

THE NINETY-FIVE THESES OF MARTIN LUTHER: 1517-1967

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ON OCTOBER 31 of this year Western Christianity observes the 450th anniversary of the publication of the ninety-five theses "on the power and efficacy of indulgences" to be defended publicly by Dr. Martin Luther of Wittenberg University.¹ The event, in itself unpretentious, rapidly developed in accord with the logic that the circumstances demanded, and terminated in a Church schism of the first magnitude. What had commenced as the academic challenge of an obscure professor in a still more obscure university moved on to the broad theatre of European history and dominated it. The world that witnessed the signing of the Treaty of Westphalia in 1648 was far different in structure from the world that had greeted the ninety-five theses in 1517. The Middle Ages and its ideal of Christian unity had vanished, and from the long, bitter polemic between Catholic and Protestant was born a religious pluralism whose intolerance proved a scandal to Christianity. Yet no one, least of all Luther, could have foreseen in the year 1517 the devastating anguish that lay before Christendom in the years ahead.

The spiritual forces that led to the final dissolution of the medieval Church accumulated over centuries reaching back to the Carolingian age and even beyond it.² Public worship had become so esoteric and clerical in its external order that it had ceased to be what in fact it

¹ The anniversary, 1517-1967, is largely symbolic; it would be a misreading of history to date to 1517 either the end of the Middle Ages or the beginning of the Reformation. The dramatic (perhaps legendary) episode of the nailing of the ninety-five theses to the door of the Schloßkirche in Wittenberg on Oct. 31, 1517, is truly significant in that it introduces us into the foyer of the Reformation and opens the portals to it.

² The Cistercian Odo of Chérillon (d. 1247) traced the principle of corruption and decadence in the Church back as far as Constantine: "Eadem die, qua Constantinus primo ecclesiam his temporalibus ditavit, audita est vox in caelo dicens: 'Hodie venenum infusum est in ecclesia. Maior facta est dignitate, sed minor religione.'" Cf. H. de Lubac, S.J., *Exégèse médiévale* 2/2 (Paris, 1964) 350.

should have been: the heart and soul of all true Christian spirituality. The liturgy of the late-medieval Church was presented in mystical and allegorical modes; rarely, if ever, was it described in terms of salvation history, the saving progress of the Christian community as God's people gathered by the Spirit in faith and charity. Holy Scripture, which should have enjoyed a prominent place in Christian life, was neglected, at least to the extent that the Church rarely took pains to provide vernacular translations of her sacred books for the spiritual edification of laity and clergy alike.³ The close alliance between *imperium* and *sacerdotium*—the axis on which the Middle Ages turned—committed the Church to secular modes of thought and action, to situations and circumstances which distracted her from the responsibilities that should have been her true and sacred concern. The deep involvement of the Church in the contemporary culture of the Renaissance in all its unmitigated secularity proved a disaster for the Christian religion, a scandal that continues to burn in the pages of her history.

By the opening years of the fifteenth century the constitution of the Church as an institution had reached a point of structural exhaustion under the heavy weight of legal tradition. Over a period of more than three hundred years the Holy See had been spinning a web of law as a protection; ultimately it proved an entrapment. Imperceptibly the Church-image as mother and life-giver changed to queen and lawgiver. The medieval curial system had become effete in its method and manner of work; bent in on itself and self-centered, the college of cardinals *in curia* did not realistically grasp the significance either of the new world which was being born or of the Church's life-situation in it. Society was drifting away from its ecclesiastical foundations; yet this widening gap did not excite alarm. The old forms, visible on all sides, were withering from within and were incompetent before the new problems. It is a matter of history that the Curia mishandled "the case of Martin Luther"; and it comes as no surprise to learn that the saintly Pope Adrian VI (1522-23) recognized that this same Curia was the source

³ For a survey of this problem, which continued to fester up to and even beyond the middle of the sixteenth century, cf. R. E. McNally, S.J., "The Council of Trent and Vernacular Bibles," *THEOLOGICAL STUDIES* 27 (1966) 204-27.

whence all the evils which were afflicting the Church of that day had issued.⁴

Every discerning Christian who lived in the hundred years before 1517 knew that the old Church very much needed a thorough reform in her head and members, and that the expression *reformatio ecclesiae in capite et in membris* should mean something more than moral reform in the narrow sense of the word. As the fifteenth century grew older, the concept of *reformatio* matured. For example, under the influence of the *Devotio moderna*, a sincere attempt was made to renew personal morality, religious life, and Christian piety, while conciliarism aimed at a drastic revision of the Church's basic constitution, her law, and her administration. But no reform plan that was proposed (and, in fact, many were) seemed sufficiently comprehensive to accomplish all that the critical situation demanded; and every plan that was adopted proved futile. Reform under official auspices was executed halfheartedly or not at all, while reform undertaken on individual initiative was too isolated and local to meet the needs of the universal Church.⁵

Despite the reform councils of Constance (1414-18), Basle (1431-49), Florence (1438-45), and Lateran V (1512-17), the medieval Church remained in the unfortunate *status quo* of an unreformed Church; despite the warnings of saints and scholars, no significant reform movement was inaugurated. An unfathomable lassitude had settled over the Western Church; no human power seemed strong enough to restore her energy. In this autumn time of the late Middle Ages, shadows grew longer; day yielded to night; and life, coming to its fulness, declined. "No other epoch has laid so much stress as the expiring Middle Ages on the thought of death. An everlasting *memento mori* resounds through life."⁶ The uncorrected abuses which arose on all levels of ecclesiastical society harmed religion seriously, and the official permissiveness with which this hurt was tolerated brought medieval Christendom to her hour of peril, even to her death. Religion, as practised, was in danger of being perverted by human convenience. The warning of Giles of

⁴ The Pope expressed himself this way in his *Instructio* to Chieregati, who represented him at the Diet of Nürnberg (Jan. 3, 1523). Cf. C. Mirbt, *Quellen zur Geschichte des Papsttums und des römischen Katholizismus* (Leipzig, 1924) p. 261.

⁵ Cf. H. Jedin, *A History of the Council of Trent* 1 (St. Louis, 1957) 139 ff.

⁶ J. Huizinga, *The Waning of the Middle Ages* (London, 1924) p. 138.

Viterbo (d. 1523) in his inaugural sermon at the Lateran Council, "Men must be changed by religion, not religion by men," reflects the problematic of reform as this distinguished Augustinian saw it in his day.⁷

The distortions from which the Church of the fourteenth and fifteenth centuries suffered were many. The ninety-five theses, as Luther formulated them, aimed especially at one of these abuses, the doctrine and practice of good works in the context of indulgences, whose roots were planted deep in the past. On gospel principle the primitive Church recognized both the existence of sin and her competence to forgive it. In reconciling the sinner the Church imposed a commensurate, salutary penance; full forgiveness was granted only when this penitential obligation had been fulfilled. The early Church knew no refined theology of penance which distinguished its various aspects: confession, reconciliation, punishment, intercession, and substitution. Later, in the context of pastoral need, the penitential practice was worked into a system; subsequently a theology of penance was constructed, and developed throughout the Middle Ages.⁸

In the notion of personal substitution and vicarious satisfaction there emerges the distinctly Catholic idea that Christians can and may assist one another on the way to salvation, that their good works done with God's grace are meritorious, and that the just may share in the abundant merits of their neighbor. "This principle is but a corollary of the Church's teaching on the Communion of Saints and the solidarity of all Christians as members of Christ's Mystical Body."⁹ In absolving the sinner, the Church made solemn intercession on his behalf and remitted his personal guilt before God, while substitution helped to satisfy for penalties contracted through sin. The penitent offers as satisfaction an external work not commensurate in itself with the punishment imposed by law; and the Church for her part intercedes with God to remit the temporal obligation which his sin, now remitted, has contracted. When in the eleventh century the doctrine of indulgences first begins to appear in a formal way, it rests on these elements: absolution of sin and commutation of punishment, intercession of the Church and substitution of good works.

⁷ Cf. J. Mansi, *Collectio* 32, 669; Jedin, *op. cit.* 1, 169.

⁸ The standard history of indulgences in the Middle Ages remains N. Paulus' *Geschichte des Ablasses im Mittelalter* (3 vols.; Paderborn, 1922-23).

⁹ P. Palmer, S.J., *Sacraments and Forgiveness* (Westminster, Md., 1959) p. 321.

In the hands of the theologians of the late-twelfth and thirteenth centuries the notion of indulgences developed into a theology. Their efficacy, at first explained *per modum suffragii*, was later derived from the jurisdictional power of the Church over all acts of penance. The great canonist Huguccio (d. 1210) explained indulgences this way; and his contemporary, the Dominican Cardinal Hugh of St. Cher (d. 1260), introduced the concept of merit as a *thesaurus ecclesiae*. He stated his position this way.

This shedding of blood [of Christ and the saints] is a treasure placed in the Church's treasure chest; hence, when she wills, she can open the chest and dispense of her treasure to whom she wills, by granting remissions and indulgences. And in this way no sin remains unpunished, because it has been punished in the Son of God and in His holy martyrs.¹⁰

Gradually this power over "the Church's treasure chest" came to be reserved to the pope as the supreme custodian of the Church and of her spiritual goods.

In 1343 Clement VI (1342-52) in his jubilee Bull *Unigenitus Dei filius*, the first magisterial confirmation of what was then *doctrina communis theologorum*, set forth the character of indulgences in accord with this theological tradition.

Now this very treasure [of the merits of Christ] . . . He entrusted to be dispensed for the salutary profit of the faithful through blessed Peter, the bearer of heaven's keys, and his successors, His vicars on earth, and to be applied mercifully, for fitting and reasonable causes, to those who are truly penitent and have confessed; at times for the total, at times for the partial remission of the temporal punishment due to sins, whether by a general or a particular grant, as they deem it expedient with God.¹¹

This Bull, issued from the Avignon chancery of Pope Clement VI, was fundamental to Cardinal Cajetan's argument against Luther in the colloquia at Augsburg (October 12-14, 1518). Face to face with the papal authority of the Clementine teaching, Luther appealed to Scripture as a higher, more compelling authority. The confrontation of pope and Scripture, as it developed in the dialogue, foreshadowed that definitive repudiation of the privileged position of the Church's magisterium and its teaching which was to divide Catholic and evangelical Christianity.

¹⁰ *Ibid.*, p. 340. ¹¹ *Ibid.*, p. 350.

