

Martin Luther: Resistance to Secular Authority

Luther's political ethics has often been misinterpreted as teaching a dualistic separation between church and state which caused the believer to divorce religion and politics and to avoid involvement in public policy, indeed to remain passive even toward unjust government. Such a view of the Reformer's teaching on the "two kingdoms," or on the secular and spiritual realms, has included the charge that it paralyzed the German church so as to impede any viable political intervention in Hitler's totalitarian regime.

In order to clarify this issue, we shall pursue Luther's view on resistance to secular authority from his early denial of its possibility (up to about 1528) to his cautious and reluctant consideration of its right (in 1530), to his affirmation of it as a duty (since about 1536). Of course, Luther developed his insights under the pressure of contingent historical circumstances and under the increasing influence of the lawyers' argumentations which modified his understanding of the secular law. Yet the theological basis and framework of his political ethics seem to have remained unchanged despite this development. Our procedure is first to present a brief overview of Luther's understanding of the relation between the temporal and the spiritual realm. Then we concentrate, in systematic form but chronological order, on pertinent texts concerning his views on resistance to secular authority. Finally, we will attempt a brief comparison between these views and the civil disobedience of Martin Luther King, Jr.

I. Secular and Spiritual Authority

The basic dilemma of Christian life in the external, political realm is expressed by the paradox of the Biblical injunction: "pay Caesar"—"obey God." While civil government with its law and sword, its legislative and executive power, is ordained by God's will and order

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(Rom. 13:1 ff.), the believer is nevertheless enjoined "not to resist evil," "not to take up the sword" and "to obey God more than human beings."¹ The early Luther proposed a clear distinction between the kingdom of God and the kingdom of the world. And yet at the same time he saw, dialectically, a final unity of the two—the unity of God's ultimate authority and purpose, God's power and love, which as the divine "law of love" provides the constitutive basis for both state and church. Both realms are divinely instituted, the one to administer external justice through "natural law" in its political use and the other to proclaim righteousness of faith through the spiritual "law and gospel." Wittingly or unwittingly, human love responds to the divine "law of love," whether through secular or spiritual functions. This double practice of the same love is the reason for the distinction between person and office. A *persona privata* exercises Christian charity insofar as one's own, personal welfare is at stake. In this instance, the individual must suffer injustice, for: "Vengeance is mine, I will repay, says God." However, the *persona publica* in office is charged with ministering to the well-being of those entrusted to his/her care. In this case, the official must enforce justice up to the point of capital punishment or defensive war. Unlike most Left-Wing pacifists, Luther insisted that a Christian, if called to public duty, indeed must hold secular office, even that of soldier or executioner.

Accordingly, while the secular and spiritual realms are in fact dissimilar, the ordination of each in the divine law and consequently their common ethical motive, love, rest upon the unity of God's ultimate authority. Therefore, it is the same God who rules in both dominions, even as this rule in each employs differing means, here the sword, there the word. For all their transcendent unity and common ethical motive, the operational mode in each realm is different as regards life in this world. Any confusion of the two kingdoms either amounts to pride and sacrilege, the usurpation of divine prerogative on the part of the office holder², or issues in rebellion, the illegitimate seizure of public office on the part of the subjects.³

The secular realm, God's rule with God's left hand, is instituted to preserve life on this earth by maintaining order and preventing chaos. It possesses the authority and power to punish evil and protect the good, to wage defensive war for a just cause, to protect the country against foreign financial exploitation, to curb usury, to care for the poor and sick, to remove public nuisances like bordellos, to provide for schools and univer-

¹ *Temporal Authority: To What Extent it Should be Obeyed*, Luther Works 45, pp. 81 ff.

² Cf. for instance *Against Hans Wurst*, LW 41, p. 226.

