that a governing authority brings judgment creates an appropriate fear for lawbreakers. This truth is expanded upon in Rom 13:4, "For the one in authority is God's servant for your good. But if you do wrong, be afraid, for rulers do not bear the sword for no reason. They are God's servants, agents of wrath to bring punishment on the wrongdoer." The response of the governing authority to evil is one reason why it is necessary to submit to governing authorities (Rom 13:5). The immediate context of Rom 13 communicates the responsibility of citizens to obey their governing authorities. Paul is not advocating for political resistance.

### The Legitimacy of Applying an Implied Message from Romans 13

In the immediate context of Rom 13, the message is not intended to give instructions to ruling authorities. To work around the primary message of Rom 13, the pastors deduce an implied understanding from Rom 13. The Magdeburg pastors take this exhortation for citizens and assert an implicit message intended for the governing authorities. If they are a God-ordained authority,

they are a terror for evil, not good. Is the assertion of this implicit message valid? This thesis will establish a Lutheran precedent for asserting implicit messages from Scripture.

### The Lutheran Precedent for Applying an Implied Message<sup>119</sup>

Applying an implicit message based upon a command for believers is not without precedence in Lutheran thinking. Luther explains the responsibilities of parents based upon the fourth commandment in his *Large Catechism*.

Although their responsibility is not explicitly presented in the Ten Commandments, it is certainly treated in detail in many other passages of Scripture. God even intends it to be included precisely in this commandment... Instead, they should keep in mind that they owe obedience to God, and that, above all, they should earnestly and faithfully discharge the duties of their office, not only to provide for the material support of their children... but especially to bring them up to the praise and honor of God.<sup>120</sup>

Luther, here, shows the validity of taking an implicit message from Scripture. Not only does Luther assert that this implicit message is found elsewhere in Scripture, but “God intends it to be included.” Luther set a precedent. Is it fair for the Magdeburg pastors to apply this practice to Rom 13? This thesis will look to another section of Scripture that could be used to apply responsibility to governing authorities to answer this question.

### Expectations for Christian Submission in Ephesians 5 and 6

Although the dual responsibility to both the head and those who are to submit in Eph 5 and 6 is not explicitly applied to governing authorities, this section may provide a defense for deducing

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119. The example of Luther in the Large Catechism was brought to the author’s attention in a blog written by Ryan Macpherson. Ryan Macpherson, “The Magdeburg Interpretation of Romans 13: A Lutheran Justification for Political Resistance,” *Hausvater Project*, July 2016, <https://www.hausvater.org/articles/336-the-magdeburg-interpretation-of-romans-13-a-lutheran-justification-for-political-resistance.html>

120. The Large Catechism, The Fourth Commandment, 167-168 in Robert Kolb and Timothy J. Wengert, eds., *The Book of Concord: The Confessions of the Evangelical Lutheran Church* (Minneapolis: Fortress Press, 2000), 409.

an implicit message in Rom 13. While addressing relationships where submission is required, Paul explains the responsibility for those in a position of authority. Husbands are to “love your wives” (Eph 5:25). Fathers are to bring up their children “in the training and instruction of the Lord” (Eph 6:4). Masters are to treat their slaves with respect and not threaten them (Eph 6:9).

This submission, however, is to be done “out of reverence for Christ” (Eph 5:21). These instructions are made explicitly in the realm of a Christian household. This section may not apply in a context where a governing authority is not a Christian and would not have their relationship with God in mind. However, the Magdeburg pastors are writing to an authority they presuppose is a Christian.

But first we call Charles Caesar (Charles V) to witness, our most merciful lord, that you not allow the popish forces so to abuse your majesty and power to expel, nay rather, to crucify Christ – Christ who, since He Himself has given you this most prosperous kingdom that you have, is now your guest in it, poor, rejected, and full of troubles in His members.<sup>121</sup>

Charles V would be expected to rule informed by his Christian faith as a Christian. Therefore, based on exhortations in Eph 5 and 6, he could be expected to govern in line with God’s implied expectations for governing authorities.

### Scholarship on Romans 13

The Magdeburg pastors are not unique in applying an implied duty for governing authorities from Rom 13. David Kuske in his commentary on Rom asserts the following based upon Rom 13:3, “High officials (cf. οἱ ἄρχοντες) might be tempted to feel that they can judge any old way they choose. God does not want rulers to judge people by their looks or their social status or any

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121. The Magdeburg Pastors, *The Magdeburg Confession of 1550 AD*, 50.

such outward standard but only by what they do, good or bad.”<sup>122</sup> Kuske asserts a responsibility for ruling from this section.

