Cura Religionis or Two Kingdoms: The Late Luther on Religion and the State in the Lectures on Genesis

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In 1996, Bernhard Lohse wondered if the Luther presented by some would recognize the Luther described by others. Trying to recognize the "political" Luther would be especially difficult. On the one hand, Thomas Müntzer was but the first in a long line of polemicsists, journalists, politicians, and scholars who have accused Luther of releasing the sword of secular authority from all control and thereby opening up centuries of authoritarian subjugation. On the other hand, Peter Frarin argued in 1566 that Protestantism equaled sedition, rebellion, and the subversion of civil order. In the criticism of Luther for being either too conservative or too liberal, one thing remained fairly constant: the source of Luther's major shortcoming—his theology of the Two Kingdoms.

1. This essay was originally presented at the Tenth International Congress for Luther Research in Copenhagen, Denmark in August 2002.
4. Peter Frarin, An Oration against the Unlawful Insurrection of the Protestants of our Time (Antwerp, 1566). This tract is available through Early English Books Online (www.eebo.org).
5. For a recent example of this, see Alister E. McGrath, Reformation Thought: An Introduction, 2nd. ed. (Oxford: Blackwell, 1993), 209 f.: "Luther reinforced [the princes'] political authority by grounding it in divine providence. God governs the world, including the church, through the princes and magistrates. The church is in this world, and so must submit itself to the world order. . . . The way was [thus] opened to the eventual domination of the church by the state, which was a virtual universal trait of Lutheranism. The failure of the German church to oppose Hitler in the 1930s is widely seen as reflecting the inadequacies of Luther's political thought."

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Recently, however, Luther’s commitment to the Two Kingdoms has been called into question. James Estes has argued that beginning in 1530, Luther began to abandon the Two Kingdoms in favor of the more traditional idea of the *cura religionis* as advanced by his close associate and friend Philip Melanchthon. Melanchthon argued that the community was a Christian commonwealth and that the magistrate had a responsibility, as the custodian of both tables of the Law, to regulate the right order of true religion. Traditionally, Luther has been understood as having rejected the *cura religionis* in favor of his own dialectical doctrine of the Two Kingdoms in which the magistrate has certain functions and the church has other functions. Both are essential and complementary, but necessarily distinct. While it has often been argued that beginning in 1530 Luther began to reinterpret his Two Kingdoms doctrine to allow for a greater role in religion by civil authorities, Estes argues that Luther did not just reach different conclusions regarding the effect and interpretation of the Two Kingdoms, but that he largely abandoned it in favor of Melanchthon’s understanding of the *cura religionis*. This essay assesses the validity of such a shift by examining Luther’s Lectures on Genesis. The Lectures on Genesis provide an excellent resource for this reassessment because Genesis lends itself to discussions of law, sin, government, and authority. Further, the Genesis Lectures come at the end of Luther’s

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9. In the course of reassessing Luther’s commitment to the Two Kingdoms, this essay also contributes to the continuing conversation regarding the veracity of the Lectures on Genesis. In 1936, Peter Meinhold (*Die Genesissvorlesung und ihre Herausgeber [Stuttgart: Kohlhammer, 1936]*) argued that Luther’s Lectures on Genesis could not be trusted to present an accurate representation of the “late” Luther. He argued that followers and supporters of Philip Melanchthon edited the Lectures in an attempt to bolster their arguments against Gnesio (or “True”) Lutherans in the theologically volatile years following Luther’s death. By examining the degree to which Luther either continued to use the Two Kingdoms doctrine as a framework for discussing religion and the state in the Genesis Lectures or abandoned it in favor of the *cura religionis*, we cannot only assess the degree to which the late Luther is consistent with the young Luther but also test Meinhold’s thesis. The degree to which government could regulate religion was fundamental to the disagreements between Melanchthon and the Gnesio-Lutherans, especially during the conflicts over the
career and therefore provide an excellent window of comparison between the commitments of the ‘young’ Luther (who is universally regarded as having rejected the idea of a *cura religionis*) and the ‘mature’ Luther.10 This reassessment is important because there are few areas in Luther’s thought that have been as heavily criticized and critiqued as his understanding of the Two Kingdoms, secular authority, and religious freedom.

Augsburg (1548) Interim and the so-called Leipzig Interim. If, as this essay argues, there is a consistent use of the Two Kingdoms throughout the Genesis Lectures, then Meinhold’s thesis is undermined because if editors had manipulated the text to serve their theological debates, a natural (indeed crucial) area for revision would have been the discussion of religion and the state. One must also ask why, if the editors did manipulate the text, did staunch Gnesios find the Genesis Lectures worthy of translation. Robert Kolb (*Martin Luther as Prophet, Teacher, and Hero: Images of the Reformer 1520–1620* [Grand Rapids, Mich.: Baker, 1999], 145 f.) notes that Basilius Faber, one of the authors of the *Magdeburg Centuries*, translated into German and introduced the Genesis Lectures. For a further discussion of the reliability of the Genesis Lectures, see Bernhard Klaus, “Die Lutherüberlieferung Veit Dietrichs und ihre Problematik,” in *Zeitschrift für bayerische Kirchengeschichte* 53 (1984): 33–47. See also, Martin Brecht, *Martin Luther: The Preservation of the Church*, 1532–1546, trans. James L. Schaff (Minneapolis, Minn.: Fortress, 1993), 136–41. Here quoting from page 136, “These great lectures are unquestionably monumental documents of Luther’s mature theology, and they also reflect his participation in the developments, problems, and conflicts of the last decade of his life.” Brecht then goes on to explain the concerns regarding the Genesis Lectures and concludes, “Nevertheless, the bulk of this commentary, with its amazing richness of features and allusions, undoubtedly does come from Luther, and his spirit is evident in it. Despite the subsequent alterations, this monumental work may still be regarded as primarily his work and thus as a useful source.” See also, Ulrich Asendorf, *Lectura in Biblia: Luthers Genesissvorsage* (1535–1545) (Göttingen: Vandenhoeck and Ruprecht, 1998). See 33 f., for a discussion of Meinhold’s thesis. See 248 f., for a discussion of the Two Kingdoms in the Lectures on Genesis.

10. In this regard this essay also contributes to the debate about how much Luther really changed his positions regarding the status and role of the civil magistrate in ordering the religious life of the community. In *Tyranny and Resistance: The Magdeburg Confession and the Lutheran Tradition*, (St. Louis, Mo.: Concordia, 2001), I argued for an overall consistency in Luther’s thought, while others such as Cargill Thompson (Luther’s Political Thought) have argued for a dramatic change. By comparing some of Luther’s statements on secular authority written in the 1520s to ones written in the 1540s, this essay furthered the discussion of whether or not Luther did indeed remain consistent or whether he changed his position dramatically over time. Thus we hope to test Helmar Junghans’ thesis that what appears to be a change in position may not in fact be one. He writes, “Luther often took up questions of the day and dealt with them. The manner in which the questions were formulated changed in the course of his life. Accordingly, he wrote repeatedly about the same subject, but not always with the same goal nor always with the same tone. Emphases were shifted. Taken out of context, some of his remarks appear to be contradictory and to signal great changes.” See, Helmar Junghans, “The Center of the Theology of Martin Luther,” in *And Every Tongue Confess: Essays in Honor of Norman Nagel on the Occasion of His Sixty-fifth Birthday*, eds. Gerald S. Krispin and Jon D. Vieker, (Chelsea, Mich.: Bookcrafters, 1990), 180.
Luther used two terms when speaking of the Two Kingdoms. The first ought to be referred to as the Two Realms (Zwei Reiche Lehre) because it refers to the two spheres of one’s existence: before God and before humanity. The geistliche Reich (the spiritual realm) is one’s existence coram deo (before God). The weltliche Reich (the worldly realm) refers to one’s existence coram hominibus (before humanity). The spiritual realm is eternal and everlasting; it is the realm of the Gospel, revelation, and faith. Two motifs run through Luther’s thought about the spiritual realm: freedom and equality. Freedom allows one to act in service for the benefit of others. Equality asserts that the spiritual realm is not governed hierarchically. In this realm all Christians are equal. Whereas the spiritual realm is eternal and proleptic, the secular is finite and fleeting. Here law and convention instead of service are definitive; it is the realm of reason and unbelief.