The basic structure of indulgences and their place in the Church's life began to be clarified in the course of the late Middle Ages. Pope Clement established the validity of indulgences for the living, and more than a century and a quarter later the Franciscan Pope Sixtus IV (1471-84) extended the efficacy of indulgences to the dead.¹² Thus it became Catholic doctrine that indulgences could be gained (*per modum absolutiois*) by the living for themselves or (*per modum suffragii*) by the living for the dead. Because they were considered favors granted by God through the intercession of His Church and because it was presumed that God would grant extraordinary favors only to His friends, those who would gain indulgences would have to be in the state of grace (friendship with God) and would have to be ready to perform a good work in view of which the Church would make solemn intercession to God to remit all or part of the temporal punishment due to sin. All these elements—a good work, Christian charity, ecclesial concern and intercession, remission of punishment—cohered. The indulgence practice ideally represented medieval man's attempt to demonstrate in terms of his spiritual values his love of self and of his departed neighbor.

The doctrine of indulgences, as formulated by the late-medieval Church, was in substance dogmatically pure. Unfortunately it was not always comprehended properly, and too often its popular expression was uncatholic. It fell victim to the religious presuppositions of the day: the common man's passionate concern for salvation, his consciousness of sin and its consequences, his awe and dread of the *Rex tremendae maiestatis*, his apprehension before the dark spectre of death when the doors of further merit close definitively. Considerations of the searching examination of "the Judge of revenge," the pains of purgatory, and the horrors of hell were prominent in medieval piety. For the unfortunate man of that day, caught up as he was in the anguish of religion, life was harsh; but even more harsh was death. On all sides it stood, menacing the living with its cold inevitability, and within its somber shadows hovered the avenging angel of judgment. To whom could this unhappy man look in the midst of his stark fear? To Christ? But here he found the Lord of judgment, enthroned in majesty, with the objective regard of the righteous judge. He was the

¹² Cf. *ibid.*, pp. 350-52.

one in whose splendid presence even the justified trembled with uncertainty and feared for their eternal salvation.¹⁸

For solace, medieval man turned to good works as the tessera of his good will before God; he turned especially to those good works to which an indulgence was attached by the Church. Here, he felt, was certain remission of the dread pains of purgatory; here was sure release from harrowing punishment and swift entrance into the unending glory of God. It is not easy for modern man to grasp the deep significance which indulgences had for the medieval Christian. In the late-eleventh century men were willing to take up the crusader's cross and travel to the extremities of the world, to fight with the infidel and there, in far exile, to die, for the privilege of gaining an indulgence. In the course of the Middle Ages indulgences were attached to pilgrimages, to relics, to altars, to shrines, to specific prayers and deeds, and the like. The tendency was to externalize religion by directing men's minds more and more to things, to places, and to actions; to throw emphasis on performance and accomplishment and thus to mechanize the practice of virtuous acts. The preoccupation of the ordinary Christian was to perform the good work blessed with a plenary indulgence remitting the temporal punishment due to sin. Personal inconvenience and hardship mattered little, for here was peace with security.

When the indulgenced good work was the contribution of money to a pious cause, when the money contributed by the people became the Church's property, the externalization of religion became materialistic and venal. Here the door opened to a new scandal, springing from the observance of religion itself; for however expert the professional theologians of that time may have been in making all the necessary, complex distinctions to demonstrate that this or that act was not simoniacal, the ordinary man to whom the indulgences made the greatest appeal did not enjoy this theological competence. He was, therefore, trapped by his own aspirations to goodness. Money was given and accepted, intercession sought and made, punishment remitted and satisfied. Thus in the popular mind the way opened to religious cyni-

¹⁸ In his *Commentary on Galatians* (1531) Luther describes the unbiblical Christ ("legislator, tyrant, and judge") of his day, "more formidable than Moses"; and in a sermon (Oct. 7, 1531) on Jn 8:15 he refers to Christ this way: "Er were fur alle teuffel hinweg, jederman flohe fur ihme und worden ihme feindt." Cf. O. Scheel, *Dokumente zu Luthers Entwicklung* (Tübingen, 1929) p. 70.

cism and disillusionment. That the preaching and granting of indulgences in the century before Luther had become a scandal is a matter of history. There were churchmen who knew this sordid aspect of indulgences and had the courage and the good sense to forbid the indulgence preachers to enter their dioceses.¹⁴ Unfortunately not all churchmen saw it this way.

The thread which leads directly into the indulgence controversy was spun on the wheel of Roman curialism. On December 2, 1513, Albrecht of Hohenzollern (1490–1545) was elected to the Archbishopric of Magdeburg by the cathedral chapter of that see; at the same time he was appointed apostolic administrator of the Diocese of Halberstadt.¹⁵ On August 18, 1514, this youth, now in his twenty-fourth year, was elected Archbishop of Mainz, the primatial see of St. Boniface, and became a prince elector of the Holy Roman Empire. On March 24, 1518, Pope Leo X (1513–21) created him a cardinal. By all standards and from all points of view this young churchman was in an exalted position within the structure of *imperium* and *sacerdotium*. In Albrecht, *Kurfürst* of Mainz, and his older brother Joachim I, *Kurfürst* of Mark Brandenburg, the House of Hohenzollern became one of the most powerful and influential in Germany.¹⁶

But rarely is such a rapid ascent to power and honor realized sheerly on the basis of personal merit. Certainly this young man had no special qualification for such an ascendancy. His position was built on privilege.¹⁷ Below the required canonical age, he was simultaneously holding

¹⁴ E.g., the saintly reformer Cardinal Francisco Ximénez de Cisneros (1436–1517), Archbishop of Toledo, adamantly refused permission for the preaching of the Leonine indulgence in Spain. He shrewdly assessed the abuses latent in the practice.

¹⁵ After initial hesitation Albrecht committed himself to the papacy, sustained the Catholic cause, and befriended the Jesuits. Peter Faber, S.J., after celebrating Mass during Christmas time 1542 in the episcopal chapel at Aschaffenburg, remarked apropos of the Archbishop's display of relics: "It thus came about that through the grace of Christ Crucified I lost completely all desire of seeking after external helps as manifold and as ornate as these in order to foster my interior devotion and to find more surely Christ Crucified." For this reference I am indebted to William V. Bangert, S.J., and his excellent life of Peter Faber, *To the Other Towns* (Westminster, Md., 1959) p. 142.

¹⁶ The sees of Halberstadt and Magdeburg remained in the Hohenzollern family until 1561, when Sigismund, the last of the line, went over to Protestantism. Thereafter the celebrated archbishopric ceased.

¹⁷ The remark of Conrad Mutianus apropos of Albrecht's sudden rise to power is well known: "Unus iuvenis vix paedagogos et rudimenta literarum relinquens uno anno fit ter

title to three sees—a delicate situation which demanded the co-operative support of the Curia, because it was manifestly against the canon law. Dispensations from the impediment *ratione ætatis* and from the prohibition of pluralities were required, and the total expense involved in this legal transaction (for that is what it was) was incredibly high. For permission to hold the title to three sees simultaneously, the fee amounted to 10,000 golden ducats, while the *servitia communia*, the pallium tax, papal confirmation, and other expenses which had accumulated in the Diocese of Mainz totaled another 14,000 ducats. The staggering sum (24,000 ducats) which this launching of the young Albrecht Hohenzollern to fame cost was not easily to be found in early-sixteenth-century Germany, even by a family as powerful as the ruling House of Brandenburg. Recourse, therefore, was had to the banking firm of Fugger, financial agents for the Vatican, which extended Albrecht the necessary financial credit. Thus the indulgence preaching took on the character of “big business.”¹⁸

It was a coincidence that at the very time that the Holy See was in a position to co-operate in the solution of Albrecht's debt to it, Albrecht was in turn in a position to assist the Holy See in realizing the most magnificent artistic conception of the Italian Renaissance: the completion of the great church of St. Peter on the Vatican Hill. On April 18, 1506, Pope Julius II (1503–13) had laid the cornerstone of the new basilica, designed by Bramante as one of the architectural wonders of the western world. To finance this stupendous undertaking, Julius granted in 1507 a plenary indulgence to those who would contribute to it. Later Leo X renewed this privilege; but this indulgence had not been preached in Germany because of the special obligations which the Church there had at that time to the care and support of the harassed Germanic orders in Livland. With the coming of Albrecht into authority over half the German Church, the way was cleared for the preaching of the plenary indulgence which Leo X had granted by

praesul, et quidem eminentissimus. Miror, si Leo X daenam (vulgo pallium vocant) transmittat. Sed Romae quid non venale?” Cf. K. Gillert, *Der Briefwechsel des Conrad Mutianus* 1 (Halle, 1880) 104.

¹⁸ Cf. Erasmus' evaluation of the indulgence practices in his *Encomium Moriae* (1511), cited by J. Clayton, *Luther and His Works* (Milwaukee, 1937) p. 47.

the Bull *Sacrosancti salvatoris et redemptoris nostri* of March 31, 1516.¹⁹ A contribution to the building of St. Peter's was specified as "the good work" for which the indulgence would be given. In this way it came to pass that money, exchanged in the context of eternal life, created a scandal which on another level of thought and action ultimately grew into a grave schism.²⁰

The financial aspects of the indulgence preaching which Pope Leo X had authorized for eight years were planned carefully. In order to liquidate perfectly all outstanding debts and to realize a gain, the indulgence preaching would have to harvest 52,286 ducats. Albrecht was to receive one half of all the money collected. This would compensate him to the sum of 26,143 ducats, of which 24,000 were to accrue to him as profit, while 2,143 were due to the Emperor as imperial tax. The other half was due to the House of Fugger in payment with interest for the money it had loaned to Albrecht to settle his accounts with the Curia. Wherever the indulgence was preached in the domains of Albrecht, a representative of the House of Fugger was on hand. The close supervision with which the money, offered by the faithful, was watched, showed the seriousness with which the Fuggers were determined to collect their share of the returns. The whole proceeding was a scandal of the first order, and it is difficult (if not impossible, save on the basis of casuistry) to explain away the simony which it involved.²¹

The House of Hohenzollern obviously co-operated with Pope Leo's indulgence by allowing it to be preached in Brandenburg and Mainz. Duke George of Albertine Saxony, however, and his cousin *Kurfürst* Frederick the Wise (Wettin) of Ernestine Saxony would not allow the indulgence to be preached in their principalities. Neither was friend

¹⁹ The consequence of this alliance brought Luther on the stage as a public reformer of the Church. Cf. J. Lortz, *Die Reformation in Deutschland* 1 (Freiburg, 1948) 198 ff.

²⁰ The principal inspiration of the Reformation was not the abuse of morality. More than once Luther made it clear that it was his primary aim to reform the bad doctrine of the Church rather than her bad morals. The correction of the former would lead to the correction of the latter. But the reform of morals did play an important role in the Reformation.