Douglas Moo follows a similar line of thought in his commentary on Rom 13. “For the purpose of his argument at this point, Paul is assuming that the laws of the state embody those general moral principles that are taught in the word of God. The ‘evil’ that the civil authorities punish, therefore, is evil in the absolute sense: those acts that God himself condemns as evil.”<sup>123</sup> In Moo’s thinking, a governing authority is expected to rule based upon God’s moral law.

R.C.H. Lenski also deduces an implied responsibility for governing authorities in his commentary on Rom 13. “The point is that God wants the rulers everywhere to be what Paul states; they are that by his appointment.”<sup>124</sup> He, however, concedes that governments fail to fulfill this responsibility. “The fact that rulers fail in this primary function is an incident that is not discussed here.”<sup>125</sup> Lenski asserts that they condemn themselves when they do not uphold justice.<sup>126</sup> These three scholars support the practice of applying an implied duty for governing authorities based upon Rom 13, which is not only for Christians.

### Summary of the Analysis of The Responsibility of Governing Authorities

Based upon the context of Rom 13, Paul is not writing to governing authorities. However, there is precedence for deducing implied messages from Scripture, as seen in Luther’s handling of the

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122 David Kuske, *A Commentary on Romans 9–16*, (Milwaukee: NPH, 2014), 220.

123 Douglas Moo, *The Epistle to the Romans, NICNT*, (Grand Rapids: Eerdmans, 1996), 802.

124. R.C.H. Lenski, *The Interpretation of St. Paul’s Epistle to the Romans*, (Columbus: Wartburg, 1945), 789.

125. Lenski, *Romans*, 789.

126. Lenski, *Romans*, 789.

fourth commandment. The content of this implied message is not devoid of biblical precedence either. In Eph 5 and 6, Paul explains the responsibility of those who are to submit to authority figures and the responsibility of those who are in a position of authority. However, both of these instances justify the implied message of Rom 13 found by the Magdeburg pastors in the case that the person of authority is a Christian. In the Holy Roman Empire's context, the governing authority was a Christian and could be expected to obey God's proper design for governing authorities.

Scholarship on Rom 13 has reached the same conclusion as the Magdeburg pastors. Rom 13 provides an expectation for governing authorities to rule and uphold justice properly. In the sources consulted, there is no concession for non-Christian governments. This is an expectation for government in general. Based upon the previous point, the implied duty for governing authorities presented in *the Magdeburg Confession of 1550* is legitimate.

### ***The Governing Authority Ceases to be an Ordinance of God***

The Magdeburg pastors build upon the implied duty for governing authorities with a further assertion. The governing authority which no longer fulfills its duty to God ceases to be an ordinance of God and becomes an ordinance of the devil.<sup>127</sup> This idea presented by the Magdeburg pastors goes contrary to the flow of thought of Rom 13. The intention of Rom 13 is to explain the duty of citizens for obedience and gives no explicit permission to disobey an ungodly authority. Paul merely asserts that the governing authority comes from God. Paul asserts, "there is no authority except that which God established" (Rom 13:1). God establishes a sinful authority. Their sinful deeds are allowed by God. He even works through immoral

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127. The Magdeburg Pastors, *The Magdeburg Confession of 1550 AD*, 57.

governments as he works through all things, as Paul explains in Rom 8:28. To call an erring government no longer an ordinance of God makes God sound passive. However, this is not to say that a Christian must obey a sinful authority.

### *The Duty of the Lesser Magistrate*

A governing authority that does evil still has been established by God. Does this mean that this ruler cannot be resisted? That is not a fair conclusion to draw. The concession added by the Magdeburg pastors concerning who can rebel redeems their line of argumentation. “But he who resists, it is necessary that he resist in his own station, as a matter of his calling.”<sup>128</sup> The Magdeburg pastors’ argumentation continues from this thought. Essentially, a lesser magistrate also has a calling to uphold, the calling to be “an ordinance of God for honor to good works, and a terror to evil works.”<sup>129</sup>

The Magdeburg pastors explain political resistance in terms of vocation. God placed the lesser magistrates into a position of authority and responsibility as well. They, too, have a duty to the land and the people. The implicit message taken from Rom 13 applies to the lesser magistrate and the superior authority.

But if, of the inferior magistrates, the more important and the greatest number themselves also neglect to do their duty, they admit a great crime by their negligence alone, nor does the example of those men either excuse the other magistrates (lesser and fewer) in the sight of God, or encumber them, that they should not be individually under an obligation to persevere in doing the office of a magistrate, each in his own place and way.<sup>130</sup>

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128. The Magdeburg Pastors, *The Magdeburg Confession of 1550 AD*, 57.