³ Cf. for instance *Against the Robbing and Murdering Hordes of the Peasants*, LW 46, p. 49.

sities, etc. In short, the state is empowered to create a climate of common welfare in which culture, education, commerce, the arts and sciences flourish for the benefit of all. Further, civil government is under obligation to secure peace and tranquility not only for the citizenry at large but also for the church to go unhampered about its business of proclaiming the word. Still more, it is incumbent upon the state in general to protect the freedom of conscience in matters of religion, even heretical convictions, provided their proponents refrain from advancing and practicing seditious ideas.⁴ All in all, for Luther, secular government serves for the inducement and maintenance of external justice and peace by legislating and enforcing the positive laws of the land which must correspond to the natural law which itself is based on the divine law of love. Therefore, the state is authorized to command the Christian's obedience up to the point of military duty, and to expect the Christian's active participating in public office including that of hangman.⁵

The spiritual realm, God's rule with God's right hand, is divinely ordained through Christ in a special way. Offering true Christian righteousness before God, this rule serves for the attainment of eternal life and for the redemption of the world. It is none other than the kingdom of Christ, the invisible church, where grace rather than coercion prevails, forgiveness of sins rather than punishment for crimes, freedom of God's children rather than submission to power—all this and more through the proclamation of the gospel and the administration of the sacraments.⁶ There is but one head, Jesus Christ, and all are equal members of his body so that mutual Christian love renders them all the same in a communion of saints, a priesthood of all believers.⁷ In contradistinction, the worldly rule is structured as a hierarchy of authority, with officials ruling according to their station within the orders of life and subjects obeying in their proper place. And although the external structure of the church necessitates the ministerial office for reasons of an orderly public preaching, official ministers are elected and confirmed by the members of the congregations who hold in common the ultimate right to ministry.⁸

In sum, even as forgiving, unresisting love rules in the communion of saints, so the civil community is governed by that divine love which is hidden in secular justice and peace. This love informs as divine law the natural law underlying the second table of the Ten Commandments. In a

⁴ *Admonition to Peace*, LW 46, p. 22; *Temporal Authority*, LW 45, pp. 114 f., 117.

⁵ *Whether Soldiers . . .*, LW 46, pp. 118 ff.; *Temporal Authority*, LW 45, pp. 94-96, 100, 103.

⁶ *On Keeping Children . . .*, LW 46, pp. 219 ff.; *Temporal Authority*, LW 45, pp. 92, 101 f.; *Commentary on Psalm 118*, LW 14, pp. 54 ff.

⁷ See, for instance, *Against Hans Wurst*, LW 41, p. 203; *Temporal Authority*, LW 45, p. 117.

⁸ Cf. *Concerning Ministry*, LW 40, pp. 34 f.

fallen world the divine law of love through natural and positive law can be upheld only by the power of coercion, restraint, punishment, and military protection. Nevertheless, it is in the last resort the same God who governs in the spiritual and the temporal realm alike. It is God who rules in both, hidden and revealed, in contrary ways yet with the same purpose: through law and gospel, compulsion and freedom, retribution and forgiveness, force and suffering, sword and word. The final unity of the two spheres of divine activity lies within God's own authority and must never be usurped by human beings. Any comixture of the two realms must be prevented: whether it is the church claiming temporal authority, or the political powers interfering in matters of faith; whether it is religious fanatics deriving secular laws from the gospel, or peasants aiming at redressing social grievances in the name of Christian freedom.

II. The Extent of Secular and Spiritual Authority

The theological locus of secular authority lies with the Fourth Commandment. Luther located secular authority squarely in the divine mandate of parental authority which he, a man of his time, interpreted in patriarchal terms. The Fourth Commandment at the head of the second table of the Ten Commandments subordinates to its temporal authority the remaining commandments enjoining love toward fellow human beings. However, the whole second table together with its head commandment is subordinated to the first table, love toward God, which is headed by the First Commandment concerning God's ultimate authority: "I am your God . . . you shall have no others gods before me." As God wields eternal authority over all that is, so parents and civil government hold temporal authority over family and communal life in this world. However, parental and political authority has its limits set from above and from below. It is from its location as God's middle work of creation between God's highest and lowest work that civil government receives its right and power, law and justice. Through the law, i.e., the stipulation of what is right, and through justice, i.e., the execution of what is right, God continues God's work of creation in a fallen world by means of the secular institution of the state.⁹

Any overextension of the civil government's authority into the first table is due to human pride. Such an arrogant usurpation of God's own authority, namely, the identification of political authority with God's eternal power, will be punished, in God's own good time, when God "exalts the lowly and puts down the mighty," but without breaking their seats, i.e., without doing away with temporal authority *per se* in its

⁹ *Magnificat*, LW 21, p. 332 ff.; see also Luther's interpretation of the Fourth Commandment in his *Small and Large Catechism*.