Contained within these Two Realms is Luther’s idea of Two Governments (Zwei Regimenter Lehre). The Two Governments are the flip side of the coin to the Two Realms. The first (das geistliche Regiment) is the spiritual government of the church exercised through the proclamation of the Word of God and proper administration of the sacra-

11. I have chosen to continue using the phrase Two Kingdoms for two reasons. First, it is far better known and has far more literature devoted to it than do the more technically precise terms (Realm and Government); thus our discussion here can be more easily placed within that body of work. But, also, just as importantly, I believe the idea of the Two Kingdoms nicely apprehends the polyvalent nature of Luther’s thought on the Two Realms and the Two Governments. If we allow ourselves to be too distracted by the technicalities of Reich versus Regiment, we will fail to see the forest for the trees. The two ideas form a cooperative whole that can best be maintained by continuing to speak of Two Kingdoms. The literature on the Two Kingdoms is vast; some of the most important works on the subject include Paul Althaus, The Ethics of Martin Luther, trans. Robert C. Schultz (Philadelphia, Penn.: Fortress, 1972), and his “Luthers Lehre von den beiden Reichen im Feuer der Kritik,” Lutherjahrbuch 24 (1957): 40–67; Heinrich Bornkamm, Luther’s Doctrine of the Two Kingdoms in the Context of His Theology (Philadelphia, Penn.: Fortress, 1966); Thomas Brady, “Luther and Society: Two Kingdoms or Three Estates? Tradition and Experience in Luther’s Social Teaching,” Lutherjahrbuch 52 (1985): 197–224; W. J. D. Cargill Thompson, The Political Thought of Martin Luther, and his “The ‘Two Kingdoms’ and the ‘Two Regiments’: Some Problems of Luther’s Zwei-Reiche-Lehre,” Journal of Theological Studies 20 (1969): 164–85; Ulrich Duchrow and Wolfgang Huber, eds., Die Ambivalenz der Zweireicheslehre in lutherischen Kirchen des 20. Jahrhunderts, (Gütersloh: Gütersloher Verlagshaus, 1976); Gerhard Ebeling, “The Necessity of the Doctrine of the Two Kingdoms,” in Word and Faith, trans. James W. Leitch (Philadelphia, Penn.: Fortress, 1963), 386–406. More recent examinations include Robert J. Bast, “From Two Kingdoms to Two Tablets: The Ten Commandments and the Christian Magistrate,” Archiv für Reformationsgeschichte 89 (1998): 79–95; William H. Lazareth, Christians and Society: Luther, the Bible, and Social Ethics, (Minneapolis, Minn.: Fortress, 2001); Karl-Heinz zur Mühlen, “Two Kingdoms,” in Oxford Encyclopedia of the Reformation, ed. Hans J. Hillerbrand, (New York: Oxford University Press, 1996), 4:184–88, and David M. Whitford, “Martin Luther’s Political Encounters,” in The Cambridge Companion to Martin Luther, ed. Donald McKim, (Cambridge: Cambridge University Press, 2003), 178–92.
ments. The second *(das weltliche Regiment)* is the worldly government of emperors, rulers, and ruled, which is governed by law and enforced by coercion. The responsibility of the secular realm is to limit the effects of sin and malefeasance and thus to ensure that the unjust will not run rampant over the weak and downtrodden.\(^\text{12}\)

Thus, Luther attempted in the 1520s to set a new course in the relationship between the church and the state. Instead of one being the subject of the other, they would each have clearly defined roles and spheres of influence that must be kept distinct.\(^\text{13}\) To investigate Luther’s commitment to the Two Kingdoms, we shall look for the consistent use of these themes in the Lectures on Genesis. We shall begin with his understanding of authority and government, for it is in Genesis, Luther argues, that human authority is established. The proper definition of authority is a cornerstone of the Two Kingdoms. If Luther fails to remain consistent here to the principles regarding authority he set forth in the 1520s, then he has indeed abandoned the Two Kingdoms in favor of the *cura religionis*.

Second, as an extension of the examination of authority, we must explore the dual nature of authority. In 1526, Luther boasted that “not since the time of the apostles have the temporal sword and authority been so clearly described or so highly praised as by me.”\(^\text{14}\) Now we must ask whether in praising it so highly, he gave it more authority than was warranted. All authority, for Luther, is derived from God. Thus, other authorities receive their sanction from God as well. Fathers, Burghermeisters, and princes are ordained by God for the

\(^{12}\) On *Temporal Authority* (1523): “[God] has subjected [the wicked] to the sword so that, even though they would like to, they are unable to practice their wickedness, and if they do practice it they cannot do so without fear or with success and impurity.” *Luther’s Works*, ed. Jaroslav Pelikan and Helmut T. Lehmann (St. Louis, Mo.: Concordia, 1955–86), 45:91, (hereafter LW); and D. Martin Luthers Werke: Kritische Gesamtausgabe, 60 vols. (Wienar: Böhlau, 1883–1980), 11:251 (hereafter, WA).

\(^{13}\) On *Temporal Authority* (1523): “For this reason one must carefully distinguish between these two governments. Both must be permitted to remain; the one to produce righteousness, the other to bring about external peace and prevent evil deeds. Neither one is sufficient in the world without the other. No one can become righteous in the sight of God by means of the temporal government, without Christ’s spiritual government. Christ’s government does not extend over all men; rather, Christians are always a minority in the midst of non-Christians. Now where temporal government or law alone prevails, there sheer hypocrisy is inevitable, even though the commandments be God’s very own. For without the Holy Spirit in the heart no one becomes truly righteous, no matter how fine the works he does. On the other hand, where the spiritual government alone prevails over land and people, there wickedness is given free rein and the door is open for all manner of rascality, for the world as a whole cannot receive or comprehend it” (LW 45:92, WA 11:252).

\(^{14}\) *Whether Soldiers, too*, Can Be Saved, LW 46:95. Translation altered; compare to “das sint der Apostel zeit das weltliche schwerd und oberkeit nie so klerlich beschrieben und herrlich gepriesen ist… als durch mich” (WA 19:625).
maintenance of good and are thus due obedience (Romans 13:1–7). However, it is also divided between the secular and the spiritual. In the 1520s, Luther was very clear that the two should be neither confused nor combined. collapsing the kingdoms and therefore advocating a _landesherrliche Kirchenregiment_ in the Lectures on Genesis would clearly substantiate the claim of a transition to the _cura religionis_.