129. The Magdeburg Pastors, *The Magdeburg Confession of 1550 AD*, 57-58.

130. The Magdeburg Pastors, *The Magdeburg Confession of 1550 AD*, 57-58.

The superior authority's negligence to fulfill their duty does not rid the lesser magistrate of their duty. They are to be a terror to evil, even if this evil comes from the higher authority. The lesser authority can use their position of influence for good in this instance. The vocation of the lesser magistrate and the power given them in the constitutional structure of the Holy Roman Empire allows for both an ability and defense for biblical political resistance.

### ***Summary of the Analysis of the Handling of Romans 13***

The Magdeburg pastors gain from Rom 13 an implicit message regarding the duty of a magistrate. The magistrate is to be a terror for evil and honor to good works. There is precedence in gaining an implicit message from Scripture as the Magdeburg pastors did with Rom 13. Current scholarship supports the interpretation of the Magdeburg pastors concerning the duty of magistrates from Rom 13. A failure to uphold this implied responsibility does not cause a magistrate to cease to be an ordinance from God. But, as the pastors highlight, a lesser magistrate, too, has this responsibility which may require the lesser magistrate to resist the higher authority.

### Resistance Based Upon Matthew 22

The next aspect of the Magdeburg pastor's theological justification for political resistance that will be analyzed is their utilization of Jesus' words in Matt 22. The argumentation based upon Matt 22 is similar to the argumentation based on Rom 13. The Magdeburg pastors limit governing authorities based on a "clear inference"<sup>131</sup> from Matt 22. Jesus says, "So give back to

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131. The Magdeburg Pastors, *The Magdeburg Confession of 1550 AD*, 63.

Caesar what is Caesar's, and to God what is God's" (Matt 22:21). The Magdeburg pastors summarize their position in the following way.

When Christ commands, with an affirmative and by clear inference, that the things which are Caesar's are to be rendered unto Caesar, and the things which are God's to be rendered unto God, we rightly infer from the affirmative a negative... And so by the force of this precept, the things which are God's are not to be rendered unto Caesar, just as the Apostles hand down this rule and precept, "We must obey God rather than men."<sup>132</sup>

This thesis has already established the legitimacy of deducing implicit messages from Scripture.

The question that will be addressed here is whether or not the implicit message taken by the Magdeburg pastors is genuinely present in Matt 22. This thesis will answer this question by studying the context of Jesus' words in Matt 22, considering current scholarship on the section, and analyzing the argument presented.

### ***The Context of Matthew 22***

The section of Matthew's Gospel in which Jesus speaks the words often quoted as "give to Caesar what is Caesar's and give to God what is God's" begins with the Pharisees attempting to trap Jesus with a difficult question. The Pharisees intended to put Jesus in a situation where he could not appease all those listening to his answer. They asked him, "Is it right to pay the imperial tax to Caesar or not?" (Matt 22:17). If Jesus said yes, the Jews would be angered as he was supporting the Roman government. If Jesus said no, others would be angered as he would be advocating against the government. Answering this question, Jesus spoke his famous words.

The purpose of Jesus' answer was twofold. He established the God-given authority of the government, which includes the right to levy taxes. Further than that, Jesus established that the citizen of the land owes to the governing authority that which is asked by the governing

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132. The Magdeburg Pastors, *The Magdeburg Confession of 1550 AD*, 63.

authority. The second purpose was to establish God's authority as not opposed to His established, earthly authorities. A follower of God can both give to Caesar and give to God. In the example raised by the Pharisees, a believer has an obligation to both God and government. This is the message that Jesus was communicating to those who were listening.

Based upon the context of Jesus' words in Matt 22, the point is not to justify political resistance. Jesus' words are communicating the opposite. He is answering a question regarding the authority of the civil government and affirming the government's authority. He is expressing the necessity to obey the governing authorities. A justification of political resistance is outside the scope and purpose of Jesus' words in Matt 22. Does this then mean that the inference from the Magdeburg pastors is inappropriate? It would not be fair to call their inference inappropriate either.

An argument could be made that Jesus is advocating not to give Caesar what he is not due by saying give to God what is God's. G.J. and M.J. Albrecht raise a consideration of the inscription on the Roman coin in their popular commentary on Matthew. "When Jesus distinguished between what we owe to the government and what we owe to God, he was in disagreement with the inscription that appeared in Latin on the Roman denarius, 'Tiberius Caesar Augustus, son of the divine Augustus.'"<sup>133</sup> The Albrechts continue to say that Jesus was providing the basis for later Christian martyr's refusal to worship the emperor.<sup>134</sup> This argument is undoubtedly thought-provoking but does not seem to align with the main point of Jesus' words. This thesis will consult four professional commentaries for their understanding of Jesus'

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133 G.J. Albrecht and M.J. Albrecht, *Matthew, The People's Bible*, (Milwaukee: NPH, 1997), 313.