proper place. Moreover, pride marks also a spiritual offense, since civil government is liable to abandon its assigned station in life so as to presume domination in matters of conscience and religion. On the other hand, any illegitimate overextension downward into the second table is due to the lust for riches, as the rulers take away what belongs to the people. This sin, too, will be punished by God, in good times, when God "fills the hungry with good things and sends the rich empty away." Should public persons misuse secular office for their own advantage and thereby exploit the people by appropriating what is rightfully theirs, then secular authority interferes in God's lowest creational work.¹⁰ Consequently, the proper behavior of persons in political office is humility, meaning that they must remain at their ordained place within the divine economy maintaining order in a fallen world. It is humility that signifies the government's proper attitude of being content with its political privilege of right and justice, and not falling for pride or riches.

As regards its orientation toward God's highest work, civil government is to administer God's "law" in a fallen world not only by punishing evildoers and defending the country, but also by preventing any identification of civil justice with the unique righteousness of faith, that is to say, by resisting any temptation to extend the state's temporal rule into the church's spiritual rule. In this way civil government is truly "secular," not an arm of the church. Nonetheless, as regards its orientation toward God's lowest work, civil government must perform, consciously or not, a "gospel" function through the exercise of justice and welfare for the people. This beneficial justice ministers not only to the external, bodily needs of the people but also provides freedom for the public proclamation of the word. In this way civil government works indirectly for the glory of God. In both functions, serving the "law" as well as the "gospel," public persons in civil authority act at once as "ministers of God" and as secular agents of power.¹¹ In its upward orientation, the state must ascertain and keep inviolate the demarcation line between the natural, political law and the gospel. In its downward orientation, it must carry out an "alien" function of the gospel by applying natural law affirmatively to its political use.

III. *The Limits of Obedience*

From late 1521 to early 1522 Wittenberg was the scene of a revolt by evangelical extremists against the Catholic worship. Luther returned from his hiding-place, the Wartburg, to address this urgent issue of in-

¹⁰ Besides the *Magnificat*, see *Temporal Authority*, LW 45, pp. 120 ff.; and *Admonition to Peace*, LW 46, pp. 22 f.

¹¹ Cf. *Exposition of Ps. 82*, LW 13, pp. 42 ff.

surrection against what was considered false religious authority. He comes down squarely on the side of non-resistance as he admonishes his followers to put their unconditional trust in the power of the gospel which will prevail in its own way over the Catholic authorities. Their misuse of spiritual power is no excuse for resorting to rebellion, iconoclasm, and violence.¹² Like has to be fought with like, meaning that in spiritual warfare evil cannot be overthrown by force of arms but must be overcome with a spiritual weapon, the word. Of course, secular authority possesses the external power to reform the church. But it fails to take decisive steps. Nevertheless, the officials' dereliction of duty does not give the common folk the right to take things into their own hands. Even if government were evil, there must be no uprising, for the vengeance is God's alone. Also history teaches that through revolution, conditions deteriorate. In fact, thinks Luther (incorrectly as we know now), no insurrection ever succeeded in the long run. This is so because in the final analysis revolutionaries set themselves up against God by taking violent measures instead of trusting in God's power to change things for the better. So, since both Scripture and historical experience speak against rebellion, this present turmoil must be seen as the devil's last ditch effort to impede the progress of the gospel. What, then, are Christians to do in the face of an oppressive church and an indolent government? All their proper means of resistance are spiritual: confession of sins, prayer, and teaching, preaching, and writing the truth of the only, the most powerful source available, the gospel of Jesus Christ.

This attitude of passive, spiritual, non-violent resistance to authority did not significantly change in Luther's statements during the Peasants' War 1525. Luther's stance, based as it was on the dialectic of law and gospel, has not only been a perennial crux as far as its interpretation is concerned but also was the ground for severe accusations levelled against him from the side of both Marxist and Christian historians. He was found to be a conservative reactionary who, after having instilled a sense of liberty in the common folk by his teaching on the freedom of God's children, sided with the princes and justified their cruel crush of the uprising. Luther was charged with lacking a profound sympathy for the peasants' plight and a keen sense of their right to liberation. We cannot enter into the complexity of the issue but must be content with analyzing the major sources and culling the most pertinent material.