²¹ Lortz, *op. cit.* 1, 199, bluntly characterizes the method underlying the preaching of the Leonine indulgence: "Ein Pakt mit den Fuggern, die dem Erzbischof das Geld . . . vorstreckten und dafür an den eingehenden Ablassgeldern mitbeteiligt wurden, vollendete diesen schmähhlichen Handel."

of the Brandenburg House; neither had the intention, therefore, of assisting the rise of this rival House to power and wealth. But more than that, Frederick was the proud possessor of one of the finest collections of relics in Northern Europe, a collection which was richly endowed with indulgences and was visited by pilgrims from far and wide, especially on the feast of All Saints, the title feast of the church where the relics were preserved. It hardly need be stressed that this precious collection of bones and other oddities proved to be at once lucrative and scandalous.²² Luther himself publicly expressed his displeasure with this display of relics in a sermon which had greatly irritated Elector Frederick. Luther notwithstanding, the relic collection in the Schloßkirche at Wittenberg remained open to all, especially on the solemn feast of All Saints. If indulgences were to be gained, better to gain them in Saxony than in Brandenburg.

The appointment of the Dominican Johann Tetzel (*ca.* 1465–1519) of Leipzig as subcommissary of the indulgence preaching in the Dioceses of Magdeburg and Halberstadt was a careless mistake. He was not a well-educated man, but neither was he “an uneducated and shameful monk,” as Friedrich Myconius (1491–1546) alleged.²³ His sermons preached to the simple faithful were captivating, persuasive, enthusiastic, and direct; his style was lively, picturesque, and convincing. He knew the value both of sentiment and of emotion, and used the two as the basis of his appeal to the people who flocked to hear him. Generally his method was successful. But he quickly fell victim to the charm of his own rhetoric. The Christian must be moved to do good and to avoid evil on the basis of gospel truth, not popular fancy; and it is to the discredit of Tetzel that he allowed fancy to enter his presentation of indulgences and to distort its Catholic sense. There is no way to explain in an acceptable sense the bad theology inherent in his explanation of indulgences for the dead. What came as a surprise

²² Among the priceless relics in Frederick’s Schloßkirche may be enumerated the following: “. . . five particles of the milk of the Virgin Mary . . . one piece of the diaper in which he was wrapped . . . one piece of the gold and of the myrrh which the Three Kings offered unto the Lord . . . one piece of the burning bush which Moses saw. . . .” Cf. H. J. Hillerbrand, *The Reformation* (New York, 1964) pp. 47–48. The indulgence value of the whole collection is reputed to have amounted to 1,902,202 years and 270 days!

²³ Cf. *ibid.*, p. 44.

to Tetzel, as a preacher, is the attention with which the faithful listened to him and acted on his counsel.²⁴

Luther first became acquainted with the devious indulgence practice in the autumn of 1517, when Johann Tetzel was preaching at Jüterbog and Zerbst, near Wittenberg. Years later, in 1541, he commented on this early experience in his *Wider Hans Worst*.

When many people from Wittenberg ran after indulgences to Jüterbog and Zerbst, I did not yet know—as surely as my Lord Christ has redeemed me—what indulgences were, but no one else knew either. I carefully began to preach that one could do something better and more certain than to purchase indulgences.²⁵

At first he was inclined to “let everything continue its course,” but then he made two important discoveries which persuaded him to give closer attention to the theological foundation of Tetzel’s preaching.

First, he discovered that certain of the propositions—“cruel and terrible propositions”—which Tetzel was preaching were clearly uncatholic, and that the whole tenor of this preacher, his venality especially, was shocking. “He even sold indulgences for future sins,” wrote Luther. “Such abominable things he did abundantly. He was merely interested in money.”²⁶ Second, he discovered that Tetzel’s erroneous interpretation of indulgences could claim for itself episcopal authority, for the scandal of this bad theology involved Albrecht of Magdeburg. Luther states his second discovery this way:

At that time I did not yet know who was to get the money. Then there appeared a booklet with the illustrious coat of arms of the Bishop of Magdeburg. In it the commissioners of indulgences were ordered to preach some of these propositions. Thus it came to light that Bishop Albrecht had employed Tetzel, because he was such a braggart.²⁷

This was indeed a grave matter, since the propositions seemed to support the celebrated declaration: “If anyone put money into the

²⁴ It is likely that Luther’s concern grew out of the fact that his Wittenberg penitents were presenting him with Tetzel’s indulgence letters, which they had “purchased” in nearby Jüterbog and Zerbst. Friedrich Myconius describes the pastoral moment this way: “In that year several people came to Dr. Martin Luther in Wittenberg with letters of indulgences and made confession to him on the basis of the grace offered in those letters.” When Luther refused to absolve them because of their contumacy, they appealed to the authority of Tetzel. Cf. Hillerbrand, *op. cit.*, p. 46.

²⁵ *Ibid.*, p. 45. ²⁶ *Ibid.*, p. 46. ²⁷ *Ibid.*

coffer for a soul in purgatory, the soul would leave purgatory for heaven in the moment one could hear the penny hit the bottom." Did not a professor of Sacred Scripture have the obligation to call this to the attention of his bishop, so that by correcting himself he would free the Church from the grave scandal that this abuse would create?

For the assistance of the indulgence commissioners and confessors, Albrecht had had a small booklet prepared, the *Instructio summaria*,²⁸ which outlined the four graces which Pope Leo had granted in his indulgence Bull, and the conditions under which they might be gained. There was, first, "complete remission of all sins" and with it the remission of all the pains of purgatory. Here the *Instructio* enjoins the necessity of contrition and confession as an indispensable condition for obtaining the first grace. It does not specify any set sum of money to be paid as "the good work," "because the conditions of men are many and diverse . . ."; but it emphatically declares that "those who do not have any money should supply their contribution with prayer. For the kingdom of heaven should be open to the poor no less than to the rich." There was, second, "a letter of indulgence" whose efficacy—"the greatest, exceedingly quickening and hitherto unheard-of powers"—extends beyond the eight-year terminus of the Bull. There was, third, "participation in all the possessions of the Church universal." According to the *Instructio*, confession is not requisite for the acquisition of these two latter graces.

The fourth grace concerns the delicate question of the acquisition of indulgences for the souls in purgatory. To them the *Instructio* offers "the complete remission of all sins," a remission which the Pope brings to pass through his intercession in this way, that "the same contribution shall be placed in the chest by a living person as one would make for himself." Then the *Instructio* sets down the conditions for gaining this indulgence for the dead.

It is . . . not necessary that the persons who place their contributions in the chest for the dead should be contrite in heart and have orally confessed, since this grace is based simply on the state of grace in which the dead departed, and on the contribution of the living, as is evident from the text of the bull. . . .²⁹

²⁸ For the text of the *Instructio summaria*, cf. W. Köhler's *Dokumente zum Ablassstreit von 1517* (Tübingen, 1934) pp. 104–24. Cf. E. Iserloh, *Luther zwischen Reform und Reformation* (Münster, 1966) pp. 23–27.

²⁹ Hillerbrand, *op. cit.*, p. 41.

The preachers are urged to give this grace "the widest publicity," for through it souls will be greatly helped, "and the construction of the church of St. Peter will be abundantly promoted at the same time. . . ." This kind of thinking and speaking Luther could not overlook.

If Tetzel's theology of indulgences for the dead was erroneous (and it was), it is not surprising in view of the fact that the *Instructio* was his guidebook. There seems no doubt that his conception of indulgences coincided in part with the popular, crude jingle: "When the money in the coffer rings, then the soul from purging fire springs."⁸⁰ Thus he fell victim to religious exteriority, a historical sickness rooted in a formalism which concentrates too exclusively and intently on the value of the perfectly good work. But apart from doctrinal considerations, it is surprising that the sordid indulgence practice which Tetzel followed and fostered should have been tolerated by both Pope Leo X and Archbishop Albrecht—and this within six months of the closing of the eighteenth ecumenical council, Lateran V, which had been convoked to reform the Church.

Here, then, was the concrete religious scandal that confronted Luther in the early autumn of 1517, the thirty-third year of his life. Up to this point his career had been largely bookish and academic, but not in the sense that his intellectual concern was abstract and removed from reality. There is evidence to show that he was devoted to the pastoral ministry. In fact, the indulgence controversy grew out of a concern for the spiritual needs of the people; and this concern was motivated by a new comprehension of theology. Already in his *Commentary on the Psalms* (1513–15) Luther's realization of the divergence of the evangelical Church from the Church which he knew begins to emerge; and in his *Commentary on the Epistle to the Romans* (1515–16) his deep concern for the meaning of justification, the basic problem of Christian theology, is in evidence. His personal discovery of the sense of the Pauline text "He who through faith is righteous shall live" (Rom 1:17) came as an overwhelming experience. "I felt," he wrote later, "as though I had been reborn altogether and had entered paradise. In the same moment the face of the whole Scripture became ap-

⁸⁰ This abuse is singled out in thesis 27: "Hominem praedicant, qui statim ut iactus nummus in cistam tinnierit, evolare dicunt animam." This parallels the popular couplet: "Sobald das Geld in Kasten klingt | Die Seele aus dem Fegfeuer springt."

parent to me."³¹ From a careful scrutiny of Scripture and reading St. Augustine in the context of his own personal anguish—*Anfechtung*, as he called it—a new religious mind had been born.³²

Parallel with his newly-acquired conviction that in the justification of the sinner faith "in Christ Jesus" is prime, gratuitous, and unique, there runs another stream of thought, the antischolastic, which represents the negative aspect of the new evangelical theology.³³ Methodologically it bypasses medieval Scholasticism. Reliance on Aristotelian dialectic as a technique and reverence for ecclesiastical tradition as a norm are put aside. The pure gospel is set up as the decisive authority. At least that was its basic ideal. Thus Luther became involved in the indulgence controversy unaware of its amplitude, but very soon it became apparent that he was already in possession of a distinct theology, new in style, spirit, and method, that transcended the old categories of religious thought and that would influence his subsequent career. The historical expression of this intellectual transformation of the young Martin Luther is "reform by theology."

In view of the concrete abuse of religion with which Luther saw his people being infected, he decided to act in an incisive way. His professorial position suggested the direction in which he would move, while his new theology animated his solid determination. Even before Johann Tetzel had come to Jüterbog, Luther had taken a critical position against both the doctrine and the practice of indulgences. His resentment was not isolated; before him others had spoken out against the system of indulgences without having incurred ecclesiastical re-

³¹ Thus he describes his apprehension of the Pauline "righteousness of God": "This passage from Paul became to me the very gate to paradise." Cf. Hillerbrand, *op. cit.*, p. 27.

³² In August, 1519, Luther epitomized the influence of Scholasticism on his religious life this way: "Ego Christum amiseram illic [in theologia scholastica], nunc in Paulo reperi." Cf. Scheel, *op. cit.*, p. 14.