Finally, we must examine Luther’s understanding of Law and Gospel. The Genesis lectures are ideal for this purpose, not simply because it is in Genesis that Luther discusses the implications of the Fall, but because it is here in Genesis that Luther finds the Gospel proclaimed in its pristine, prelapsarian form. The Law and Gospel are a central dialectic in Luther’s thought.¹⁵ Luther notes two proper uses of the Law: the natural/civil/or political use and the theological. The Law in its political sense is a good gift of God in that it limits human sin and avarice and thus promotes the common good. Theologically, the Law reveals the utter uselessness and futility of salvation by works.¹⁶ Thus he rejects the ethical and moral approaches to God (and their attendant social/political structures). In their place, Luther offers God’s promise of salvation given freely in the Gospel of Jesus Christ.¹⁷

¹⁵ “Advent Church Postils,” (1521), WA 7:502, 34 f.: “Quando autem pene universa scriptura totiusque Theologiae cognitio pendet in recta cognitione legis et Evangelii (Nearly the entire Scripture and the knowledge of all theology depends upon the correct understanding of law and gospel.)” Though nearly identical, this is not the Advent Postil on Matthew 11:2–10 translated in _The Sermons of Martin Luther_ (Grand Rapids, Mich.: Baker Books, 1996) 1:87–113. That sermon, which is for the same day and scripture, is later and considerably expanded.

¹⁶ _Treatise on Good Works_ (1520): “Now this only indicates a few tasks for the government. But there are so many additional good works that every moment of their lives they have an abundant number of tasks and opportunities to serve God. But these works, like the others, should also be done in faith, in fact, as an exercise of faith, so that nobody thinks he is pleasing to God on account of what he does, but rather by a confident trust in his favor he does such tasks for a gracious and loving God and to his honor and praise alone. And in so doing, he serves and benefits his neighbor” (LW 44:97, WA 6:262 f.).

¹⁷ The best explication of the freedom of the Gospel is found in Luther’s Lectures on Galatians (2:21); the best example of his commitment to the principle of the freedom found in the gospel is in his response to the Wittenberg Disturbances. There in the _Invocavit Sermons_ (LW 51:67–100, WA 10:3:1–64) we see that for Luther when the Gospel (or Karlstadt’s proposed church reform) is transformed from gift to requirement, the essence of the Gospel is sacrificed and abandoned. Luther’s disagreement with Karlstadt had little to do with the types of reform, or even really the speed of implementation. Where Luther found fault was in how the reforms were implemented and why. Luther himself had argued for Communion to the laity in both kinds; he was really indifferent about images and was open to clerical marriage. Karlstadt’s reforms were not the problem. For Luther, all of these reforms were opportunities for the congregation—not commands. Because of Karlstadt’s understanding of Christian Identity (see, _Whether One Should Proceed Slowly_), these reforms were not optional but
I. Authority in the Lectures on Genesis

Luther uses the phrases authority, government, or power of the sword repeatedly throughout the Lectures on Genesis; however, it is in reference to two pericopes that he offers his most detailed exploration of the subject. The first time he touches with any depth on the issue of authority is in Genesis 2:16–17. Genesis 2 is the second telling of the creation story and has as its focus the creation of Adam and Eve in the Garden. In verses 16 and 17, God commands Adam and Eve, “Eat from every tree in Paradise, but from the tree of the knowledge of good and evil do not eat.” For Luther the pronouncement of this edict signals the institution of authority within the human community by establishing the authority of the church and the home. The church is brought into being by the proclamation of the Word (that is, the edict) to Adam. The authority of the home is established because Adam alone hears this Word and must then communicate it to Eve; thus husbands instruct their wives.

Absent from this prelapsarian institution of authority is any sense of restriction, punishment, or chastisement that attend authority after the Fall. In a sense, here, we see only the edifying use of authority:

Adam had need of this command concerning the tree of knowledge of good and evil; namely, [so that] there should be an outward form of worship and an outward work of obedience toward God. . . . Who, then, is either so ignorant or so deranged as to conclude from this that no Law was given to Adam when he hears it stated that Adam was righteous? For nothing else follows from this than that the Law given to the unrighteous is not the same Law that was given to righteous Adam. Moreover, when a Law is given to righteous Adam, it follows that this is a different Law from the one which later was given to the unrighteous.\(^{18}\)

The law “do not eat” provides Adam and Eve with parameters in which to live and serves to guide them in right living and the right worship of God.\(^ {19}\) Thus, for Luther, authority is part of God’s original plan for creation. Creation is to have order and direction; however, there is no need of the convicting aspect of the law (its first use) or of

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18. LW 1:109, WA 62:82.
19. That is to say, the Third Use of the Law. Luther never used the phrase tripex usus legis in this manner, but its essence is here depicted. For the paradigmatic expression of the Third Use, see John Calvin, Institutes of the Christian Religion 2.7. In a sense Luther also expresses here the idea Karl Barth attempted to capture in his famous “Gospel and Law”; see Community, State, and Church: Three Essays. Intro.Will Herberg (Garden City, N.Y., Doubleday, 1960), and Church Dogmatics II/2 (Edinburgh: T and T Clark, 1957), chapter 8.
the political use of the law as a deterrent to crime (its second use). These aspects only become essential to life after the Fall.

For Luther, the effects of the Fall are devastating in their totality. The imago Dei is shattered, and from then on, humanity is bound to sin. As an alleviation to this depraved state, God offers the law: now experienced, however, as judgment, conviction, and punishment. Once sin enters the picture, the aspect of the law as edifying fades into the background before its first two uses. In Genesis 9, Luther turns to examine these aspects of authority.

Genesis 9 records the postdeluge covenant between God and Noah. God begins by pledging, “never again to destroy all living creatures” and then commands Noah and his family to be “fruitful and multiply.” Because homicide threatens the latter command and flaunts the former promise, God further commands that those who take human life must give their own as punishment. For Luther, the imposition of the death penalty signals the establishment of the political use of the law (that is, the institution of governmental authority): “Here we have the source from which stem all civil law and the law of nations. If God grants to man power over life and death, surely He also grants power over what is less, such as property, the home, wife, children, servants, and fields. All these God wants to be subject to the power of certain human beings, in order that they may punish the guilty.” 20 Had there been no Fall, there would be no murder or sin, and thus there would have been no need for government. 21 All of government’s activity flows from its authority to wield the sword in order to punish the wicked. This understanding of governmental proper authority is wholly consistent with the “early” Luther. Throughout his life Luther understood the role of government to be a gift from God as “an outward remedy” to sin. 22

22. Genesis 9:6. “This text is outstanding and worthy of note; for here God establishes government and gives it the sword, to hold wantonness in check, lest violence and other sins proceed without limit. If God had not conferred this divine power on men, what sort of life do you suppose we would be living? Because He foresaw that there would always be a great abundance of evil men, He established this outward remedy, which the world had not had thus far, in order that wantonness might not increase beyond measure. With this hedge, these walls, God has given protection for our life and possessions” (LW 2:141, WA 42:361). This sentiment is exactly in keeping with his position in On Temporal Authority in 1523: “Hence, a man who would venture to govern an entire country or the world with the gospel would be like a shepherd who should put together in one fold wolves, lions, eagles, and sheep, and let them mingle freely with one another, saying, ‘Help yourselves, and be good and peaceful toward one another. The fold is open, there is plenty of food. You need have no fear of dogs and clubs.’ The sheep would doubtless keep the peace and allow themselves to be fed and governed.
Soon after Luther addressed the establishment of temporal authority, he turns to discuss its proper use by way of exegeting an example of its flagrant abuse. He uses the story of Nimrod as a backdrop for this discussion. Nimrod is the son of Cush and is portrayed in Genesis 10 as a great hunter and the founder of the Babylonian empire.²³ Luther uses Nimrod as an example of authoritarian avarice, for "Nimrod was the first after the flood to strive for the sovereignty of the world."²⁴ Nimrod seeks his own glory and thus becomes the first postdeluge tyrant. He does so by overthrowing his brothers and cousins and usurping their authority. For Luther the most significant aspect of this usurpation is Nimrod's rebellion against Shem.²⁵

As the father of the Semite peoples, Shem is the embodiment of God's priesthood. When Luther looks at Nimrod he sees many of his contemporaries; that is to say, men who are unsatisfied with what they have and seek to grab what does not belong to them: "Not satisfied with his tyranny in the state, he also wants to be lord in the church. He sets up new forms of worship, and he oppresses those who stand before God. Moses clearly distinguishes how a thing appears before God from how it appears before men. What is good and righteous before God the world always regards as evil and unrighteous."²⁶ In the Lectures on Genesis, the essential nature of tyranny is the inappropriate meddling of one kingdom (the prince—Nimrod) in the other (the church—Shem).²⁷ This usurpation is especially troubling to Luther because it jeopardizes not just the lives of its victims but their very souls. For this tyrant, "does not hunt hares, deer, or

peacefully, but they would not live long, nor would one beast survive another" (LW 45:91 f., WA 11:251 f.).