At the beginning Luther admonished both sides to peace. He called the princes to their responsibility of parental authority, the peasants to suffering obedience.¹³ It is no doubt the princes' abuse of power that

¹² *A Sincere Admonition to All Christians to Guard Against Insurrection and Rebellion*, LW 45, p. 57 ff.

¹³ *Admonition to Peace*, LW 46 pp. 17 ff.

generated the peasants' misery. If the common folk were to rise up, this would not merely mean an external resistance to oppression but at bottom a sign of God's impending punishment upon the sins of the gentry. While the preaching of the gospel cannot be made responsible for the situation, the threat of conflict must nonetheless be understood from a spiritual perspective, namely, as a last appeal to the lords to be lenient, conciliatory, and open to fair negotiations of the peasants' demands which are, for the most part, just and equitable in themselves, particularly their claim to choosing preachers and hearing the gospel. The ruler ought not prevent people from teaching or believing religion as they please. It is enough when secular authority precludes the teaching of sedition and rebellion. However, princely dereliction of duty does not give the peasants the right to insurrection, for "whoever takes up the sword, dies by the sword." Subjects must not even move against a wicked government but rather must suffer, bear the cross, and accept their lot as God's punishment for their sins. What is more, to cover demands for external freedom with the Christian name is outright blasphemous, as Scripture, natural law, and divine law demonstrate. Instead, the Christian's weapons are spiritual, including the hope that God will eventually punish tyrants when they rise up one against the other. If preaching the truth is not possible in a territory, emigration is the only viable alternative: "leave the place, let the ruler have the city, you follow the gospel." So, both princes and peasants are acting unchristian. Tyrants and rebels like are in the wrong, and it is to be feared that God will punish one with the other.

It is one of those historical ironies that the publication of Luther's writings during the Peasants' War actually kept trailing behind the rapid succession of events. His admonitions, instruction of the consciences, and increasingly harsh advice at every point in time addressed situations already superseded by new developments. This fact needs to be taken into consideration though it cannot exonerate the Reformer from considerable social insensitivity and an inordinate severity of judgment.

When Luther's *Admonition to Peace* came out, the revolutionaries had resorted to violence and bloodshed, committed atrocities, and devastated the land. In response he issued his most severe pamphlet *Against the Robbing and Murdering Hordes of the Peasants*.¹⁴ The peasants are guilty of sins against God and civil government, for they have broken their oath of loyalty and committed the crime of high treason. Therefore, they have made themselves outlaws as far as both divine and imperial law are concerned. No question, they deserve to die. Outlaws must be killed by anyone who can kill them, whether in broad daylight or

¹⁴ LW 46, pp. 49 ff.

secretly. What is more, the rebels use God's name in vain since they forced it into the devil's service by claiming that all things are equal. However, Christian freedom must not be confused with civil liberty. Spiritual freedom is a gift of grace concerning the soul, baptism, and God's children, not a matter of property or external conditions. The rulers, on the other side, are called upon to discharge the duties of their office by brutally crushing the insurrection. In fact, by mercilessly wiping out the peasants they do a work of love and mercy, yes, they even earn merits in heaven (the anti-Catholic Luther makes bold to say in his anger). Nevertheless, there are two provisos: before moving in on the peasants the lords should turn to God in repentance for their sins, attempt to go a second mile and put forth a last effort at reconciliation. If this is of no avail, then they must strike swiftly and boldly. Also, they should have mercy on innocent non-combatants and even be lenient with repentant prisoners.¹⁵

Luther's final word in the Peasant's War was a warning to the princes and an admonition to be conciliatory.¹⁶ Only if one fails to distinguish between the two kingdoms is one blind to the fact that the cruel punishment meted out by the lords is actually an act of Christian charity and mercy. The rebels have lost their rights as subjects because by acting as outlaws they have placed themselves outside the law, even beyond common criminals who are still judged by the law. With their sedition they not only violated the law of the land but in fact interfered in secular office itself and encroached upon its power. Hence, anyone may slay them like rabid dogs, but especially the civil government must do so. Still, punishment is to last only for the period of rebellion. Once the victory is won and order restored the time for compassion has come. Rulers who nonetheless indulge in endless revenge will surely incur God's judgment in the end.