³³ The early antischolastic attitude of Luther is clearly expressed in the *Disputation against Scholastic Theology*, a series of ninety-seven theses prepared for Franz Günther's defense at Wittenberg on Sept. 4, 1517. Cf. *Luther's Works* 31: *Career of the Reformer* 1 (tr. H. Grimm; Philadelphia, 1957) 9-16; hereafter cited *Career of the Reformer* 1. On May 18, 1517, Luther wrote to John Lang at Erfurt: "Our theology and St. Augustine are progressing well, and with God's help rule at our university. Aristotle is gradually falling from his throne, and his final doom is only a matter of time. . . ." The new theology is lecturing on the Bible and St. Augustine. Cf. *Luther's Works* 48: *Letters* 1 (tr. G. G. Krodel; Philadelphia, 1963) 42; hereafter cited *Luther's Letters* 1.

prisals.³⁴ More than once in the course of 1516–17 Luther had openly inveighed from the pulpit against the indulgence abuse; his position was not ambivalent to his hearers, nor was it in any sense novel. By the end of October, the vigil of the feast of All Saints, he had prepared a list of ninety-five theses that epitomized his indignation, his spirit, and his thought before the indulgence privilege of Pope Leo as preached by Johann Tetzel and supported by Archbishop Albrecht. What did Luther have to say in this academic document which has taken on significance in world history?

On the basis of the gospel, Luther insists on the primacy and the endurance of Christian penance, which is fundamentally interior, though not exclusively so; for penance “is worthless unless it produces various outward mortifications of the flesh.” It is not, however, reducible to isolated acts. Evangelical penance encompasses the total existence of the Christian; it involves a profound change in his interior dispositions. This is shown from the Greek text of Matthew’s Gospel (4:7): “Repent!” *Metanoieite*. Thus, through repentance or penance “the sinner has a change of heart and hates his sin”; and this inner transformation, this gospel *metanoia*, reaches out and embraces “the entire life of believers.”³⁵ The process, a constant personal reform in the light of the Cross, is never-ending; it transcends the sacrament of penance, which, as a rite, is transitory and ecclesiastical; and it inspires satisfaction—fasting, prayer, and alms. In these opening theses (1–4) Luther stresses the primacy of interior religion over its exterior performance; and the admonition contained in these propositions was salutary, provocative, and needed in the opening decades of the sixteenth century.

Thesis 5 introduces Luther’s concept of the Church and her role in the salvation of man. Here his point of view is the papacy, the supreme authority and magisterium in the Church and the principal foundation

³⁴ Note Wessel Gansfort’s remark in his letter in reply to Hoeck: “It is not necessary to recall how great are the errors concerning indulgences which the Roman Curia had conjured up and propagated like a plague. Today these errors would be spreading their poisons still farther were they not opposed by the wholesome strictness of a few real theologians.” Cf. H. Oberman, *Forerunners of the Reformation* (New York, 1966) p. 100.

³⁵ *Explanations of the Ninety-five Theses*, tr. C. W. Folkemer, *Career of the Reformer* 1, 84. This work, printed by Johann Grüenberg in late August, 1518, was offered by Luther as an attempt to clarify further and defend the ninety-five theses.

and instigator of the indulgence preaching. First, the pope's power of forgiveness is restricted to the canonical order, to those penalties "imposed by his own authority or that of the canons."⁸⁶ Second, the pope's terrestrial power of forgiveness is described as declaring and manifesting God's celestial power. The pope does not forgive sins; rather he solemnly declares that their guilt is loosed. Where he is competent, he looses; and what he looses, God approves. Thus those cases (reserved) which the pope looses, God also looses. The sinner cannot be reconciled to God until he is first reconciled to the Church; but reconciliation with the Church does not necessarily mean reconciliation with God. There are sins whose remission is outside and beyond the limited power of the pope; they are in the hands of God alone.

As a sacrament, confession is indeed salutary, but only to the extent that it involves humiliation—subjection to the priest who is "God's vicar"—and all that this experience imports for faith. Thus the Church's efficacy in the order of salvation is reduced to intercession before God on behalf of sinful man and the declaration to sinful man of God's merciful forgiveness. The pope's pardon is "a proclamation of divine remission"; it is "not by the power of the keys (which he does not have) but by way of intercession" that forgiveness is granted by the pope; and his jurisdiction, his efficacy, extends to the living alone, because ecclesiastical authority is purely canonical and restricted to the Church of the living.⁸⁷

For Luther, that punishment which derives from the Church's authority does not carry over into the life hereafter. Because canon law binds the living, not the dead, all canonical penalties are liquidated by death. Indulgences, therefore, are valid only for the remission of *poenae* which have been imposed by the canon law on the living faithful. And to Luther it is indifferent whether this way of thinking depreciates the value of indulgences, for "it is better to cheapen" them "than to make the Cross of Christ of no effect."⁸⁸ The whole system according to which canonical penalty in the Church of *here* and *now* is trans-

⁸⁶ Here Luther prudently remarks: "I discuss this thesis and humbly seek instruction." His interpretation of the Petrine text (Mt 16:19) is significant: "God does not say: 'Whatever I shall have bound, you shall loose'; but rather: 'Whatever you loose shall be loosed, although you shall not loose everything that is bound, but only that which is bound by you, not that which is bound by me.'" Cf. *ibid.*, p. 93.

⁸⁷ Cf. *ibid.*, pp. 97-98. ⁸⁸ *Ibid.*, p. 113.

ferred to the purgatory of *there* and *then* is repudiated as a work of deception. "In fact, if the keys themselves should extend to purgatory, they could empty purgatory." Thus Luther concludes: "Tares" were sown while "the most worthy bishops slept."³⁹

The theses (13-16) on death and its role in the preparation of the soul for eternal life add another dimension to Luther's conception of indulgences. "The dying," he writes (thesis 13), "pay all their dues by their death." It is death and the attendant fear and dread which satisfy for all the penalties imposed in this life by law. Apprehending the deficiencies of his inner life, especially the poor quality of his charity, the dying man is brought to the very brink of despair; and the suffering inherent in this consuming experience in which the disintegration of the human composite begins is equivalent to purgatory and its horrors. Of all the punishments which man is called on to endure, the greatest is death. "Therefore in the face of death every other punishment should be waived, since scarcely anyone is strong enough for this one punishment."⁴⁰ Luther's appreciation of the purgative value of death poses the question of the meaning of purgatory itself. What is left to be purged away *there* that death has not already purged away *here*?

The celebrated twenty-eighth thesis repudiates the bad theology of Johann Tetzel and Archbishop Albrecht by caricaturing it in the words of a popular saying. It is a mere contrivance (*hominem praedicant*) to assert: "When the copper in the coffer rings, then the soul from purging fire springs." No external act, merely as an external act, is efficacious, meritorious, and beneficial to the souls in purgatory. No, not even the contribution of money to St. Peter's Church is in itself valid for the acquisition of indulgences. Contrition is required; the external act must be formed by internal faith and charity. To teach otherwise would be inconsistent with Christianity. But since contrition of itself is uncertain, so is the remission promised by indulgences. The Church may truly intercede on behalf of the faithful, but (thesis 28) "suffragium . . . ecclesiae est in arbitrio Dei solius." The man truly contrite in heart already enjoys "a plenary remission both of penance and of guilt as his due."⁴¹ He has, therefore, no need of indulgences.

³⁹ *Ibid.*, p. 116: "Those tares of changing the canonical penalty to the penalty of purgatory were evidently sown while the bishops slept."

⁴⁰ *Ibid.*, p. 111. ⁴¹ *Ibid.*, p. 189.

The confrontation of contrition and indulgence leads to a problematic. The former is evangelical and fundamental; the latter is ecclesiastical and subsidiary. The former "asks for penance and accepts it with love"; the latter "relaxes the penalty and induces hatred of it." This runs counter to Luther's concept of sin and its punishment, as he had come to know it through the gospel. For him, the Christian who has offended God accepts with humility and love the penance which his evil has merited.⁴²

Perhaps the most significant theses are those in which Luther devaluates indulgences by contrasting them, first (theses 41–61) with the works of charity, and second (theses 62–68) with the teaching of the gospel. It is in this context that Luther enunciates the obligation of educating the Christian world. "Christiani docendi sunt," runs the salutary admonition against the abuse of centuries past. A reverent appreciation for the pure practice of religion, a common-sense approach to Christian life and observance, a right way of thinking about the gospel and its precepts are to be inculcated. For example, he writes in thesis 42: "Christians must be taught that the pope does not intend that the buying of indulgences should in any way be compared with works of mercy." The giving of alms to the poor and needy, prayer, and gospel-preaching are better deeds than the acquisition of indulgences. The former are works of mercy and are rooted in charity, which leads to goodness; the latter are good works, meriting pardon and leading to freedom from penalty and "to the false security of peace."⁴³

In the Bull *Unigenitus Dei filius*, Clement VI in the terminology of Hugh of St. Cher had referred to indulgences as constituting "the treasure of the Church." This way of speaking of the merits of the saints and of Christ as benefits distributed by the Church had become traditional. It was a tradition which Luther decided to rectify, since he did not think that it could be justified on the basis of Scripture. As he saw the religious situation in his day, the true treasure of the Church had become obscure—neither sufficiently known nor appreciated—among the Christian people. He epitomized his opposition to the dis-

⁴² Cf. *ibid.*, p. 197: "The Gospel teaches us not to escape the punishments or to relax them but to seek and love them, for it teaches the spirit of freedom and the fear of God to the point of showing contempt for all punishments."

⁴³ *Ibid.*, p. 251: thesis 95.

torted tradition in these striking words of thesis 62: "The true treasure of the Church is the most holy gospel of the glory and grace of God." It is this gospel which he saw displaced and injured by the preaching of indulgences. The former is hated (thesis 63), "because it makes the last first"; the latter is favored (thesis 64), "because it makes the first last." The former (thesis 65) "once fished for men of riches"; the latter (thesis 66) "now fishes for the riches of men." Luther was not deceived. The indulgence preachers were claiming that their "pardons" are the greatest graces; they are, but only in the sense that they produce the greatest revenues. But in truth they are "the most insignificant graces when compared with the grace of God and the piety of the Cross."⁴⁴

If the theses carp at the malpractice of the indulgence preachers, they do not inculcate disobedience. Luther insists in thesis 69: "Bishops and curates are bound to admit the commissaries of papal indulgences with all reverence"; for their mandate rests on legitimate authority which is to be respected even when its burden proves almost intolerable. But this acceptance is not a passive attitude. On the contrary, he urges those who are responsible for the care of souls to be vigilant lest the indulgence preachers exceed their competence to the detriment of the Church. "The bishops should permit" them "to present nothing to the people except that which is contained in their letters of authorization." Luther inveighs against "those who use indulgences as a pretext to contrive harm to holy love and truth."⁴⁵ Here he has in mind the absurd exaggerations that the enthusiasm of popular preaching invented and broadcast. Thus, in thesis 75 he writes: "To hold the opinion that papal indulgences are so great that they can absolve a man from punishment, even if he had *per impossible* violated the Mother of God, is sheer madness." He also points out other grotesque pretensions that had found their way into the indulgence preaching to the detriment of the Christian religion. His indignation comes to the fore in thesis 80, where he insists: "The bishops, curates, and theologians who permit such talk to be spread among the people will have to answer for it." His conclusion is the sober statement (thesis 76): "As far as guilt is

⁴⁴ *Ibid.*, p. 234, where Luther comments: "As a matter of fact, compared to the grace of God they are null and void, since they work just the opposite of the grace of God. Nevertheless, put up with them for the sake of the sluggards and the indolent. . . ."