134 Albrecht et al, *Matthew*, 313.

words in Matt 22 to analyze the legitimacy of the Magdeburg pastor's application of Matt 22 toward political resistance.

### ***Scholarship on Matthew 22***

In his commentary on Matt regarding this section, Craig Bloomberg does not view Jesus as advocating for political resistance. He explains that Jesus is saying two things, "God's sovereignty must be acknowledged, but human governments also have a legitimate authority."<sup>135</sup> He even explains that Jesus was not a political revolutionary.<sup>136</sup> However, he concedes that this section "does not provide a comprehensive treatment of the relationship between Christians and the government."<sup>137</sup>

R.C.H. Lenski, in his commentary on Matt, also addresses this section and mentions no defense for political resistance through Jesus' words. Lenski asserts, based upon Jesus' words, "The things that are Caesar's include, not only tribute, but fear and honor likewise. Whether any government makes this easy for us or hard makes no difference."<sup>138</sup> In fact, Lenski explains that the fact that Jesus speaks of both giving to Caesar and God connects the two concepts. "These are no alternatives, they harmonize, yea, more; in giving to God what is God's we will for his sake give to the ruler what is his."<sup>139</sup>

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135. Craig L. Bloomberg, *Matthew*, NAC, (Nashville: Broadman, 1992), 331.

136. Bloomberg, *Matthew*, 332.

137. Bloomberg, *Matthew*, 332.

138. R.C.H. Lenski, *Interpretation of St. Matthew's Gospel*, (Columbus: Lutheran Book Concern, 1932), 843.

139. Lenski, *Matthew*, 843-844.

R.T. France, in his commentary, explains that Jesus is affirming the authority of the government. He presents a principle that will be more fully explained in Rom 13:1-7 and 1 Pet 2:13-17.<sup>140</sup> A believer can both obey God and the government. France believes that through his words, Jesus asserts that “it is possible to pay one’s dues both to the emperor and to God, to be both a dutiful citizen and a loyal servant of God.”<sup>141</sup> France does concede that the governing authorities do, at times, oppose the will of God. “But Jesus’ teaching here is that, contrary to his questioners’ assumption, that situation is not the norm.”<sup>142</sup> Despite the possibility of government corruption, France sees the purpose of Jesus’ words as affirming the government’s authority.

Jeffrey Gibbs, in his commentary, states that applying Jesus’ words to how a Christian is to relate to the government “obscures the heart of what Jesus is saying to his opponents.”<sup>143</sup> Gibbs asserts that Jesus is altering “the terms of the conversation, exposing the question for the fraud that it is and confronting the Pharisees with a question of real importance. That question is this: are they giving to their God what they should be giving to him?”<sup>144</sup> Gibbs does not see it appropriate to apply this question to current-day questions of the relationship between church and state.<sup>145</sup> Gibbs seems to explain away the clear understanding of Jesus’ words.

Three of the four professional commentaries consulted expressed the purpose of Jesus’ words in Matt 22 as affirming the government’s authority. The Christian owes obedience to these

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140. R.T. France, *The Gospel of Matthew, NICNT*, (Grand Rapids: Eerdmans, 2007), 830.

141. France, *Matthew*, 831.

142. France, *Matthew*, 831.

143. Jeffrey A. Gibbs, *Matthew 21:1-28:20, CC*, (St. Louis: CPH, 2018), 1119.

144. Gibbs, *Matthew 21:1-28:20*, 1121.

145. Gibbs, *Matthew 21:1-28:20*, 1125.

God-given authorities. Gibbs, who strays from this opinion, does not express a view similar to the arguments made by the Magdeburg pastors.

***Analysis of the Justification for Resistance Based upon Matthew 22***

The context of Jesus' words in Matt 22 shows that his words were meant to communicate an obligation to the government, not a right for resistance. Scholarship on Matt 22 agrees that this is the purpose of Jesus's words. The question remains, do the Magdeburg pastors present a legitimate inference based upon Matt 22?

Indeed, the Magdeburg pastors' conclusion is true to an extent. A governing authority trying to receive worship intended for God would require that which does not belong to them. Peter's words in Acts 5:29, "We must obey God rather than men," shows that this is an exception to give to Caesar what is Caesar's. This concept further applies to anything the governing authority asks of its citizens, requiring sin. The Magdeburg pastors present this argument based upon Matt 22. "So when Caesar demands what is his, or what is owed to him, so that he may snatch things that are necessarily bound up with it that belong to God or others, and they cannot be given him without sin, then the clear inference orders us also to deprive Caesar of the things which are his or which are owed to him."<sup>146</sup> These examples provide clear instances when the governing authority can be resisted.