²³. Genesis 10:8–11: “Cush became the father of Nimrod; he was the first on earth to become a mighty warrior. He was a mighty hunter before the LORD; therefore it is said, ‘Like Nimrod a mighty hunter before the LORD.’ The beginning of his kingdom was Babel, Erech, and Accad, all of them in the land of Shinar. From that land he went into Assyria, and built Nineveh, Rehoboth-ir, Calah, and Resen between Nineveh and Calah; that is the great city.” NRSV.


²⁵. Luther makes a great deal out of the derivation of Nimrod (dwrmn) from dr’m (marad). Marad means to “fall away” or to “rebel.” See, LW 2:197, WA 42:400.

²⁶. Genesis 10:8–9, LW 2:198, WA 42:401. Translation altered; compare to, “non contentus tyrannide in Republica, etiam in Ecclesia vult dominari. Erigit novos cultus, eos qui coram Deo sunt, opprimit. Nam Moses diserte distinguuit duos conspectus, alterum coram Deo, alterum coram hominibus. Quod igitur coram Deo bonum et iustum est, id mundus semper iudicat malum et iniustum.”

²⁷. The connection between tyranny and the usurpation of another’s jurisdiction was by the 1540s commonplace and is an allusion to the Saxon theory of resistance developed by Gregor Brück and presented to Luther and others at Torgau in 1530. See David M. Whitford, Tyranny and Resistance, and “From Speyer to Magdeburg: The Development and Maturation of a Hybrid Theory of Resistance,” in Archiv für Reformationsgeschichte, forthcoming.
boars, as the hunters do; but he lies in wait for the righteous, the holy, the prophets, and the priests of God. He hunts, traps, and kills those who are dear to God, who have faith, and in whom God Himself dwells through His Spirit.” 28 The danger of mixing the two kingdoms is that it confuses Law and Gospel.

The theme of Law and Gospel recurs throughout the Genesis Lectures. However, Luther chooses the story of Jacob’s blessing of Joseph’s second son Ephraim rather than the first-born Manasseh in Genesis 48:17 29 for his most detailed exegesis of the topic. What is important about this story is that both men are “very spiritual men”; neither is a tyrant or an ally of the devil. Both are good, upright, God-fearing men, and yet the disagreement between them is great. How is such a situation possible, for this is not the first time it has occurred; Abraham disagreed with Sarah and Isaac disagreed with Rebecca. The answer lies in the distinction between the Law and Gospel, for in each case of disagreement one participant sides with human law, tradition, and natural right while the other places his or her trust in God’s promise.

God promised to make of Abraham a great nation. Prematurely, Abraham sought to accomplish this through his servant Hagar. Thus, Ishmael was Abraham’s first-born son, and Abraham sought to bless him. Sarah, however, denied the legitimacy of Ishmael and advocated for her son, Isaac. Choosing Ishmael represents tradition (for legally Abraham was right and Sarah was not); Isaac represents God’s promise that was, incidentally, made to both Abraham and Sarah. Likewise, Isaac and Joseph both seek the bestowal of blessing on their eldest sons (Esau and Manasseh, respectively). Luther finds much to praise in the actions of Abraham, Isaac, and Joseph. Human tradition and custom have much to offer and should not be cast aside:

The doctrine of the Law should be retained because it is necessary for the preservation of discipline. Therefore the Law should be kept very rigidly, just as Abraham upholds Ishmael, Joseph upholds Manasseh, etc. For the Law must not be cast aside because of the promise of grace; but it must be taught in order that discipline and the doctrine concerning good works may be retained, and in order that we may be instructed to know and humble ourselves after we

29. Genesis 48:17–19: “When Joseph saw that his father laid his right hand on the head of Ephraim, it displeased him; so he took his father’s hand, to remove it from Ephraim’s head to Manasseh’s head. Joseph said to his father, ‘Not so, my father! Since this one is the firstborn, put your right hand on his head.’ But his father refused, and said, ‘I know, my son, I know; he also shall become a people, and he also shall be great. Nevertheless his younger brother shall be greater than he, and his offspring shall become a multitude of nations,’” NRSV.
have sinned. This is the true and necessary use of the Law. For in this life we need government and parents, who uphold discipline by means of rewards and punishments and who keep the Law and govern and direct their conduct in a godly and prudent manner according to the norm of the Law.30

Thus law has a powerful and fruitful role to play in human affairs, but its authority is not absolute. It is counterweighted by the Gospel.31 Human tradition advocates primogeniture, "but the divine blessing prefers the other son." The Gospel comes contrary to our expectations. It is mercy when we ought to expect (because we deserve) condemnation. It is hope when we seem trapped in despair (Anfechtungen). Here in some of the last writings of Luther, we find again the Theology of the Cross. Because of humanity’s fallen condition, one can neither understand the redemptive word nor see God face to face; instead one sees only the backside.32 Thus, God reveals himself where it seems he should not be,33

But Jacob replies: “I understand, my son, that you are defending the right of primogeniture according to the Law, which you want to be preserved and honored. And it is also my wish that it be firm and immovable. But now it is not the time and place for the Law. No, this is the time and place for the divine blessing, which is not subject to laws or to our right or our wisdom.” Accordingly, he does not reject Joseph’s opinion but leaves the matter undecided; he does not abolish the Law but carries out the business of the promise.34

This understanding of the important distinction between Law and Gospel has important implications for Luther’s understanding of the

31. Genesis 48:16–17: "The kingdom of grace is one thing, and the kingdom of the Law is another thing. The Law* checks sin, shows the rod, and announces the wrath of God and punishment to those who sin. This is the proper office of the Law. It serves to restrain evil, stubborn, and smug sinners. But the kingdom of grace is a kingdom of mercy, of pardon, of redemption, and of liberation from sins and the punishments for sins" (LW 8:170, WA 44:703).
32. See Exodus 33 where Moses seeks to see the Lord face to face, but instead sees only his backside. See also Luther’s Heidelberg Disputation (1518): “He deserves to be called a theologian, however, who comprehends the visible and manifest things of God seen through suffering and the cross” (LW 31:40, WA 1:354).
33. See Theses 3 and 4 of the Heidelberg Disputation. Jos. E. Vercruyse, in “Gesetz und Liebe, Die Struktur der ‘Heidelberger Disputation’ Luthers (1518),” Lutherjahrbuch 48 (1981): 11–12, vividly demonstrates this dichotomy by placing the two theses side by side:

3. The Works of Humans
   Always look splendid
   Appear to be good
   Are nevertheless in all probability
   Mortal sins

4. The Works of God
   Always look deformed
   Appear to be bad
   Are nevertheless in very truth
   Immortal merits

relationship between the state and the believer. First, it reinforces the
danger of mixing the Two Kingdoms. For example, if princes at-
ttempted to run states by the Gospel’s call to turn the other cheek, mass
exploitation and sin would result, and if pastor’s governed the church
by the sword, the message of free grace would be hopelessly lost.