⁴⁵ *Ibid.*, pp. 236, 239.

concerned, papal indulgences cannot remove the very least venial sin." Therefore, authority which claims more than this "will have to answer for it."

In conclusion Luther lists various sarcastic theses (82-89) that mirror the image of the papacy which the indulgence preaching had helped to create. These theses represent the cynicism of the laity of the German Empire; the disregard of the dignity and sanctity of religion which they reveal irritated Luther greatly. Thesis 82 asks: "Why does not the pope empty purgatory because of his superlative love and the pressing need of the souls that are there, if he redeems an infinite number of souls for the sake of miserable money with which to build a church? The former reason is of all reasons the most just; the latter the most trivial." And in thesis 86 we find a similar sentiment: "Why does not the pope, whose wealth is today greater than the wealth of the richest Croesus, build this one basilica of St. Peter with his own money rather than with the money of poor believers?"⁴⁶ The import of these theses is to reduce to absurdity the position into which the papacy had moved by gathering money from the preaching of indulgences in Germany. After all, it would seem only right and proper that the pope should empty purgatory at once, if the treasury of the Church is infinite and if the pope is its custodian and dispenser. Why involve money in a matter which of its very nature is purely gratuitous? These are the questions which the laity were posing on all sides. Nobody ventured a reply.

Despite the antipapal tone which sounds here and there in these theses, Luther concludes: "If indulgences were preached according to the spirit and intention of the pope," the defective image of the papacy would be rectified; the many doubts which disturbed the laity would be resolved.⁴⁷ Indulgences touch only temporal punishment, not guilt; they are neither meritorious, nor are they superior to works of mercy performed with charity. If they be looked at objectively, in proper focus and according to their true nature, it will be discovered that "indulgences are only indulgences."⁴⁸ This is the spirit and the intention of the pope; and at this stage in his career Luther felt that

⁴⁶ *Ibid.*, p. 247, where Luther makes the sober observation: "It is not the pope but the treasurers of the Holy See who provoke this question."

⁴⁷ Cf. *ibid.*, p. 251. ⁴⁸ *Ibid.*

the papacy, in itself of good will, was being seriously misrepresented by irresponsible churchmen who were using its authority to clothe their own incompetence and avarice. Luther saw the need of correction, revision, and clarification. Perhaps the theses which he offered might ultimately inspire dialogue in the spirit of Paul's admonition: "Test everything. Hold fast to that which is good" (1 Th 5:21). The doctrine of indulgences in all its theological and canonical ramifications did not strike him as so certain that one could not raise questions, entertain doubts, explore, and probe. Not all his contemporaries saw it this way.

The concluding theses (94-95) pointedly exhort the faithful to heroic affiliation to Christ: "Christians should be exhorted to be diligent in following Christ, their head, through penalties, death, and hell; and thus be confident of entering into heaven through many tribulations rather than through the false security of peace." Deprived of the solace, the freedom, and the assurance that indulgences promise, the Christian will freely and nobly embrace the Cross and the bitter *Angst* that comes with it. The Christian who has sinned will walk gladly through the darkness of death and the fires of hell to find Christ, the object of his hope.

Apart from certain understandable bitterness, perhaps even cynicism, that at times is in evidence, the ninety-five theses are objective and controlled in spirit. Their principal concern is pastoral: the correction of an abuse which by all standards was a formidable obstacle to the Church's apostolate and to the development of Christian life. The problem which concerned Luther was grave, pressing, and public; still, he presents neither an ultimatum nor a threat to lawful authority. The theses neither inculcate nor persuade disobedience. On the contrary, they were sent to the proper ecclesiastical authority with the sincere hope that it would correct the deficiencies in the doctrine and practice of indulgences. In his *Explanation of the Ninety-five Theses* he wrote:

I say again what I have said before... that one must give in humbly to the authority of the keys, be kindly disposed to it and not struggle rashly against it. The keys are the power of God, which, whether it is rightly or wrongly used, should be respected as any other work of God—even more so.⁴⁹

⁴⁹ *Ibid.*, p. 239: thesis 73.

These words, composed in early 1518, were published some months later, in August of that year, at a time when Luther's relations to the papacy were beginning to reach a difficult impasse.⁵⁰

But in the ninety-five theses it is possible to discern the shape of Luther's subsequent critique of traditional ecclesiology. As he shaped his concept of indulgences, it was inevitable that the question of the character of the Church's authority as vested in the pope should pose itself. Luther replied that the efficacy of the Church in the continuing work of redemption is restricted to the canonical sphere, to the here and now, to the external order of history. The Church, therefore, in this conception is a public servant in the saving economy; but here service is not a direct mediation as God's instrument for the reconciliation of men to Him. She intercedes, declares, and manifests. She is not the means by which Christ continues to save; she is rather the occasion of salvation. Her unique contribution is the preservation of public order for God's people by the coercion of her law. She is empowered to reconcile man to the Church by remitting the juridical sanctions which she has imposed. But she has no effective instrumental function in joining God and man together in loving, saving friendship. For Luther, man is saved in the Church as a community, not through the Church as an instrument; and as this idea developed in evangelical theology, the traditional concept of the Church, of her ways and means in this world, was transformed.⁵¹

Having formulated his position on the doctrine and practice of indulgences in these ninety-five theses, Luther dispatched a copy to Albrecht, Archbishop of Mainz.⁵² Together with it was enclosed a

⁵⁰ By late August excommunication was imminent. At this time Luther published his controversial *Sermon on the Power of Excommunication*; he had delivered it in May, after his return from the Heidelberg Disputation, and before the end of the winter it had gone through five editions.

⁵¹ On the origin and development of Luther's concept of the Church, cf. K. Holl, "Die Entstehung von Luthers Kirchenbegriff," in *Gesammelte Aufsätze zur Kirchengeschichte* 1 (Tübingen, 1927) 288-325. This complex ecclesiological problem, despite extensive research, is still open to discussion.

⁵² Cf. E. Iserloh's *Luthers Thesenanschlag: Tatsache oder Legende?* in *Institut für Europäische Geschichte Mainz* 31 (Wiesbaden, 1962) and *Luther zwischen Reform und Reformation* (Münster, 1966). Iserloh concludes: "Der Thesenanschlag fand nicht statt . . . und doch begann die Reformation am 31. 10. 1517." Luther "mailed" his theses rather than "nailed" them. But the last word on this question has not been spoken. Cf. H. Volz, *Martin Luthers Thesenanschlag und dessen Vorgeschichte* (Weimar, 1959); also the bibliography, especially Kurt Aland's titles, listed in E. Iserloh's *Luthers Thesenanschlag*.

letter, dated October 31, 1517, which was marked "received" by the episcopal consultors on November 17 in Calbe-Saale. In the course of the subsequent days it was in the hands of the Archbishop, who was in residence at Aschaffenburg. This is in part what Luther wrote to the Primate of the Church in Germany, the Vice-Chancellor of the Holy Roman Empire:

There is sold in the country under the protection of your illustrious name the papal indulgence for the building of St. Peter's in Rome. . . . How is it possible that the indulgence preachers convey security and fearlessness to the people through false fables and futile promises about indulgences? Indulgences do not contribute to the salvation and sanctification of souls, but only remit temporal punishment which is imposed according to canon law. . . . It should be the foremost and only care of all bishops to teach the gospel and the love of Christ to the people. Christ nowhere commanded to preach indulgences, but emphatically insisted on the preaching of the gospel. What great danger and shame wait for a bishop who allows the gospel to be silenced, but suffers the pompous proclamation of indulgences and is more concerned about indulgences than the gospel? . . .⁵³

Because of the scandal to faith and morals which the indulgence preaching was causing, Luther "with a faithful and devoted heart" requested two things of the Archbishop: first, to withdraw his *Instructio*; and second, "to order the indulgence preachers to preach differently." Significant in the letter is the opposition which Luther discovers between gospel and indulgences.

On receipt of Luther's letter and the theses, the Archbishop asked the advice of his consultors, who persuaded a triple course of action: first, to seek the advice of university doctors; second, to inform Pope Leo of the character of the proceedings, with the hope that a *processus inhibitorius* might be instituted against "the rash monk of Wittenberg"; and third, to restrain Luther from further public activity in this sensitive area. Before the end of December the Archbishop had acted in accord with this advice. The relevant documents had been sent to the theological faculty of the University of Mainz.⁵⁴ In a me-

⁵³ Hillerbrand, *op. cit.*, p. 50. At the same time that Luther wrote to Albrecht, he wrote to Bishop Hieronymus Schultze of Brandenburg, and to the bishops of Meissen, Frankfurt, Zeitz, and Merseburg.

⁵⁴ The University of Mainz replied: "We have read them [the theses] and among other things we find that they limit and restrict the power of the pope and the apostolic see and contradict, therefore, the opinions of many blessed and venerable doctors." Cf. *ibid.*, pp. 52-53.

morial which must have reached Rome before New Year's Day, the Archbishop expressed to Pope Leo the hope "that His Holiness would grasp the situation so as to meet the error at once, as occasion offers and as the exigency requires, and not lay the responsibility on us."⁵⁵ Finally, the neighboring bishops meeting at Halle were requested to prevail on Johann Tetzel to dissuade Luther from further interference in the indulgence preaching. Albrecht's method was meticulous in its adherence to the prescriptions of the canon law.