IV. Person, Conscience, Justice

In 1526 Luther was compelled to take up the question of war between equal rulers and of police action of secular government against unruly subjects.¹⁷ He holds on to the stance he took all along: That there are two kinds of righteousness, secular justice administered in public office and Christian righteousness given by grace. Yet it is God who is acting behind and through both. Hence, a person might be right in office even if not justified before God (like heathens and Turks), or an official can be

¹⁵ *Ibid.*, pp. 52-57; cf. *An Open Letter on the Harsh Book Against the Peasants*, LW 46, pp. 76 ff.

¹⁶ *A Terrible Story and Judgment of God on Thomas Muenzer*, WA 18, p. 374 ff.; *An Open Letter*, LW 46, p. 63 ff.

¹⁷ *Whether Soldiers, Too, Can Be Saved*, LW 46, p. 93 ff.

evil by failing to exercise the power of office through justice, equity, and love. All the same, misuse of office does not impair the inherent goodness of the office in and by itself, based as it is on the divine ordination. The place where both the demands of civil justice and the gift of spiritual righteousness come to awareness is the conscience which, on the one side, reacts by reason to natural law as far as justice is concerned, and, on the other side, responds by faith to the proclamation of the gospel with regard to the righteousness before God.

But what if the conscience is thrown into conflict? In the case of rebellion on the part of subjects the answer is unequivocal; because insurrection is clearly a contest between unequal powers in a hierarchy of authority, its violent suppression is a princely mandate, even for a tyrant. In case of a war between equals, defensive military action on the part of the attacked cannot be launched unless the conditions of "just war" for a just cause prevail. Given such circumstances, however, the legal concept of "self-defense" comes into force; such self-defense goes unpunished, as the law universally has it.

Luther points out that tyrannicide has not only been approved and practiced in Greece, Rome, and Israel but also lauded as an honorable deed. For Christians, however, assassination is never justified because the gospel teaches to suffer injustice or at most to flee from persecution. After all, any attempt at replacing tyrannical government has failed so far, for killing is evil in itself and surely will cause greater harm and repression. Since insurrection violates both natural law and God's commandment, tyrannicide cannot claim a just cause. Nonetheless, there is one exception: in case a "ruler has gone mad," if reason and conscience have ceased to function, and the overlord is like a "drunken driver" liable to destroy everyone and everything on his rampage, he must be deposed and put under restraint.¹⁸

V. The Possibility and Right of Resistance

The emperor's rejection of the Augsburg Confession in 1530 severely threatened the survival of the Protestant churches. And it was for the most part this ominous turn of events that occasioned the change in Luther's attitude toward resistance. Under pressure from Protestant sovereigns and their legal advisors, he had to deal with the question of whether armed resistance to the emperor can be legitimate. This problem, the legality of a Protestant defensive alliance, occupied both lawyers and theologians by mandate of their territorial princes. Their discussions centered on the privilege of "self-defense," of the right to "appeal" and "protestation" at imperial diets as well as on the issue of "due process"

¹⁸ *Ibid.*, p. 105; cf. *On Good Works*, LW 44, pp. 94 f.

in a court of law and on the concept of "notorious injustice." We simply outline the progression of arguments that led Luther to accept the right to resistance against the emperor on the part of the Protestant estates of the empire.

March 1528: Luther advises that a possible invasion by Catholic princes equal to Protestant princes places the defenders into the position of "self-defense." But they must not anticipate a potential aggression by a pre-emptive strike, otherwise "just war" conditions would not prevail. However, if the emperor, superior as he is to the Protestant princes and estates, invades, there can be no resistance.¹⁹

May 1529: Luther counsels the use of "appeal" and "protestation" to obtain from the diet a legal injunction or, in modern terms, a temporary restraining order against the adversaries. Yet he strongly objects to the formation of a military confederation in a Protestant defense league.²⁰

December 1529: the Smalcald League, a Protestant military alliance, had been formed, and Philip of Hesse argued that the territorial princes of the empire are indeed equal to the emperor who is in fact only a "first among equals," accountable to his peers on account of the pledge he made to them when he was elected. Should emperor Charles start a confessional war, he would break his oath of office and become a "tyrant by misuse of office." Although Luther holds on to his previous line of argumentation, he lets it be known that he would no longer in principle object to armed resistance, if "other needs and matters come up" and "actual violence or an unavoidable necessity" warrant self-defense.²¹