35. An early example of the tragedy that results from mixing the Two Kingdoms is the
Flood. When discussing the reasons for the Flood, Luther attributes primary causality to
the mixing of the Kingdoms. Luther writes, "Moses is explaining the kind of power on
which [giants of old] relied, namely, secular or worldly power. They despised
the ministry of the Word as a worthless occupation. Therefore they seized upon a worldly
occupation, just as our papists have done.... [These giants of old must be compared
with the small church] who have neither prestige nor wealth but do have the Word. This
is their only wealth, but it is wealth that the world both despises and persecutes. By
contrast the nepilum, or giants, not only usurp the glorious name of the church on the
grounds that they are descended from the patriarchs, but they also wield authority.
They are the lords, and with their power they oppress the wretched church.... Thus
this passage presents a description of the sins besetting that age, namely, that they were
men alienated from the Word and given over to their lusts and reprobate minds, men
who sinned against the Holy Spirit with persistent impenitence, the defense of ungodly
acts, and assaults on the acknowledged truth. Nevertheless, in the midst of all their
blasphemous conduct they retained a reputation and distinction not only as secular
government but also as church, as though they had been elevated by God to the position
of angels. But when things had come to such a pass, when Noah and Lamech, together
with their forefather Methuselah, were teaching in vain, God gave these people over to
the desires of their own hearts (Ps. 81:12) and kept silence until they would face the
Flood in which they were refusing to believe" (LW 2:36–38, WA 42:285–87).

36. Genesis 49:3: “This had to be done in this way, especially among the people of the Old
Testament. Although there is mercy in this nation and forgiveness of sins, yet there is
no pure mercy or the pure kingdom of the Gospel and grace; but there is also a part of
the political kingdom, where there must also be examples of punishments. Here the
executioner must wield the sword and make use of the gallows and the wheel to
frighten and warn the others, even when the sin is forgiven. Thus although a thief is
pardoned, nevertheless he is brought to the gallows. The sin of those who must suffer
capital punishment is forgiven by God, but the executioner does not forgive it by not
demanding the punishment ordained by the laws. The executioner does not forgive
them; he gives them their just deserts. Thus Paul says: ‘He does not bear the sword in
vain; he is the servant of God to execute His wrath, that is, to inflict punishment, on the
wrongdoer’ (Rom. 13:4). Yet the thief and the murderer, etc., are not condemned if they
repent and believe in Christ. Nor do they feel the shame of the gallows after death. But
their descendants should look at this and reflect: ‘If you steal, you, too, will suffer like
punishment.’ This doctrine is necessary and must by all means be retained in the world.
They say that as often as Emperor Maximilian passed a place of public execution, he
uncovered his head and saluted it with these words: ‘Hail, holy justice!’ For if there were
no punishments and executions, we would achieve nothing with our sermons and the
forgiveness of sins, and the populace would abuse the doctrine of the mercy of God for
boundless license to sin” (LW 8:205, WA 44:728 f.). For an early example of this line of
thinking, see On Temporal Authority (1523): “If anyone attempted to rule the world by
the gospel and to abolish all temporal law and sword on the plea that all are baptized
and Christian, and that, according to the gospel, there shall be among them no law or
sword—or need for either—pray tell me, friend, what would he be doing? He would be
loosening the ropes and chains of the savage wild beasts and letting them bite and mangle
everyone, meanwhile insisting that they were harmless, tame, and gentle creatures; but
I would have the proof in my wounds” (LW 45:91, WA 11:251).
Second, this highlights the futility of attempting to coerce the conscience. The state may demand outward conformity, but it can never subjugate the will or the heart. God has given the secular prince the power of the sword for the maintenance of order and justice. Authorities ought to devote themselves to that and leave the proclamation of the Word to the church and the disposition of souls to God. The wisdom here is simple, yet profound: pastors make poor kings, and kings make poor pastors.

II. LUTHER AND THE CURA RELIGIONIS

The consistency apparent in Luther’s discussion of authority, the distinction of the secular and the sacred, and the separation of the Law from the Gospel requires us to re-examine the proposed turn to the cura religionis in the 1530s. To accomplish this, however, we must examine one other aspect of Luther’s thought in the Genesis Lectures—natural law. Natural law is not a subject much discussed in reference to the Two Kingdoms. It is an unspoken assumption—there, yet not widely discussed. Why then is it crucial here? Simply put, the argument that Luther abandoned the Two Kingdoms in favor of the cura religionis stands or falls on the proper consideration of Luther’s conception of natural law.

37. See Genesis 9:6: “In this connection the following difference must be maintained between the authority of God and that of human beings: even if the world should be unable to bring a charge against us and we should be guiltless before the world, God still has the power to kill us. For sin, with which we were born, makes us all guilty before God. But human beings have the power to kill only when we are guilty before the world and when the crime has been established. For this reason courts have been established and a definite method of procedure has been prescribed. Thus a crime may be investigated and proved before the death sentence is imposed. Therefore we must take careful note of this passage, in which God establishes government, to render judgment not only about matters involving life but also about matters less important than life. Thus a government should punish the disobedience of children, theft, adultery, and perjury. In short, it should punish all sins forbidden in the Second Table” (LW 2:140, WA 42:360).

38. Genesis 48:20: “Therefore our theology and the New Testament should give special emphasis to this part of the heavenly doctrine, although the Law must be taught too. But the kingdom of God does not consist in the Law; it consists in the Word of the promise. Today it is commonly said: ‘He loves the Word. He loves the Word of the Gospel, or the ministry.’ But in the papal decretals and canons you will not find even a syllable about the Word. They thunder only about the confession of sins, contrition, satisfaction, obedience to the pope, and the observance of monastic rules. But there is the deepest silence concerning the promises. Accordingly, the papal kingdom was a horrible devastation of the church, and even now promise is an unheard-of word to the pope and the cardinals. But although our kingdom of the New Testament should stress the doctrine of the Law to preserve discipline and civil obedience and the honor due to magistrates and parents, the kingdom of God does not consist in these things; it consists in the Word, that is, in the promise, which is the true and proper ministry of the New Testament” (LW 8:181, WA 44:711).
The argument in favor of the turn to the *cura religionis* rests on Luther’s exegesis of Psalms 82\textsuperscript{39} and 101.\textsuperscript{40} Both Psalms lend themselves to the discussion of authority, government, and justice. Luther uses Psalm 82\textsuperscript{41} as an opportunity to instruct the authorities (a *Fürstenspiegel*) of his time in the just administration of society because of its focus on the establishment of justice and the responsibility of the community to care for the needy and weak. Psalm 101\textsuperscript{42} is even more amenable to the instruction of authorities because it is a royal psalm of David on the nature of kingship and may, in fact, be an ancient Israelite oath taken by kings when they ascended to office.