It is not certain whether Luther nailed his theses to the door of the Wittenberg Schloßkirche, or simply dispatched them by post to the episcopal authorities; nor is it certain whether in their original form these theses were presented as an academic challenge to a public disputation, or were intended as a public protest against pastoral malpractice.⁵⁶ It is certain, however, that he noted down what he considered to be grave and scandalous abuses in connection with the preaching of the Leonine indulgence, and among them he pointed out the *Instructio summaria* and its bad theology. About these matters he wrote to Albrecht of Mainz (and other competent Church authorities); and to bolster his contentions he included a list of theses, with the remark, almost as an afterthought: "If you, Reverend Father, so desire, you might look at the enclosed set of propositions to recognize how indefinite the concept of indulgence is. . . ."⁵⁷ On the eve of All Hallows, 1517, therefore, Martin Luther was neither a heretic nor a schismatic; on the contrary, he was a concerned university professor who felt himself "a monk and a true son of the Church."⁵⁸ But in a matter of weeks, when he received no answer from ecclesiastical authority to

⁵⁵ Very probably Albrecht did not want to give personal offense to Frederick, *Kurfürst* of Saxony, by instituting heresy proceedings against Luther, one of his subjects. He preferred that Pope Leo intervene and relieve him of his episcopal responsibility in this delicate matter.

⁵⁶ Cf. K. Honselmann, *Ablaßthesen Martin Luthers* (Paderborn, 1966) p. 124. There was nothing public about Luther's presentation of the theses to Albrecht; it was not even known to his most intimate circle. Note Honselmann's conclusion (p. 126): "Der Thesenanschlag vom 31. Oktober 1517 mit seiner ganzen Ausschmückung gehört also dem Gebiet der Legende an."

⁵⁷ Hillerbrand, *op. cit.*, p. 51.

⁵⁸ Many times in later life Luther affirmed the sincerity of his monastic commitment: "Ich war ser fromm in monachatu . . .," he wrote in 1533, and later (1537): "Also hab ich auch gelebt und gehalten, da ich ein fromer Mönch war. Und so ein Mönch solt heilig sein, so war ichs auch. . . ." Cf. Scheel, *op. cit.*, pp. 105, 130.

which he had confidently appealed in this critical situation, the theses became common knowledge.⁵⁹ The circumstances which would make it impossible for him to turn back from the untrod path which he had taken crystallized rapidly.

The Lutheran theses came as an affront to Tetzel, who had received a copy of them from the bishops to whom Luther had appealed; what he read there put him in a defensive position with respect to the honor of his order and to his personal reputation as a theologian. A reply to Luther was in order, therefore; and the General Chapter of the Saxon branch of the Dominicans gave him his opportunity to state his case in public. Here he would have the possibility of offering his difficult adversary a solemn, academic reply, and at the same time of alerting his coreligious and others to the errors latent in the theology of the Wittenberg professor. Accordingly, 106 theses, for the most part anti-Lutheran and pro-Scholastic, were prepared for a defense to be held on January 20, 1518, at the University of Frankfurt.⁶⁰

In the doctrine that he sustained before his confreres, Tetzel appeared perfectly correct; indulgences are not a forgiveness of sin but a remission of all or part of the temporal punishment due to it; and in no sense do they derogate the infinite merits of Jesus Christ. The conditions—true repentance and sincere confession—of obtaining indulgences were underscored. They offer no remission of guilt or permission to sin; both in his study of the Catholic doctrine of indulgences and in the preparation of his theses for the public disputation, he had the assistance of the learned Konrad Wimpina, professor of theology at Frankfurt. The impression, therefore, which Tetzel made was not unfavorable; one effect of his public defense was the creation of strong personal resentment of Luther, who began to be reviled on all sides in the theological circles of Frankfurt. By March, 1518, the Saxon Dominicans had denounced him to Rome.⁶¹

⁵⁹ Cf. Honselmann, *op. cit.*, p. 127: "Erst im Januar [5, 1518] tauchen die Thesendrucke auf." The appearance of Tetzel's countertheses in December occasioned the publication of Luther's theses in January.

⁶⁰ When copies of these theses reached Wittenberg some weeks later, in March (1518), they were snatched up by the students and burnt publicly in the market place. Luther disassociated himself from this irresponsible act, the first but not the last of public book-burnings in the Reformation period.

⁶¹ On the beginning and development of the Roman process against Luther, cf. the

As early as the middle of February, Luther had thought out his answer to Tetzel and his theses; under the title *Sermon on Indulgences and Grace*, it appeared at the end of March.⁶² Though it had been composed as a sermon, it was never delivered from the pulpit; it was a published work. Here more pointedly than in the theses the notion of indulgences is depreciated. Now they are seen as a tolerable but not commendable Catholic practice, not as something to be practiced by the perfect Christian who is capable of true endurance for Christ. Whatever be their value for this life and its problems, they have no efficacy in the life hereafter, no relevance to the souls in purgatory and their release from its avenging punishment. With the appearance of this opusculum the indulgence controversy turned sharply in a new direction: out into the market place, out into the world of the simple believer. It advanced the notion of Church reform through reformed theology; and it intimated the thinking of a later (1520) Lutheran work, *An Address to the Christian Nobility of the German Nation*, which exhorted the laity to take the work of reform into their own hands.

In the course of March Luther had still another opponent to handle. As early as the beginning of January, if not earlier, Johann Eck (1486-1543), professor of theology at Ingolstadt, had come into possession of a copy of the Wittenberg theses, probably through the zealous Christoph Scheurl.⁶³ What he read there displeased and irritated him, even provoked him to compose a refutation; for by theological and religious conviction Eck was committed to the Holy See and its interests. Accordingly, in early February he set down his reflections on the theses and sent a copy of these *Adnotationes* to Bishop Gabriel von Eyb of Eichstadt.⁶⁴ This work was not intended for public circulation, but in the course of March Luther had a copy in his hand. He was infuriated.

long series of articles by P. Kalkoff, "Zu Luthers römischem Prozess," *Zeitschrift für Kirchengeschichte* 25 (1904) 90-147, 273-90, 399-459, 503-603; 31 (1910) 48-65, 368-414; 32 (1911) 1-67, 199-258, 408-56, 572-95; 33 (1912) 1-72.

⁶² Cf. Fife, *op. cit.*, pp. 262-63. The popularity and influence of this sermon are attested by the fact that it went through twenty-two editions between 1518 and 1520.

⁶³ Probably no Catholic in the Reformation period was subjected to as much vilification as Johann Eck. Whatever personality deficiencies he may have had, he does not seem to have deserved the insulting treatment that was meted out to him on all sides. Cf. *ibid.*, pp. 331 ff.

⁶⁴ The *Adnotationes* have come down to us under the more familiar name *Obelisks* which Luther gave to the work.

"Eck's attack was galling to Luther because he was an old friend, not a mendicant but a humanist, not a perfidious Italian but a German, and not the least because he was formidable."⁶⁵ Within a relatively short time Luther had prepared an answer to Eck: the *Asterisks*, at once a refutation and a defense filled with bitter, personal invective against his opponent.⁶⁶

While Luther was busy refuting Eck, Tetzel was busy refuting Luther. At the beginning of April he brought out his *Vorlegung* against his Wittenberg rival.⁶⁷ This tract, "directed against an audacious sermon containing twenty articles full of errors concerning papal indulgences and graces," was prosaic in structure and traditional in its approach; but it contained one new insight into the Lutheran position—that the thought of Luther contravened the basic, fundamental principles of the Church's teaching authority. Here was a source of grave danger; for, he insisted, if left unchallenged, the Lutheran articles would bring down the fabric of the Church:

Many will be led to despise the supremacy and authority of the Pope and the Holy Roman See. Works of sacramental satisfaction will be left undone. Preaching and teachers will no longer be believed. Each person will interpret Holy Scripture just as he pleases. Wherefore, the practice of a holy and a simple Christianity by the greater number of the faithful must be endangered; for each one will learn to believe just what he chooses.⁶⁸

This was Tetzel's insight—that "each one will learn to believe just what he chooses" if the principles of Luther should prevail. It was an exaggeration, but one which contained many elements of truth, as subsequent history has shown and as Luther himself discovered.⁶⁹

At the beginning of February, Giulio Cardinal de Medici, kinsman

⁶⁵ R. Bainton, *Here I Stand* (New York, 1950) p. 82.

⁶⁶ For example, Luther wrote of Eck: "He stinks again of his goat Aristotle." Cf. Fife, *op. cit.*, p. 336.

⁶⁷ *Vorlegung . . . wyder eynem vormessen Sermon von tzuentsig irrigen Artikeln*, in *Vollständige Reformation Acta und Documenta* 1, 484 ff. At the end of April or the beginning of May, Tetzel clarified his position with another fifty theses, which Luther answered with *Eine Freiheit des Sermons päpstlichen Ablaß und Gnade belangend*.

⁶⁸ Cited from L. Pastor, *A History of the Popes* 7 (St. Louis, 1908) 356-57.

⁶⁹ This discovery would find concrete form in Luther's confrontation with Johann Oecolampadius and Ulrich Zwingli at the colloquy at Marburg on October 2-3, 1529. Because the Swiss reformers would not accept his literal interpretation of the text "This is my Body," Luther would no longer hold them as "brothers and members of Christ."

and adviser of Leo X, turned the case of Martin Luther over to Gabriele della Volta (Venetus), the newly-elected General of the Augustinians. How exactly Venetus, so preoccupied with the good name of his order, handled the matter is not known. Presumably Luther was warned through his immediate superior, Johann von Staupitz, a man who had the utmost sympathy and understanding for the young friar. But whatever official action was taken by the competent authorities, Luther was not silenced. On the contrary, as Tetzel had been invited to dispute before the General Chapter of the Dominicans at Frankfurt, Luther was invited to dispute before the General Chapter of the Augustinians at Heidelberg. This would give his German confreres an opportunity to become personally acquainted with him and his thinking. On April 9, therefore, he left Wittenberg for the long journey to the Palatinate, where he arrived on April 20.