Although a defense for political resistance is not the main point of Jesus' words in Matt 22, the Magdeburg pastors' inference is legitimate. The examples they provide of Caesar requiring sin or human life are clear examples where Caesar must not be rendered what he asks. A clear section of Scripture, Acts 5:29, defends this idea.

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146. The Magdeburg Pastors, *The Magdeburg Confession of 1550 AD*, 64.

The Magdeburg pastors' conclusion also falls in line with sanctified human wisdom. To emphasize their point, the Magdeburg pastors use the example of a father who tries to prostitute his daughter. In this circumstance, the mother and daughter would disobey the father. Instead, "they would drive him off with stones."<sup>147</sup> In the presented circumstance, the father would require his daughter to sin if she were to obey him. A sensible person would realize the daughter should disobey her father in this instance. This example which should not raise objection is used to highlight the same truth at the level of government. A government that is attempting to abolish true religion<sup>148</sup> is not to be obeyed "because the duties owed, when they come with injury to God and others, and joined with sin, ought not to be paid to anyone, not even to a father or a magistrate."<sup>149</sup>

It needs to be mentioned that the true religion of God was at risk in the context of *the Magdeburg Confession*. Through the Interims, which were mentioned earlier in this thesis, the empire was forcing the Lutherans to practice the false practices of the Roman Catholic Church. Even some of these matters that were adiaphora had risen to the level of doctrine due to the involved confession, which is supported by the later conclusions of "Article X" of *the Formula of Concord*.<sup>150</sup>

Through their argumentation based upon Matt 22, the Magdeburg pastors justify political resistance. Their conclusion, which leads to their justification, is not the main point of Jesus' words in Matt 22. However, they draw a proper inference from other scriptural principles and

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147. The Magdeburg Pastors, *The Magdeburg Confession of 1550 AD*, 64.

148. The Magdeburg Pastors, *The Magdeburg Confession of 1550 AD*, 64.

149. The Magdeburg Pastors, *The Magdeburg Confession of 1550 AD*, 64.

150. Epitome to Formula of Concord, X in Robert Kolb and Timothy J. Wengert, eds., *The Book of Concord: The Confessions of the Evangelical Lutheran Church* (Minneapolis: Fortress Press, 2000), 515-6.

sanctified human wisdom. The context of *the Magdeburg Confession* strengthens their justification, as their resistance was a matter of upholding true religion.

### Resistance Based Upon Natural Law

Part of the explicit argumentation offered by the Magdeburg pastors in *the Magdeburg Confession* are arguments for resistance based upon natural law. The assumption of the authority of natural law is also present throughout *the Confession*. Are the Magdeburg pastors correct in asserting the right for political resistance based upon natural law? This thesis will now analyze the definition of natural law and a natural law defense for political resistance.

#### *Natural Law*

According to *the Lutheran Cyclopedia*, natural law in Lutheran theology is “a remnant of the knowledge with which man was created. Because man’s awareness of natural law was obscured by sin, God gave man the decalog and elaborated on it in the Bible.”<sup>151</sup> Ryan Macpherson presents an understanding of natural law from the Apostle Paul in Acts 17:24, 30. He asserts that natural law is the idea that “‘all people everywhere’ are subject to divinely established moral standards.”<sup>152</sup> This thesis will utilize these two understandings of natural law to provide a working definition of natural law. God has provided laws that are true for all people. These laws are written on their hearts. These laws can be obscured, but all people are to obey these divinely appointed moral laws.

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151. “Natural Law,” in *Lutheran Cyclopedia: A Concise in-Home Reference for the Christian Family*, ed. Erwin Lueker, (St. Louis: CPH, 1975), 568.

152 Macpherson, “Natural Law in the Lutheran Reformation,” 13.

The question now remains, is the right to resist authority contained within natural law? If it is accepted that the Ten Commandments contain the natural law, the fourth commandment is the commandment that would explain a citizen's relationship with authority. As was explained earlier in this thesis, in Lutheran thinking, the fourth commandment contains the exhortation for those under authority and responsibility for those in a position of authority. Natural law would then include the responsibility of a governing authority to rule properly.