Two events precipitated Luther’s writing of the exegesis of Psalm 82 in 1530. First, the exegesis is a response to the deplorable conditions witnessed in the 1529 Saxon church visitations. Second, it is also a response to a 1530 controversy in Nuremberg concerning the right of secular government to enforce religious conformity.\textsuperscript{43} These two events, however, cannot be separated from the impending Diet of Augsburg. On January 21, 1530, Charles V summoned an imperial Diet to meet in Augsburg on April 8th. The fundamental task to be addressed by the Diet was the Turkish threat. For Charles, the best

\textsuperscript{40} WA 51:200–264, LW 13:145–224.
\textsuperscript{41} “A Psalm of Asaph. God has taken his place in the divine council; in the midst of the gods he holds judgment: How long will you judge unjustly and show partiality to the wicked? Give justice to the weak and the fatherless; maintain the right of the afflicted and the destitute. Rescue the weak and the needy; deliver them from the hand of the wicked. They have neither knowledge nor understanding; they walk about in darkness; all the foundations of the earth are shaken. I say, ‘You are gods, sons of the Most High, all of you; nevertheless, you shall die like men, and fall like any prince.’ Arise, O God, judge the earth; for to thee belong all the nations!’” NRSV.
\textsuperscript{42} “I will sing of loyalty and of justice; to you, O Lord, I will sing. I will study the way that is blameless. When shall I attain it? I will walk with integrity of heart within my house; I will not set before my eyes anything that is base. I hate the work of those who fall away; it shall not cling to me. Perverseness of heart shall be far from me; I will know nothing of evil. One who secretly slanders a neighbor I will destroy. A haughty look and an arrogant heart I will not tolerate. I will look with favor on the faithful in the land, so that they may live with me; whoever walks in the way that is blameless shall minister to me. No one who practices deceit shall remain in my house; no one who utter lies shall continue in my presence. Morning by morning I will destroy all the wicked in the land, cutting off all evildoers from the city of the Lord.” NRSV.
\textsuperscript{43} See James Estes, “The Role of Godly Magistrates in the Church,” 474. For the Nuremberg documents, see James M. Estes, *Whether Secular Government has the right to Weed the Sword in Matters of Faith: A Controversy in Nürnberg, 1530*, (Toronto: Centre for Reformation and Renaissance Studies, 1994). See also Lazarus Spengler’s letter to Veit Dietrich (WA 31/1:183–84). The best timeline seems to imply that Luther began to work on the exegesis in late 1529 following the visitations. By March 17, 530 we know (via Spengler’s letter) that a draft version was underway. The events in Nuremberg (which began in the early spring of 1530 and were reported to Wittenberg by March 17) may have caused Luther to revisit the exegesis. The text was completed before Luther left for Coburg on April 3, 1530. By June 2 the first edition had sold out.
way to meet the threat was to secure internal unity. Religious discord and internal political fraction are not the foundation stones upon which one hopes to lay a successful campaign against the “invading infidel.” The designation of the Turkish threat and the desire for unity as the central concerns of the Diet placed the evangelical princes in a particularly difficult situation by forcing them to defend their right to reform (ius reformandi) religion in their realms. These three events thus forced Luther to consider the prince’s responsibility to religion (that is, the cura religionis) and to defend the ius reformandi.

Luther begins with some general comments about the fundamental responsibilities of secular authority; he then moves on to discuss the role and function of princes specifically. Concerning authority, Luther argues first that it is established to provide order and maintain the peace (82:1). Second, it must wield the sword with justice and according to the statues and laws of the nation (82:1). Building on these general principles, Luther next examines the prince specifically. He begins by arguing that princes ought to be godly and ought to “repress the godless” (82:2). To accomplish this, the prince ought to see to it that “God’s Word is protected and supported” (82:2). Given this assertion, it seems on first reading that Luther plainly adopts the view that a prince should regulate religion and ensure religious conformity within his realm. However, the case is not as clear-cut as one might think. While Luther certainly makes statements that imply a fairly vigorous cura religionis, these statements cannot be understood separate from their context.

In Rhetoric classes, one learns early on that to accept the opposition’s first premise is folly. In this case, the discussion at hand seems to be the toleration of religious minorities and the inappropriate use of the sword in religious affairs. For example, Georg Frölich, the author of the 1530 Nuremberg tract Whether Secular Government has the Right to Wield the Sword in Matters of Faith, writes,

But the New Testament speaks of two kingdoms on earth, mainly the spiritual and the secular. The spiritual kingdom is the kingdom of Christ in which Christ is the king. Similarly, the secular realm also has its king, namely the emperor and other authorities. . . . From this it is clear that Christ does not wish the sword of the secular govern-

44. For example, in exegeting verse two he writes, “For if God’s Word is protected and supported so that it can be freely taught and learned, and if the sects and false teachers are given no opportunity and are not defended against the teachers who fear God, what greater treasure can there be in a land?” (LW 13:52, WA 31/1:199).
ment to be used to root anything out of his kingdom, but wishes rather to do combat there solely by his word until the end of time.\textsuperscript{45}

This quotation could easily have come from the pen of Luther, and Frölich intends it that way. He argues that “fighting for or against the true faith, the one as well as the other, constitute interference in Christ’s kingdom and rebellion against it”,\textsuperscript{46} thus religious minorities must be tolerated. However, Luther consistently rejected \textit{a priori} categories, and does so here.

Though Frölich writes about tolerance for all religious minorities, the issue in Nuremberg was really about the toleration of Anabaptists.\textsuperscript{47} Refusing to fall into Frölich’s rhetorical trap, Luther does not discuss religious tolerance broadly conceived, but rather Anabaptism and religious radicalism in particular. Thus, Thomas Müntzer and Andreas Bodenstein von Karlstadt lurk in the background of this text. An awareness of this context then clarifies Luther’s language. How should a prince “support and defend God’s word?” Luther asks. He must punish sedition, rebuke blasphemy, and ensure that those who preach have proper authority to preach.

That heresy and disbelief lie beyond the jurisdiction of the prince is clearly true, and to attempt to force one to believe is foolishness. However, not all heretics are created equal. A simple heresy of works righteousness is not the same thing as the heresy of Anabaptism. Because Anabaptists call into question the legitimacy of government and attempt to place themselves beyond the authority of the magistrate, they are not “heretics only, but rebels, who are attacking the rulers and their government, just as a thief attacks another’s goods, a murderer another’s body, an adulterer another’s wife; and this is not to be tolerated.”\textsuperscript{48} Beliefs are private and untouchable, but actions and words have repercussions that must be clearly and forcefully addressed. The care of religion in this case is not so much the care of religion as it is the assurance that governmental authority is not

\textsuperscript{45} Whether Secular Government has the Right to Wield the Sword in Matters of Faith, in Estes, 
\textit{Controversy in Nürnberg}, 42 f. In the \textit{Controversy in Nürnberg} volume, the author of the text in question is referred to as “Anonymous Nürnberger.” Only recently has Estes (in a magnificent example of historical detective work) identified Frölich as the author. See James Estes, “Introduction,” \textit{Godly Magistrates and Church Order: Johannes Brenz and the Establishment of the Lutheran Territorial Church in Germany, 1524–1559} (Toronto: Centre for Reformation and Renaissance Studies, 2001), 17, n. 27. Full details for the attribution of authorship will be published in Lazarus Spengler, \textit{Schriften} 3 (Gütersloh: Gütersloher Verlagshaus, forthcoming).

\textsuperscript{46} Frölich, \textit{Secular Government}, 45.

\textsuperscript{47} Estes, \textit{Nürnberg Controversy}, 12, n. 11.

overthrown; so that while from the outside it looks like the prince has overstepped his bounds and meddled in religion, he really has not.49

But, what of blasphemy? The civil government’s authority traditionally extends to the second table of the law. The commandment against Blasphemy is on the first table. How can Luther legitimately argue that punishing blasphemy is a civil affair? The answer to this question lies in Luther’s understanding of natural law. Luther uses the phrases, “natural law,” “laws of nature,” and “command of God” 583 times in the American Edition of his works. Their occurrences stretch from the very earliest writings to the very last. Across these thousands of pages and decades of work, one thing remains clear: blasphemy is not like the other prohibitions on the first table. Rather, blasphemy belongs with those aspects of the second table made known to all people.50 In 1525 in the tract, “How Christians Ought to Regard Moses,” Luther writes, “To be sure, the Gentiles have certain laws in common with the Jews, such as these: there is one God, no one is to do wrong to another, no one is to commit adultery or murder or steal, and others like them. This is written by nature into their hearts; they did not hear it straight from heaven as the Jews did.”51 Thus, for

49. See Bernhard Lohse, Martin Luther’s Theology, 319: “What induced him to [appeal to the temporal arm for aid] was no longer the idea that a territory had to be confessionally self-contained, but that Thomas Müntzer had called for a general uprising, and for this reason the debate with him had to be carried on not merely theologically, but also politically and militarily. To exercise tolerance toward Müntzer would have spelled outright surrender on the part of the Saxon church and the elector. With his two-kingdoms doctrine Luther with full and objective right opposed Müntzer and his revolutionary spiritual Christianity with ‘rationality,’ with the legitimacy of the temporal power and its function in establishing order.” Lohse sees a difference, however, between Müntzer and the Anabaptists. Lohse argues that Luther’s response to Anabaptism calls into question his own presuppositions. I am not convinced, however, that Luther saw any difference between Thomas Müntzer and Michael Sattler. Both were equally dangerous. Luther, I think, would have argued that this suspicion was confirmed in Müntzer.