March 1530: in an opinion to their elector, the Wittenberg theologians adopt Philip of Hesse's argument concerning a "constitution based" resistance. German imperial law so binds the emperor to his pledge of office that he is in effect an equal to electors and estates. If he breaks his vow, disobedience is legitimate through the legal means of "reprisals" and "renouncing loyalty." Nevertheless, Luther still believes in the emperor's superior authority. Hence, he exhorts to suffering injustice in general and in particular from imperial power "as long as the empire and the electors consider His Majesty to be emperor, and do not remove him from office." Until such time the emperor remains overlord and, if he starts war, must not be resisted. The principle: "force can be repelled by force" does not apply in this circumstance.²²

August 1530: Luther believes that God desires peace, and that the

¹⁹ *Letter to Gregory Brueck*, letter 793, in: *Luther's Correspondence and Other Contemporary Letters*, tr. and ed. by Preserved Smith and Charles M. Jacobs (Philadelphia 1918), vol. II, pp. 435 ff.

²⁰ *Letter to Elector John*, LW 49, pp. 221 ff. (letter 193).

²¹ *Letter to Elector John*, LW 49, pp. 254 ff. (letter 200).

²² LW 49, pp. 272 ff. (letter 204).

emperor should undertake nothing against God and imperial law. If a war of religion were to break out, all faithful people would be led to believe that not the emperor himself but tyrants who act in his name are the actual perpetrators. While the emperor's name is to be defended, the "tyrants who usurp his office," i.e., the Catholic princes, must not be allowed to act against God and imperial law.²³

October 1530: a legal opinion drafted by the councillors at the electoral Saxon court proves the right to resistance from arguments concerning court procedures. If a judge proceeds while an appeal to a higher court is pending, he violates the law and his decision is null and void. He causes "irreparable injustice" by failing to observe "due process" of law, and the law itself turns against him. Therefore, since the Protestants have meanwhile appealed to a general council of the church, the emperor cannot legitimately proceed against them. Also, the emperor has no jurisdiction "in matters of religion."²⁴

October 1530: The Wittenberg theologians yield to the lawyers' conclusions and recognize that secular law, henceforth showing to permit resistance, is consistent with the gospel. The theologians find themselves unable to oppose the lawyers' reasons with proof from the Scripture. As a matter of fact, immediate preparation for armed defense is mandatory "not only because of the secular law, but also because of the duty and distress of conscience."²⁵

These are the reasons, then, that caused Luther to acquiesce to the legality of active resistance. In October 1530, in his *Warning to His Dear German People* he threw the blame for an impending war point-blank on the Catholics at the Diet of Augsburg.²⁶ Military defense against an attack by Catholic forces would no doubt be a case of legitimate "self-defense" rather than illegal "rebellion" because the emperor has been snared into the role of a "tyrant by misuse of office" whereas the pope is the real "tyrant by usurpation of office," claiming as he does secular authority for his goal of world domination. Luther argues: "To act against the law is not rebellion; otherwise every violation of the law would be rebellion. No, he is an insurrectionist who refuses to subject to government and law, who attacks and fights against them and attempts to overthrow them, in order to make himself ruler and establish the law. It is one thing to invade the law, it is another to transgress it. According to this definition, self-defense against these bloodhounds cannot be rebel-

²³ *Letter to Gregory Brueck*, LW 49, pp. 394 ff. (letter 226).

²⁴ Text in: Heinz Scheible, ed., *Das Widerstandsrecht als Problem der deutschen Protestanten 1523-1546*, Texte zur Kirchen- und Theologiegeschichte X (Guetersloh 1969), 63 ff.

²⁵ LW 49, pp. 429 ff. (letter 235).

²⁶ LW 47, pp. 11 ff.

lious." The principle of self-defense in extreme necessity supersedes the law without abrogating it, for "necessity does not have a law."²⁷

This distinction between "invasion" of the law and "transgression" of the law enabled Luther to legitimate the Protestant resistance as "self-defense: and thus to reject the charge that it would be a rebellion by outlaws. "Invaders" of the law lift themselves above the law and overthrow it in order to make their own laws; they are in fact outlaws and thus fall under the severity of the law. But "transgressors" of the law are going beyond the letter of the positive law to its basic intent in natural and divine law; they in fact maintain the integrity of the law and thus come off with impunity. It is one thing to impugn the law with the intention of establishing laws on one's own authority. It is another thing to violate the positive law in case of necessity by resorting to its natural law basis and divine law source.