Another issue that pertains to this conversation is the possible transgressions against natural law that could come from the governing authority. Within natural law is the expectation that one should not take another's life. This expectation of natural law is presented in the fifth commandment. Natural law expects that a person not only refrains from murder but also protects another's life. This would provide an example in which natural law would allow for resistance against the governing authority. If the governing authority did not hold to the expectation for them to properly rule and were looking to take a life wrongfully, this would be a violation of natural law. Luther and the other Lutheran theologians appealed to this flow of thought according to natural law as they allowed for the forming of the defensive league, the Schmalkaldic League.<sup>153</sup>

The question remains whether the Magdeburg pastors were facing a matter governed by natural law. To this question, this thesis answers in the affirmative. If it is granted that the Ten Commandments are natural law for the most part, part of natural law includes the ability to worship the true God. This aspect of natural law is presented in the first commandment. Implicit in the command, "you shall have no other gods," is the assumption that a person worships the true God. Scripture affirms the natural knowledge of God and asserts that this natural knowledge

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<sup>153</sup> Macpherson, "Natural Law in the Lutheran Reformation," 18.

of God leaves unbelievers without excuse when it comes to the judgment they receive. The natural laws of morality that God has established expect that a person worships him. This, however, is to say nothing of natural man's ability to worship the true God. The bondage of the will is outside of the scope of this thesis. Based upon Scripture and the presented definition of natural law, this thesis will assert that natural law includes the duty to worship the true God.

Since natural law includes the responsibility to worship the true God, the logical argumentation concerning resistance would be similar to the argument presented regarding murder. If a governing authority is restraining a believer from worshipping the true God, this would violate natural law. The governmental authority would also be violating their natural law expectation to rule correctly. Therefore, one would then be justified to resist a governing authority that is limiting the worship of the true God based upon natural law.

### **Summary of the Analysis of the Justification for Political Resistance**

Based upon the constitutional and theological defenses for political resistance presented in *the Magdeburg Confession of 1550*, the Magdeburg pastors present a well-reasoned, scriptural justification for political resistance. This assessment grants that the Magdeburg pastors accurately knew their political situation. If they were correct concerning the authority of their city council, their city had the constitutional right to resist the empire. The theological defenses are biblically backed. The Magdeburg pastors' usage of Rom 13 and Matt 22 does not present the main point of the specific passages in context. However, they deduce inferences based upon these sections that are both in line with Scripture and sanctified human wisdom. Further, their appeal to natural law provides a strong defense for political resistance if an emperor becomes tyrannical.

### A Defense for Biblical Political Resistance

This thesis assessed the pertinent information regarding *the Magdeburg Confession*. The context has been established. The events leading up to the writing of *the Confession* have been recounted. *The Confession* has been summarized. The assertions have been evaluated. Now the driving question behind this thesis remains. Does *the Magdeburg Confession of 1550* provide an avenue for biblical political resistance? In short, the answer is yes. However, this thesis must explain this answer.

The arguments presented by the Magdeburg pastors are highly contextual. *The Confession* was written by a certain group of people concerning a certain course of events. *The Confession* is a political document as it is a theological document.<sup>154</sup> In part, the theological arguments came from the assumption that they had a political right for resistance. The doctrine for resistance presented by the Magdeburg pastors is a form of interposition. The pastors are making a case for the right for lesser magistrates to resist a superior magistrate. The resistance is not merely religious. Further, although pastors write this defense, it is written on behalf of a city concerning the city's resistance against an action taken by the imperial government. One will be careful to consider the political nature of this *Confession* while establishing truths from it.

The underlying assumptions of the Magdeburg pastors cannot be forgotten either. The assumption was that Charles V was a Christian. The plea in *the Confession* is made under this assumption. The American concept of the separation of church and state did not apply to the Magdeburg pastors. Due to the underlying belief that he was a Christian, specific arguments concerning his duties as a magistrate could be more easily made.

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154. Johnston, *The Devil behind the Surplice*, 69.

The theological arguments presented in *the Confession* agree with a Scriptural understanding of political resistance. However, the sections of Scripture used by the Magdeburg pastors are used to establish a meaning that is not the primary intent of the statements made in Scripture. Rom 13 is intended to communicate the Christian's responsibility to obey the government. Jesus' words in Matt 22 are intended to affirm the government's authority, which is not in conflict with God's authority. To defend Christian resistance based on these sections of Scripture does not follow their original purposes.

The Christian can use reason to deduce an implied message based upon Scripture. Luther implies a duty for parents based upon the fourth commandment, which, in context, strictly speaks to the duty of a child to obey their parents. The implied messages gained from these sections of Scripture by the Magdeburg pastors agree with truths presented in Scripture and natural law.

Primarily *the Magdeburg Confession* presents a biblical avenue for political resistance because of the nature of the resistance they are advocating. They advocate for obedience when it is proper, "we will gladly render obedience – as much as we are able and we owe you."<sup>155</sup> Disobedience to the government was not something for which they actively searched. "You also will force peaceful and righteous men to take up a necessary defense against your implacable and unjust savagery."<sup>156</sup> The pastors do not advocate for a hastily made decision for resistance. Instead, they even make a case for several abuses that can be suffered.<sup>157</sup>

Finally, *the Magdeburg Confession* provides a biblical avenue for resistance because it follows Peter's words in Acts 5:29. "We must obey God rather than men." *The Confession* is not

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155. The Magdeburg Pastors, *The Magdeburg Confession of 1550 AD*, 52.