50. In The Ethics of Martin Luther, Paul Althaus (29) claims that natural law included both tables of the law. I remain unconvinced. While in Against the Heavenly Prophets (LW 40:98, WA 18:81), Luther does state that the Natural Law is confirmed and restated in the Decalogue of Moses, I do not believe that this is the same thing as stating the content of the one is identical to the content of the other.

51. LW 35:164, WA 16:372. This sentiment is expressed throughout Luther’s career; other examples include in the 1537’s Die erste Disputation gegen der Antinomier (First Disputation Against the Antinomians), “Decalogus vero haeret adiuv in conscientia. Nam si Deus nunquam tulisset legem per Mosen, tamen mens humana naturaliter habit hanc notitiam, Deum esse coendum, proximum diligendum.” (The Decalogue is lodged in the conscience. If God had never given the Law of Moses, the mind of man still has the knowledge that God is to be worshiped and our neighbor is to be loved.) WA 39/1:374, and from ca. 1543, Lectures on Genesis 32:12, “Thus all men naturally understand and come to the conclusion that God is something of beneficent divine power, from whom all good things are to be sought and hoped for. God is One who promises, and He is truthful, that is, He makes promises to all men in the law of nature, which says: ‘Call upon God, or
Luther, blasphemy, together with theft, murder, and adultery, was not simply a matter of conscience, but a matter of civil violation.

While we may view this position as incompatible with his Two Kingdoms, he certainly did not. For Luther, as well as all of his contemporaries (witness that Calvin’s Geneva burned Servetus to the universal acclamation of Christendom), blasphemy was of a completely different order than, for example, keeping the Sabbath. Not only was blasphemy a violation of natural law, but in the worldview that Luther inhabited, it also ran the risk of fierce divine punishment.52 When these two contexts are fully appreciated, Luther’s remarks in Psalm 82 are not the deep bow to the cura religionis they seem to be at first.

Close reading of Psalm 101 finds many of the same issues still in play. Nearly five years after the Psalm 82 commentary, Luther is nevertheless concerned about the same fundamental issues at stake in the late 1520s. Psalm 101 is dedicated to John Frederick of Saxony and was published in 1534. Luther wrote it following the death of John Frederick’s father and his ascension to the electoral office. At the time, John Frederick was a mature adult and a dedicated Lutheran. Luther’s thoughts, then, are not issued in the midst of a particular crisis or to an unseasoned leader, but are instead offered to a faithful prince as he accepts a weighty responsibility. As such, Psalm 101 is more tempered and measured.

Luther begins by warning John Frederick to avoid the major pitfall of authority—arrogance. Arrogance will lead to the belief that one is competent in affairs that one has no business meddling in:

[Many in authority] would have liked to see themselves alone be masters on earth . . . and in this that have truly succeeded, to such an extent that fifty percent or more of the secular leaders have forgotten their own duties and have occupied themselves with the church and with Masses, while the clergy have in the same measure given up

worry Him”’ (LW 6:113, WA 44:84). This text is particularly interesting because Luther differentiates between the simple idolatry and blasphemy. Idolatry is misplaced worship; blasphemy is outright disregard or contempt for God’s person. For Luther, blasphemy was far more serious.

52. For an interesting contemporary account of the dangers befalling those who anger God, see Basilius Monner’s Bedenken von der Kriege/der Anno /ec. sechs/siben/ und viertzig im land zu Meissen und Sachsen gefülehrt ist/wo für erzahlen sey/gestatt (Basel, 1557), which highlights the disasters that befell those who sided against the Protestants in the Schmalkaldic War; see especially Fl1–F4’. For a discussion of this pamphlet, see Robert Kolb, “The Legal Case for Martyrdom: Basilius Monner on Johann Friedrich the Elder and the Smalkald War,” in Reformation und Recht: Festgabe für Gottfried Seebäf zum 65. Geburtstag, ed. Irene Dingel, Volker Leppin, and Christoph Storm (Gütersloh: Chr. Kaiser, 2002), 144–60. I wish to thank Prof. Kolb for providing me with a copy of the essay before it was published.
their priestly duties and have busied themselves with hunting, waging war, and such utterly secular affairs.\textsuperscript{53}

This sad state of affairs has led to a deplorable mixing of offices and thus a profound negligence of their rightful duties. With this sad state before him, then, Luther moves on to advise John Frederick in the wise administration of his office.

He begins by reminding John Frederick that kings and princes have been given a great responsibility and with it tremendous power. This power must be administered with “mercy and justice.” Too much justice (that is, law and punishment) will lead to tyranny. Too much mercy will fill the world with “wicked rascals.” John Frederick must seek “moderation in all things.” If he reigns in such a manner, he would truly be a blessing to his people. This course is not easy, however, and so Luther urges John Frederick to pray constantly for God’s grace.\textsuperscript{54}

Luther then moves on to offer more specific advice. First, a ruler must rule discreetly, uprightly, and be attentive to God’s Word. In other words, the ruler must not place himself beyond the admonition of God’s Word. Too often, Luther felt, rulers ignored God’s Word and ruled according to their own wisdom. This neglects a great resource. Second, the ruler must punish blasphemy and those who despise God. Here he echoes his sentiments in Psalm 82, but here we also gain some insight as to why this is even necessary. For if knowledge of God is natural, why then do some fall into blasphemy instead of mere idolatry? The answer is that natural law and reason are not equally apprehended by all, for the world is full of “fools and children.” Thus God has created things in “such a way that men are not alike and that one should rule while the other should obey him.”\textsuperscript{55} Instruction, thus, as well as just punishment, is an end in the chastisement of blasphemers. Finally, the just ruler must punish lawbreakers and shun the company of the immoral. Nearly all the rest of Psalm is devoted to warning John Frederick against the “confusion and mingling of the secular and spiritual realms.”\textsuperscript{56}

III. Conclusion

As Luther concluded his work on Genesis in the early fall of 1545, he had one final occasion to return to the issue of government and


\textsuperscript{55} Psalm 101:1, LW 13:159, WA 51:212.

\textsuperscript{56} Psalm 101:5, LW 13:196, WA 51:240.
religion. The context is chapter 49. This is a pivotal chapter in the Pentateuch, for it is the deathbed blessing of the Tribes of Israel by Jacob. The text lends itself to a discussion of the Two Kingdoms, because of the blessing bestowed upon the House of Judah. Here, Judah is portrayed as the ruling house in the family of Jacob. Jacob prophesies that the scepter (or rule) of Judah shall not pass away until Shiloh shall come.