The Heidelberg Disputation centered on forty theses—"theological paradoxes," as Luther called them—twenty-eight from theology, twelve from philosophy. The tone of these propositions vibrates with the new theology. Thus, in characteristic fashion the value of human nature and human activity is depreciated; faith is exalted:

3. Although the works of man always seem attractive and good, they are nevertheless likely to be mortal sins.
4. Although the works of God are always unattractive and appear evil, they are nevertheless really eternal merits.
13. Free will, after the fall, exists in name only, and as long as it does what it is able to do, it commits a mortal sin.
17. Nor does speaking in this manner give cause for despair, but for arousing the desire to humble oneself and seek the grace of Christ.⁷⁰

Those in the audience who represented the old academic traditions resented the dangerous drift of this thinking. In it they recognized a cleavage with the fundamentals of Catholic theology as it had been handed down. But among the listeners were Johann Brenz (1499–1570), future reformer of Württemberg, and a young Dominican friar, Martin Butzer (1491–1551), whose heart and mind were at once won over to the new theology of Wittenberg. Butzer's enthusiasm for what he had heard that day at Heidelberg knew no bounds. It was only a matter of

⁷⁰ *Heidelberg Disputation*, tr. H. Grimm, *Career of the Reformer* 1, 39–40.

time before he passed over to the Reformation and became known in history as "the Straßburg reformer." Thus, en route home to Wittenberg, Luther could write to the court chaplain Georg Spalatin (1484-1545): "The thinking of the young men—in fact, of all youth—differs by two whole octaves from the old. I have great hope that as Christ went over to the Gentiles when he was rejected by the Jews, so now too his true theology (which those opinionated old men reject) may pass over to the younger generation."⁷¹ Among "those opinionated old men" who repudiated him were his much-respected friends, the Erfurt professors Arnold von Usingen (1462-1532) and Jodocus Trutvetter (1460-1519).⁷²

Between his return to Wittenberg in the middle of May and the end of August, Luther was occupied with pastoral commitments and the completion of an important tract to elucidate the position which he had taken in the ninety-five theses. This work, dedicated to Leo X and bearing the title *Explanations of the Disputation concerning the Value of Indulgences*,⁷³ was sent to von Staupitz with the request that he deliver it to the Pope.⁷⁴ In a covering letter Luther reverently outlined for the Pope the causes which had led him to the formulation of the ninety-five theses.⁷⁵ "The authority of your name," he writes, "the threat of the stake, and the shame of heresy" were being used on behalf of religious abuses. Face to face with this horror, "my innocent and pure conscience still remains the bulwark of my confidence." Thus, "inflamed with a zeal for Christ or perhaps . . . a youthful zeal," he appealed to ecclesiastical authority; and, to strengthen his appeal, he prepared theses—academic in form and content, and never intended for the simple people—which he hoped to defend. As a professor, this was his right, a right, he reminds the Pope, "which stems from your authority." The conclusion is couched in the most reverential terms:

⁷¹ To Georg Spalatin, Wittenberg, May 18, 1518 (*Luther's Letters* 1, 63).

⁷² Both Trutvetter and von Usingen, Luther's professors, belonged to the "modernist" school of philosophy. It is a paradox that they should have repudiated in Luther what Luther had discovered in them.

⁷³ Cf. *Career of the Reformer* 1, 83-252.

⁷⁴ To Johann von Staupitz, Wittenberg, May 30, 1518 (*Luther's Letters* 1, 69). Here Luther writes: "Christ is the judge whose verdict I am awaiting through the Roman See."

⁷⁵ Cf. Hillerbrand, *op. cit.*, p. 53.

"Most Holy Father . . . I shall recognize your voice as the voice of Christ, speaking and ruling in you."

By early January, 1518, Luther's theses were known to the Roman Curia through Albrecht's denunciation. The general direction of the case was assigned to Mario de Perusco, the *procurator fisci*, who collaborated with Silvestro Mazzolini (Prierias, 1456-1523), the Dominican *magister sacri palatii*, and Girolamo de Ghinucci, *auditor camerae*. The whole matter stood under the ultimate and definite judgment of the Pope. The image which Luther had created in official Roman circles was not a favorable one. The Italian churchmen of the Renaissance, with their distinctive feeling of cultural supremacy in the western world, were not likely to be impressed by the theological furor of a German peasant; and, further, the Dominicans, who as "guardians of the faith" were especially interested in the Lutheran affair, were personally offended at the shocking anti-Thomistic spirit which animated the writings of this "miserable" Augustinian friar in distant Saxony. The opening years of the sixteenth century, with all its peculiar Italian-German sensitivities, were not an apt time for the Curia to be sympathetic to "the Saxon Hus." Rome was not ready to learn from Wittenberg; neither was Wittenberg ready to submit to Rome.

Prierias was sufficiently provoked by what he knew of Luther's theological position to write a refutation, *A Dialogue against the Presumptuous Theses of Martin Luther concerning the Power of the Pope*.⁷⁶ The work, which appeared in mid-June, 1518, handled the problematic posed by the theses of Luther under four aspects: ecclesial, juridical, magisterial, and heretical. It was not presented as a systematic ecclesiology, but as a straight reply to some of the more pressing questions which Luther had raised directly or indirectly about the nature and the structure of the Church. The treatise, itself of no great theological importance, is abusive, personal, and lacking finesse in its statement of the Catholic doctrine of the papacy; but Prierias did grasp the significance of the indulgence controversy in that he saw it as something more than an academic performance—the defense or refutation of theological theses on indulgences. For him, in question was the teaching office of the Church, its competence and its authority. This

⁷⁶ Cf. Fife, *op. cit.*, p. 277.

important contribution (despite the superficiality which characterizes it) to understanding the meaning of the debate on indulgences confirmed what Tetzl had maintained in his disputation at Frankfurt. It came, therefore, as a challenge and a surprise to Luther, who was quick to answer "this wild entangled jungle" with *A Response to the Dialogue of Sylvester Prierias on the Power of the Pope*, a work which he completed in two days in mid-August.⁷⁷

But Rome had more means at its disposal against Luther than theological treatises; it intended to use them to restore the public order which Luther was disturbing. The Curia acted quickly. In July, 1518, at the instance of de Perusco, Prierias, and Ghinucci, an official summons was prepared ordering Luther to appear *sub poena* in Rome within sixty days to answer for his unorthodox doctrine and his contumacious disobedience.⁷⁸ In the event of failure to appear before the curial authorities, excommunication and other penalties were specified. The tone of the document as a whole suggested the ominous character of the legal position in which Luther had become involved. On August 7 the official summons with its peremptory citation to Rome was in his hands. This first legal step in the long process, which would ultimately terminate in his definitive excommunication on January 3, 1521, filled him with uncertainty, fear, and resentment.

Involvement with ecclesiastical authority over orthodoxy and obedience was filled with peril in the late Middle Ages. It had brought John Hus (d. 1415) to the funeral pyre at Constance, and it could prove as tragic for Luther in Rome as it had for Savonarola (d. 1498) in Florence. His plan, therefore, was to have his case heard by Germans on German soil, to delay the process, and to remove it from the ecclesiastical sphere. The very day after he had received the summons from the Bishop of Ascoli, he appealed through Georg Spalatin to Prince Elector Frederick for protection: "It is the honor of almost our whole University that needs it [help] along with me. This means that you should use your influence with the Most Illustrious Sovereign and Doctor Pfeffinger that our Sovereign and His Imperial Majesty

⁷⁷ Cf. *ibid.*, pp. 277-78.

⁷⁸ The text of the summons, which Luther described as "that Lernaean swamp full of hydras and other monsters," is lost. Cf. K. Müller, "Luthers Römischer Prozess," *Zeitschrift für Kirchengeschichte* 24 (1903) 46-85, esp. 59 ff., where an attempt is made to reconstruct its essential features.

obtain for me from the Pope the return of my case, so that it be tried before German judges. . . ."⁷⁹ The appeal which Luther made to the aging Emperor Maximilian at this same time was rejected. The Emperor's sympathies lay with Rome and the old tradition, not with Wittenberg and the new theology; and he had assured Pope Leo of his imperial support.

Late in the summer the Curia, apprehensive of Luther's extended activity, decided to act with more firmness. On August 23 two papal briefs were dispatched into the German Empire. One, addressed to Cardinal Cajetan at Augsburg, directed him to summon Luther, "the reprobate Augustinian," notorious *tum ex fama tum ex facti permanentia*;⁸⁰ it specified three courses of action that the nuncio should follow: (1) to pardon Luther, if he should appear at Augsburg and recant his teaching; (2) to arrest and send him to Rome, if he should appear and refuse to recant; and (3) to excommunicate him, if he should stubbornly and contumaciously refuse to appear at Augsburg. The Cardinal was further empowered to punish those—whoever they might be—who should interfere with the execution of this papal mandate.⁸¹ Another brief, dispatched to Frederick of Saxony, ordered him to surrender Luther to the papal nuncio and his authority. This measure, for his own good reasons, the Elector refused to take; for he was convinced that Luther should be heard in Germany, not in Rome, by Germans, not by Italians. He was able, however, to persuade Cardinal Cajetan to intervene with the Roman authorities on behalf of this request. A brief of September 11 (which reached Augsburg about ten

⁷⁹ To Georg Spalatin, Wittenberg, August 8, 1518 (*Luther's Letters* 1, 71).

⁸⁰ Cf. *Proceedings at Augsburg*, tr. H. Grimm, *Career of the Reformer* 1, 286–89. Luther's comments on the papal brief of August 23 are filled with resentment. He was keenly aware that he had been cited on August 7, and that he had been given sixty days to answer the charges made against him. Yet, sixteen days later he seemed to be condemned without hearing. Cf. *ibid.*, p. 290. The directive sent on August 25 by Venetus, the Augustinian General, to the Saxon province of the order is unforgivable in its inhumanity. Cf. T. Kolde, "Luther and sein Ordensgeneral in Rom in den Jahren 1518 und 1520," *Zeitschrift für Kirchengeschichte* 2 (1878) 472–80.

⁸¹ At this time Luther was *haereticus declaratus*, not *haereticus condemnatus*. According to the brief, the Pope has heard that Luther is preaching heresy, that the Auditor has declared him a heretic, and that Cajetan can under certain conditions declare him a condemned heretic. But the definitive judgment is presumed to be with the Pope. Cf. Müller, *op. cit.*, p. 67.

days later) partly granted this privilege. Cajetan was delegated to hear Luther in Augsburg and there to give the case its definitive solution.

In the autumn of 1518, Luther made his way from Saxony to the imperial city of Augsburg. He had requested a hearing on German soil, and his request had been granted. Yet, it was with a certain measure of insecurity that Martin entered Augsburg on October 7; his reputation was now public; the Empire was divided about him. Maximilian repudiated him. Frederick the Wise supported him, but this prince could not guarantee absolute protection against the ultimate consequences of the colloquy with Cajetan. The confrontation which awaited Luther was calculated to provoke a showdown, and he might well fall victim to it. Augsburg was indeed a German city, but the papal legate, Cardinal Cajetan, represented international power. His presence, with all the splendor of high office, retinue, and supporters, indicated clearly that the authority of Rome extended to Luther's side of the Alps. "Even in the midst of his enemies, in Augsburg, Jesus Christ rules." This conviction was to be a principle of security and comfort to Luther in his precarious situation.

On October 12 Martin had his first official opportunity to meet the great Dominican Cardinal Cajetan, the personal representative of Pope Leo, a living symbol of Scholasticism and a religious of impeccable reputation. He received Luther into his presence "both graciously and with almost too much respect." The Cardinal's plan was simple and direct: neither to argue nor to dispute, "but to settle the matter peacefully and in a fatherly fashion."⁸² This paternalism appealed to Luther; it differed greatly from the rudeness with which some churchmen had treated him.⁸³ The confrontation was classical in its structure. It brought together two friars, one Dominican and one Augustinian, both distinguished, sincere reformers, spiritually-minded and competent as theologians. Each looked at the Church and saw a different reality; each responded differently to the problem which had brought them together.