156. The Magdeburg Pastors, *The Magdeburg Confession of 1550 AD*, 53.

157. Note the previous explanation of the levels of injustice.

speaking to offenses made against individuals or personal preferences, but rather offenses made against the gospel. “But this doctrine which we hand down about the legitimate defense of a lower magistrate against a superior one who seeks the extirpation of the Gospel and the true Church.”<sup>158</sup> The Magdeburg pastors were defending the teaching of God’s Word. The situation they were put in was one where they would need to sin against God’s law and conscience. The Magdeburg pastors’ advocated for their ability to obey God rather than men.

### **Lessons for Today**

This thesis has no interest in specifically addressing political arguments that have resulted from the ongoing Coronavirus pandemic. This author has no interest in asserting his beliefs one way or another on this matter. However, *the Magdeburg Confession* can aptly apply to a wide variety of issues that will arise in this century going forward.

### **Approach to Political Matters**

Believers today will be well served to approach political matters with an attitude similar to the Magdeburg pastors. The pastors adamantly assert that they will obey their governing authorities when possible. God has established government as a blessing for society. Obedience is due from the Christian to the government. The Magdeburg pastors affirm this truth. The Magdeburg pastors also approach resistance with hesitancy due to possible abuses.

True though this opinion about defense is, we do not put it forth with any pleasure, especially because we think that many wicked men in the external society of the Church can seek to make this pious reason a pretext for some impious attempt of their own, and also that even good men are sometimes carnally impatient of injuries, and can badly abuse opinions that have been rightly handed down to them by employing them at the wrong time or place.<sup>159</sup>

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158. The Magdeburg Pastors, *The Magdeburg Confession of 1550 AD*, 54.

This hesitant approach provides a key lesson for Christians for today. A Christian is not eager to revolt against the government. A Christian is concerned about the message that their resistance will convey to others.

### Resistance in Defense of the Gospel

*The Magdeburg Confession* makes a case for political resistance, but the case is restricted. They advocate for resistance only in extreme circumstances. The circumstances are expressed in the terminology of levels of injuries. They allow for resistance only in the case of the two highest levels of injuries inflicted by the government. Resistance is allowed for when either “an inferior magistrate is so forced to certain sin, that he is not able to suffer it without sin if defense is omitted,”<sup>160</sup> or “they persecute God, the author of right in persons, not by any sudden and momentary fury, but with a deliberate and persistent attempt to destroy good works for all posterity.”<sup>161</sup>

A Christian today can follow the example of the Magdeburg pastors and examine their rationale behind intended resistance. Are they either being forced to sin or are they protecting the teaching of the gospel? A Christian will be well served to ask this question if considering political resistance. *The Magdeburg Confession*’s defense of political resistance heavily relies upon this proper motivation.

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159. The Magdeburg Pastors, *The Magdeburg Confession of 1550 AD*, 53.

160. The Magdeburg Pastors, *The Magdeburg Confession of 1550 AD*, 59.

161. The Magdeburg Pastors, *The Magdeburg Confession of 1550 AD*, 59.

### A Consideration for Vocation

As has been established, the arguments presented in *the Magdeburg Confession* were made to defend resistance from a lesser magistrate. The doctrine presented in the document is the doctrine of the lesser magistrate. This is not to say that political resistance is only valid from a lesser magistrate, but one should note the authors' intention. They did not advocate for a free-for-all in which everyone does as they see fit. The Magdeburg pastors explain the right for resistance in terms of vocation. The lesser magistrate has a calling to rule as well. Their calling gives the lesser magistrate an avenue to resist the superior magistrate. If a Christian is invoking the arguments made by the Magdeburg pastors to justify political resistance, they ought, to be honest to the intent of *the Confession*.

The pastors do concede that when a ruler reaches the “height of insanity” that “in such a case, doubtless, no clear-thinking person would have any hesitation about the divine right and commandment that such a leader or monarch ought to be curbed by everyone in his most wicked attempt, even by the lowest of the lowest magistrates with whatever power they have.”<sup>162</sup> But even in this statement which opens up resistance, it is still addressed in terms of vocation. Vocation is a fitting setting to apply just resistance. For example, a father has the vocation to care for his children. If a governing authority were to force a father to do something that would harm his children, he could work within his calling to resist the government.