The text was understood in the early modern era in two ways. The beginning of the text was understood as a prophecy of David’s rule and kingdom. The end of the sentence was understood as a messianic prophecy (with Shiloh representing the Messiah) foretelling the Kingdom of Christ. This distinction between the kingdom of David and the Kingdom of Christ gave Luther a final opportunity to clarify the proper relationship between the weltliche Reich and the geistliche Reich. He begins by explaining that the Kingdom of David and the Kingdom of Christ cannot be the same because the historical record is clear: “The kingdom [of David] has fallen, the Jews have been dispersed and scattered over the whole world.” This kingdom of David “which was governed by arms, the sword, and violence has now ceased.” In its place, the Kingdom of Christ has been established. The Kingdom of Christ is not a kingdom of arms or the sword but “consists in hearing and obeying or believing the Word by which it is administered.” Luther writes,

In the Word, therefore, there is a most powerful kingdom against death, sin, the devil, and all their tyranny, with power to save, to set free, and to defend for eternal salvation. About these things the rabbis know nothing. Nor do the papists or the Turks. But it is our duty to inculcate these matters diligently and to heed this striking difference between the kingdom of Christ and that of others, even David’s. For this is what Jacob means: “The kingdom of my son David, which cannot be administered without the sword and arms, will not endure; but the kingdom of... (Shiloh) will follow, and it will be governed by the Word alone.” Thus Christ says: “Go into all the world and preach the Gospel to the whole creation” (Mark 16:15). For that Word is most powerful. It is able to save from the hands of death and the devil as well as from the power of hell, and to translate into the kingdom of God. To this king, then, the nations shall listen;

57. Luther began his Genesis Lectures in June of 1535; by January 1545 we know from a letter he sent to Wenceslaus Link that he had begun chapter 45. He completed the entire project on November 17, 1545. Given this time frame, he was probably on chapter 49 sometime in September or early October 1545.
58. For a contemporary example of this exegetical tradition, see John Calvin’s Commentary on Genesis: “For (as I have just hinted) the origin of the kingdom in David is not here promised, but its absolute perfection in the Messiah.”
that is, they will be ruled by the Word. The work will be done through preaching. This will be the mark distinguishing the kingdom of Christ from the empires of the world, which are ruled by the sword and physical might. ... For the Gospel is something heard (Evangelium enim est auditio). ... It is not with the sword, not with fire, not with violence but with listening or hearing and with the doctrine of faith that ... (Shiloh) will rule. And not only the Jews but all the peoples of the whole world will obey Him. 59

Luther’s distinction between a kingdom of force and a kingdom of the Word was more germane to the political situation around him than at any other time since he began his Lectures on Genesis. As he wrote, the signs of impending doom for the Reformation were rising significantly on the horizon. Already by mid 1545, the emperor had (due largely to Philipp of Hesse’s bigamy) pacified the Schmalkaldic League, suppressed the Reformation in the duchy of Jülich-Cleves, obtained the support of King Francis of France for a campaign against the Protestants, and secured his border with the Turks. For the first time in his reign, Charles was now in a strong enough position to fulfill the pledge to destroy Luther’s reforms that he had made in Worms in 1520. 60

59. Genesis 49:10, LW 8:239, WA 44:758. Translation altered; compare to: “Est igitur regnum potentissimun in verbo contra mortem, peccatum, et Diabolum, et universam tyrannidem eorum cum potentia ad salvandum, liberandum et defendendum in salutem aeternam. ... De his Rabini nihil sciant, nec Papistae, nec Turcae. At nostrum est ista inculcare sedulo, et hanc insignem differentiam regni Christi et aliorum, etiam Davidis, observare. Hoc enim vult Iacob: Regnum filii mei Davidis, quod sine gladio et armis non potest administrari, non durabit, sed sequetur regnum Schilo, quod solo verbo gubernatur. Sicut inquit Christus: ‘Ite in orbeum universum, et praedicate Evangelium omni creaturae.’ Id enim verbum potentissimun est, quod potest salvare de manibus mortis et Diaboli, ac potentia inferiorum, et transferrre in regnum Dei. Huic igitur regi erit auditia populum, hoc est, verbo regentur. Es wirt mit predigen zugehen. ethic nota discernens regnum Christi a mundi imperiis, quae reguntur gladio et vi corporali. ... Evangelium enim est auditio. ... Non gladio, non flamma, non vi, sed auditia sive auditu et doctrina fidei regnavit Schilo, et obedient et non solum judaei, sed omnes populi totius orbis terrarum.”

60. Deutsche Reichsakten: Jüngere Reihe, Hrsg. durch die Historische Kommission bei der Bayerischen Akademie der Wissenschaften (Göttingen: Vandenhoeck and Ruprecht, 1962–), 2:594–96; English trans. Oscar Thulin, A Life of Luther, (Philadelphia, Penn.: Fortress, 1966), 66: “You know that I am descended from the most Christian emperors of the noble German nation, from the Catholic kings of Spain, the archdukes of Austria and the dukes of Burgundy. ... I am determined to support everything that these predecessors and I myself have kept. ... For it is certain that a single friar errs in his opinion which is against all of Christendom and according to which all of Christianity will be and will always have been in error both in the past thousand years and even more in the present. For that reason, I am absolutely determined to stake on this cause my kingdoms and seignories, my friends my body and blood, my life and soul,” and Deutsche Reichstagssachen, 2:645; English trans. De Lemar Jenson, Confrontation at Worms: Martin Luther and the Diet of Worms, (Provo, Utah: Brigham Young University Press, 1973), 101: “For this reason, we forbid anyone from this time forward to dare, either by words or deeds, to receive, defend, sustain, or favor the said Martin Luther. On the contrary, we want him to be apprehended and punished as a notorious heretic, as he deserves.”
As this crisis edged toward the boiling point, Luther set out once again the fact that the conscience cannot be compelled. Force and might rightly belong to the *weltliche Reich*, but when force is used to compel belief, it corrupts the gospel into law. Luther’s point seems plain enough; the emperor may march into battle to destroy the Reformation, but he will ultimately fail because he has chosen the wrong weapon for this war. “The kingdom of Shiloh is a kingdom of the Word; for He calls and rules the peoples by the Word alone, without arms and force. But those who refuse to hear the Word do not belong to the kingdom of Christ. Therefore a people should allow itself to be drawn by the Word, not slavishly forced by scourges, prison, and floggings as men in worldly empires are compelled to obedience by force.”

While it is certainly true that the *cura religionis* and the *landesherrliche Kirchenregiment* came to dominate religious and political life in the Holy Roman Empire following the Peace of Augsburg in 1555, I see no strong evidence to support the view that this would have been welcomed or much appreciated by Luther. For Luther, the involvement of princes in religious affairs was always a matter of emergency. He never intended it to be a permanent state of affairs, and, as we have noted here, he repeatedly resisted efforts to coerce religious uniformity and belief by force.

62. I believe that John Witte, Jr. has demonstrated with particular clarity and precision that the real development of the *cura religionis* can best be seen not among the theologians but among the jurists. See his *Law and Protestantism* (Cambridge: Cambridge University Press, 2000); see especially chapter 1 where he lays out the ways in which the jurists move beyond and expand upon Luther.
63. Two events can serve here as examples. First in 1526, Luther refused to endorse Philip of Hesse’s *Reformatio ecclesiarum Hassiae* written by Lambert of Avignon at Philip’s behest. Even though the *Reformatio* sought to enact many evangelical positions, Lutherrejected it and urged Philip not to enforce it because of coercive measures involved in it. (See *D. Martin Luthers Werke*, 15 vols. (Wiener: Böhlau, 1930), 3:157–58 (hereafter WA Br). The second episode is from 1543, here Luther objected to Maurice of Saxony’s excommunication order because secular authorities were called upon to implement the order. (See WA Br, 10:436).