VI. *The Duty of Resistance*

A December 1536 opinion prepared by the Wittenberg theologians upon request by their elector reiterates the point that they find no grounds in Scripture to oppose the lawyers' arguments.²⁸ Yet there is a significant shift in perspective. They now assert that "the gospel does not disavow the external bodily government but rather confirms it and praises it highly." And by "bodily government" the Protestant theologians obviously mean territorial governments, i.e., electors, princes, and estates, whose authority is confirmed, not as before merely by natural law, but now also by the gospel itself: "The gospel does not suspend the political realm or the political laws." Thus the connection between the gospel and the secular law is asserted, and the previous distinction between the secular and spiritual realm has been extenuated in such a way that their coordination has come into view more so than their differences. Consequently, the "care for religion" in the land constitutes the foremost duty of secular territorial authority. Since "the gospel permits all natural and equitable protection and defense, which is ordered by natural laws or otherwise by corporal government," every ruler is obliged to protect the true public worship against all unjust intrusion. In case of aggression against the Lutheran church, the *cura religionis* and the duty of resistance go hand in hand to defend the true faith.

A final, November 1538, opinion by the Lutheran theologians repeats the same line of argumentation, yet more straightforwardly and vigor-

²⁷ Cf. *Whether Soldiers . . .*, LW 46, pp. 118 ff.; *Temporal Authority*, LW 45, pp. 118 f.; *Receiving Both Kinds in the Sacrament*, LW 36, p. 255.

²⁸ Text in: *Widerstandsrecht . . .*, *op. cit.*, pp. 89 ff.

ously.²⁹ Not only by nurturing the true worship but also by defending the people against coerced blasphemy and idolatry, the prince in effect saves God's honor and safeguards poor Christianity. The *cura religionis* of civil government has been extended to include prominently the protection of the first table of the Ten Commandments, the active defense of God's name against blasphemy and idolatry. Also, political self-defense against notorious injustice and undue process of law is now considered mandatory since the emperor, if invading the Protestant states, would not act out of the power of his office but merely as a private person and therefore would place himself into the position of a public outlaw.

In 1539 Luther provided his own theological rationale for the duty of resistance.³⁰ He proceeds from a reconsideration of the ethical implications of the two tables of the Decalogue. But he no longer emphasizes the separation between the two so much as the coordination of the second table with the first. In order to preserve external life in this world God has instituted three orders, the political, economic, and ecclesiastical, which one and all are endorsed and sustained by God's authority in the first table. In other words, Christ did not abrogate political and natural law but authenticated and confirmed it. The private citizen's right to self-defense is therewith affirmed. On this basis Luther develops now the argument that the pope, and the emperor as his henchman, must be resisted by everyone because the pontiff belongs to none of the three orders and therefore possesses public authority in neither. Yet since he interferes destructively in all of them he is the "apocalyptic beast from the abyss" Daniel prophesied (11:36), or, in Paul's words (II. Thess.2:3), the "adversary of God," the "man of sin," the "son of perdition." This rabid animal must be promptly slain by anyone coming upon it. And the emperor, making common cause with it, must be resisted by anyone being coerced into false worship. Such is the unavoidable necessity in this time of extreme calamity. Hence, violent resistance to these two pseudo-representatives of secular and spiritual authority is justified and can never be judged to be rebellion, revolution, or sedition.

VII. Implications

It is, of course, impossible to transfer Luther's views on civil government into modern terms. He lived in a late-medieval society conditioned largely by the feudal sovereignty of territorial princes. The democratic constitution and civil liberties of the modern secular state were not a political reality for him. Our concept of "government of the people, by

²⁹ Text in: *Ibid.*, pp. 92 ff.