Another vocation is citizen of the U.S. A U.S. citizen has a certain amount of power within this vocation. The advice of the Magdeburg pastors could be followed in this sense. A citizen of the U.S. could exercise the power they have to resist the government. These powers

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162. The Magdeburg Pastors, *The Magdeburg Confession of 1550 AD*, 60.

include protesting<sup>163</sup> and petitioning.<sup>164</sup> However, the previous considerations would certainly apply. The necessary caution is added that a person stays within their vocation in this regard.

#### A Consideration for Context

The Magdeburg pastors knew their context and the historical arguments made. They built upon the work of the jurists at Torgau. The pastors followed the example of the Schmalkaldic League. Although within Lutheran thinking the concept of the distinction between the Two Kingdoms<sup>165</sup> was present, the modern idea of the separation of church and state was not. In the Holy Roman Empire, church and state were intertwined. The empire had implemented the Interims forcing the Lutherans to adjust their practices back to Catholic theology. Thus, the Magdeburg pastors express the duty for a magistrate in a way that would sound like a confusion of the Two Kingdoms to a common-day reader. A magistrate “can and ought to serve the kingdom of Christ by instituting and honoring the true ministry of the word and sacraments.”<sup>166</sup> The pastors knew their context and argued accordingly.

A Christian today would benefit from a proper understanding of their context. The First Amendment established that the government cannot establish an official religion for the United

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163. C.f. For opinions advocating for the right of a U.S. citizen to protest. <https://www.aclu.org/issues/free-speech/rights-protesters>

164. “The right to petition the government for a redress of grievances guarantees people the right to ask the government to provide relief for a wrong through litigation or other governmental action. It works with the right of assembly by allowing people to join together and seek change from the government.” Elvin Egemenoglu, “First Amendment,” *Legal Information Institute*, March 2020. [https://www.law.cornell.edu/wex/first\\_amendment](https://www.law.cornell.edu/wex/first_amendment)

165. A good definition of the Two Kingdoms is found in Russel Moulds, “Science, Religion, and God’s Two Kingdoms A Lutheran Framework for Instruction” in *Concordia Journal* 43.3 (2017): 38.

166. The Magdeburg Pastors, *Tyranny and Resistance*, 69.

States.<sup>167</sup> The U.S. is not officially a Christian nation. The current-day Christian will want to consider this while considering political resistance.

#### Summary of the Lessons for Today

A Christian who is a U.S. citizen will face occasions where the government enacts laws with which the citizen disagrees. The Christian can learn a few lessons from *the Magdeburg Confession*. A Christian is to approach resistance with hesitance, they are to resist for the right reasons, and they are to consider that vocation is a station in which resistance can be done with order understanding one's context. The present-day Christian in the U.S. will want to consider these matters while looking for a biblical justification for resistance.

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167. Egemenoglu, "First Amendment." [https://www.law.cornell.edu/wex/first\\_amendment](https://www.law.cornell.edu/wex/first_amendment)

## PART V: CONCLUSION

*The Magdeburg Confession*, written in 1550, explained the rationale for the city of Magdeburg's resistance to the imperial government. Due to the recent failure of the Schmalkaldic League following the imposed Interims, the genuine practice of Lutheranism was outlawed. The pastors of Magdeburg did not see concession to the Interims as an option. With their faith on the line, they authored *the Magdeburg Confession* to defend their resistance to the empire.

*The Magdeburg Confession* is a highly contextual document. *The Confession* built upon previous Lutheran discussions on the relationship between the church and the state. *Dr. Martin Luther's Warning to His Dear German People* inspired *the Confession*. The Lutheran discussion at Torgau also influenced *the Confession*. The Magdeburg pastors were not looking to invent a new doctrine. They were looking to communicate a doctrine that agreed with *the Augsburg Confession*.

In *the Confession*, the Magdeburg pastors advocate for political resistance utilizing both a constitutional and a theological justification. The constitutional justification is an implied basis for *the Confession*. The theological justification is presented through a number of different veins of thought. Rom 13 is used to establish the duty of a magistrate. Matt 22 is used to establish a limit on the power of governing authorities. Within the theological arguments is an assertion of the right for resistance based upon natural law. Although the passages are used outside of their original intent, the Magdeburg pastors still make a biblical defense for political

resistance based upon implicit messages taken from the passages discussed. *The Magdeburg Confession of 1550* presents a biblical avenue for political resistance.

*The Magdeburg Confession* helps to answer a difficult question that plagues the mind of many. At what point must a person obey God rather than men? *The Magdeburg Confession* provides several considerations that can help to answer this question. Political resistance is to be approached with hesitance, is in defense of the spread of the gospel, is in resistance of compelled sin, and can be done within a person's vocation.

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