³⁰ *Circular Disputation on Mat. 19:21*; Text in: *Widerstandsrecht . . .*, *op. cit.*, pp. 94 ff.; cf. WA 39 II, pp. 34 ff.

the people, and for the people," including the voting right of free individuals to elect their government and, in turn, the direct accountability of government to its constituency, was alien to Luther. Where he did take a giant step towards human freedom and equality was in his theological revolutionary teaching on "the priesthood of all believers." Yet politically he remained an obedient subject of his overlord. For him subjects have no right to rebellion, insurrection, or revolution against the God-ordained government. Rather, "let every person be subject to the governing authorities," to the "powers that be," meaning that they are in authority by their very being in power, whether just or unjust. (Rom.13:1 ff.) Luther did not question this Biblical injunction but simply, perhaps too naively for our sensitivities, took it for the word of God. Thus there can be no political action from below against superiors; revolutionaries are outlaws, beyond the protection and judgment of the law. Only between equal princes can there be large-scale "self-defense" in "just war" situations. Subjects, however, can defend themselves only against one who has become an outlaw himself, the henchman of the "apocalyptic beast from the abyss."

Even so, there are striking points in Luther's political thought that transcend the time-conditioned confines of his actual attitude. To be sure, among other things his teaching on the function of the "conscience" in matters religious and political was of lasting influence. So was his insistence that the state is "secular," not an arm of the church. But what is important for our topic is his eventual acceptance of a "constitution based" resistance by the princes and estates of the empire. It was Luther rather than Calvin who first began to advise resistance to a central government interfering in matters of religion. Most of all, Luther's concept of the "transgression of the law" in case of justified self-defense is a notion that connects significantly with our own times, particularly with the civil disobedience of his name-sake, Martin Luther King, Jr.³¹

Of course, Luther advocated the religious rights of the Protestant faith and the protection of its public proclamation. Martin Luther King, Jr. stood up for the civil rights of oppressed, underprivileged, and disenfranchized black people. Here lies the fundamental difference between the two, not the hackneyed cliché of a "violent reformer" over against a "non-violent reformer." Despite this difference, however, one can argue that the Baptist preacher carried the implications of Luther's reformation over into its social application. He translated the Reformer's teaching on the freedom and equality of all children of God into the context of human and civil rights. While Luther had stopped short of doing that, it

³¹ Martin Luther King, Jr. *Stride Toward Freedom* (New York, 1960), p. 140; *Why We Can't Wait* (New York, 1964), p. 88.

is not implausible to assume that he, living in the changed historical, social, and cultural situation of modernity, would have fought for civil and human rights as much as for the religious right to preaching and hearing the gospel. And he could have done this on the basis of his theology.

What seems to be a common denominator between the 16th century Protestant reformer and the 20th century black reformer is their effort to seek reform within the parameters of the law. Both understood that the law in its form of positive laws of the land is relative rather than final, i.e., if it is unjust, it must be adjusted to the justice upon which it rests. Both held that positive laws are authoritative only insofar as they are authentic, meaning that they are analogous with natural law and ultimately with the divine law of love. And although Luther was unable to include several of our modern civil and human rights in his understanding of natural law, he nonetheless admitted that transgression of positive but unjust laws is legitimate if one can appeal to the higher authority of their intent in natural law, justice, and in the divine law, love. He also affirmed that positive laws must be revised and expanded so as to correspond with the natural and divine law, a task which he did not dare undertake but left to the jurists.

By his non-violent resistance to those laws on the books that were incongruous with the intent of natural and divine law, Martin Luther King, Jr. acted out his religious conviction, took the issue of civil rights into the courts, and thereby eventually forced the government actually to legislate what were implications of its constitutional basis all along. For the sake of human freedom, he consciously and intentionally transgressed unjust laws by an appeal to the justice and love of the law: ". . . in order to be true to one's conscience and true to God, a righteous man has no alternative but to refuse to cooperate with an evil system"; "One of the great glories of democracy is the right to protest for right . . . we are protesting for the birth of justice in the community . . . we will be guided by the highest principles of law and order."³² He therefore used a method of resistance which Luther already had considered legitimate. So, Martin Luther King, Jr. can be seen as having, in a way, continued Luther's reformation. Translating the teaching on the spiritual freedom of a Christian into that of the civil liberty of a human being, he showed that the spiritual life must carry over into the social context, that a person's equality before God calls for equal rights in human relations, and that individual freedom must issue in the freedom of the people. The reformation of the church from its own abuses is incomplete without the liberation of society from its own oppression.

³² *Stride Toward Freedom*, pp. 41, 50 f.; see also pp. 177f.