The first interview commenced with Cajetan's direct proposal, which

⁸² Hillerbrand, *op. cit.*, p. 63.

⁸³ Cf. *ibid.*, where Luther writes of Cajetan: "He is a man who is in all respects different from those extremely harsh bloodhounds who track down monks among us."

Luther summed up this way: “[The Cardinal] proposed that I do three things which, he said, had been demanded by the pope: first, that I come to my senses and retract my errors; second, that I promise to abstain from them in the future; and, third, that I abstain from doing anything that might disturb the Church.”⁸⁴ The ultimatum was clear. Luther had indeed disturbed the German Church by teaching doctrines which the Pope considered erroneous and heretical. This activity, scandalous to the legate, must cease at once. But Luther was unwilling to yield his position at the Cardinal’s insistence; he demanded to know precisely in what matters he had erred. He was conscious of no error. If the meaning of the interview were to be reduced to a simple recantation of his teaching, this could have been done easily in Wittenberg. There would have been no need to expose himself to the expense, the pain, and the fatigue of the long trip from Saxony to Augsburg.

In answer to Luther, Cajetan pointed to the Bull *Unigenitus Dei filius* of the Avignon Pope Clement VI (1342–52), which had been incorporated into the canon law (*Extravagantes*) and which should have a probative and coercive value. Whereas this solemn Bull speaks of “a great treasure the good and kind Father acquired [from the sufferings of Christ] for the Church,” the fifty-eighth thesis maintains that the merits of Christ do not constitute the treasure of merits of indulgences. Then, too, as Luther put it, “He reproached me for having taught in the explanation of thesis 7 that a person taking the sacrament had to have faith or he would take it to his own damnation, for he wished to have this judged a new and erroneous doctrine.”⁸⁵ These were the two headings under which Cajetan rebuked Luther and in view of which he asked for a peremptory recantation.

This Luther refused. He had read not only Clement VI’s *Unigenitus* but also Sixtus IV’s *Romani pontificis*; and he “found them characterized by the same verbosity which destroys one’s faith in their trustworthiness, stuffed as they are with ignorance.” His repudiation of these papal documents rested on the conviction that they are without authority, because they are without a biblical foundation, and because their use of Scripture is distorted and erroneous. If there be

⁸⁴ *Ibid.*, p. 63.

⁸⁵ *Ibid.*

question of either *Unigenitus* or thesis 7, Luther elects the latter, because "the Scriptures, which I follow in my thesis 7, are to be preferred to the Bull in every case." The discussion ranged over a wide field—conciliar history, papal supremacy, grace, penance, and the like. Contradiction succeeded contradiction; no agreement was reached; no concessions were made, for the one represented magisterial authority, the other personal conviction. The first day's interview terminated with Luther's request that he be "given time for deliberation."⁸⁶

On the second day, October 13, Luther, accompanied by both legal and spiritual counselors, "with a notary and witnesses," appeared before the Cardinal to present his personal and formal plea. In substance, this is what his defense or justification declared: ". . . I cherish and follow the holy Roman Church in all my words and actions—present, past and future. If I have said or shall say anything contrary to this, I wish it to be considered as not having been said."⁸⁷ Then he took up the triple request which had been made by the Cardinal on the day before. Here he demurred, claiming that his inquiry (theses) was not in opposition to the faith: "Today I declare publicly that I am not conscious of having said anything contrary to Holy Scripture, the Church Fathers, or papal decretals or their correct meaning. All that I have said today seems to me to have been sensible, true and Catholic."⁸⁸ Then, because of the possibility of unintentional error on his part, Luther declared his submission to "the judgment and the lawful conclusion of the holy Church," and his willingness that the matter be judged by "the doctors of the famed imperial universities of Basel, Freiburg and Louvain . . . also of Paris, the parent of learning and from the beginning the university which was most Christian and renowned in theology." Clearly Luther wished to maintain his position within the structure of the Church. At the moment he felt that his teaching did not essentially oppose the teaching of the Church. The interview closed with Cajetan's acceptance of Luther's proposal to present his theological position in writing.

On October 14, the third and last day of the Augsburg confrontation, Luther formally presented his written response to the Cardinal, who would transmit it to Rome. It centered on the two points which

⁸⁶ *Ibid.*, p. 64. ⁸⁷ *Ibid.* ⁸⁸ *Ibid.*

Cajetan had raised on the previous days: first, the opposition between thesis 58 and *Unigenitus*; second, the role of faith in the sacraments according to the teaching of thesis 7. Luther's defense—"a curious mixture of sophistical reasoning and sincere argument"—rested on Holy Scripture; and where his understanding of the Word of God ran counter to the magisterial authority (despite what professions he made to the contrary) of the Church, the latter is made to yield to the former. But the Cardinal did not see things that way. It was his office to persuade Luther to reverse his position and on this he insisted. "Recant!" he shouted. "Go, and do not return to me again unless you want to recant!" With bold righteousness Luther refused to withdraw from his position. An impasse of thought and method had been reached. Tempers ran high in frustration; decorum was set aside. With the summary dismissal of Luther the interview disintegrated. Thus the one and only confrontation between Martin Luther and the Roman Curia terminated in a disaster which would never be repaired.

Yet, to whom shall this dismal failure be imputed? Certainly, neither to Cajetan nor to Luther personally. The essential issues at stake in this interview at Augsburg were greater than these two individuals, however perfectly they may have mirrored the far more compelling, characteristic forces that shaped and motivated them. For his part, Cajetan represented spiritually and intellectually the best aspects of the old medieval tradition. Formed in the theology of St. Thomas, he respected the objectivity of law, metaphysics, and religion; he adhered firmly to the hierarchic Church and its magisterium founded to safeguard the eternal gospel; and he believed in the sacramental efficacy of the Church in the order of salvation. For him, the pope was indeed Christ's vicar on earth, the chief custodian of God's truth for men, and the supreme primate in the Church universal. To contravene his solemn word was for Cajetan to contravene Christ Himself, and to foster religious disobedience and unorthodox thought would be to foster a principle that would inevitably corrode the whole Christian world and God's sacred order in it. This is the way Cardinal Cajetan thought and believed; nor was he the only one in his day who had this Catholic view of Christianity.

Luther, on the other hand, represented another stream of thought and action. In rebellion against the late Scholasticism in which he had

been educated, and against religion as he knew and experienced it, he had risen to a new plateau of the spirit from which he saw things differently. His theology, formed under the stress of *Anfechtung* and *Angst*, was personal to the core. In resolving the inner turmoil which had brought him to the very edge of despair, he was carried far from the objectivity of the *via antiqua* to a new personalism and individualism. Faith, as a personal act of commitment, became all-important, and Holy Scripture, as its ultimate foundation, became supreme in religious life for him. It was more to the magisterium of the Spirit than of the Church that Luther listened. The old Catholic axis, "We-Thou," changed to a new reformed axis, "I-Thou." The direct mediation of the Church—or any other mediation—in the order of "grace and truth" was excluded from Luther's evangelical Christianity. Faith, which is personal more than communal, affective more than intellectual, enters into prominence in his new structure of the Christian religion. All authority fades save the authority of Jesus Christ speaking in His gospel, and Luther was convinced that his comprehension of the gospel was unassailable, at least in what concerned the issues raised at Augsburg.

Thus, as the interview between these two historic figures developed, it became clearer day by day that dialogue was impossible. The two principals no longer understood one another. Reason had reached as far as reason can in matters of this kind; then it yielded to the passion of Cajetan and the vitriol of Luther. The perilous extremity of the position which Luther had taken in these colloquies is suggested by the fact that at their conclusion his superior, Johann von Staupitz, gave him absolution—the first of three excommunications—from his vow of religious obedience. On October 16 his appeal to the Pope over the head of his legate Cardinal Cajetan was notarized; a few days later, on October 20, after Luther had left Augsburg, the official document was nailed to the cathedral door. He appealed "from Leo badly informed to Leo better informed," even "to a pope who would be better informed" than Leo.⁸⁹ On November 28 he appealed to a council above the pope; and he was ready ultimately to appeal to God above the council. On the basis of Scripture and Scripture alone, he set aside the

⁸⁹ To the papal legate Cardinal Cajetan, Augsburg, October 18, 1518 (*Luther's Letters* 1, 88).

tradition of the Church, the authority of pope and council, of the Fathers and the theologians. Who save the Holy Spirit could have presented an answer that would have been acceptable to this friar become reformer? Is there any wonder that his opponents posed the question "Bist Du allein klug?"

The character of the theological discussions between the publication of the theses on October 31, 1517, and the termination of the Augsburg colloquies on October 14, 1518, underscores the vagueness and imprecision of the Church's comprehension of the theology and the practice of indulgences. Both Albrecht of Mainz and Johann Tetzel were clearly in error in their formulation of the meaning and the use of indulgences as applied to the faithful departed. At first Luther was far from sure that he had fully grasped the theology of indulgences, and he did not, therefore, present his theses as certain conclusions.⁹⁰ Cardinal Cajetan urged the Bull *Unigenitus Dei filius* of Clement VI as a decisive, authoritative argument against Luther. But the precise dogmatic qualification that should be given to this magisterial document incorporated into the Decretals is far from clear, even now centuries later. And, granting without conceding that it represented Catholic teaching *ex iugi magisterio*, did the Bull *Unigenitus* offer a sound rejoinder to the early teaching of Luther? Did it answer with all surety the most important questions that were then being agitated and debated?

Further, when historians of dogma examine the theological records of more than four centuries ago, are they prepared now to describe and evaluate with accuracy the precise prerogatives (primacy, supremacy, infallibility) which the Holy See then enjoyed within the dogmatic structure of the Catholic faith? I think not. The ecclesiological literature of that time suggests a certain ambiguity, arising in part from a comprehension of the Church that was too legal in spirit and content. This was the inevitable result of having neglected over the centuries the cultivation of a true theology of the Church, or rather of having allowed ecclesiology to be cultivated by the canonists. Even the fac-

⁹⁰ For example, Luther concluded his letter (Oct. 31, 1517) to Albrecht of Hohenzollern with the remark: "If you, Reverend Father, so desire, you might look at the enclosed set of propositions to recognize how indefinite the concept of indulgences is, even though the indulgence preachers consider it altogether certain." Cf. Hillerbrand, *op. cit.*, p. 51.

ulties of the leading universities, where one would have expected to find expertise in delicate matters of this kind, were either unable or unwilling to shed relevant light on the theological and canonical problems which grew out of the indulgence controversy. The issues at stake were not all black nor all white. If the magisterium did not have all the answers (and it did not), neither was Scripture in a position to answer all questions. If Leo's understanding of Scripture could be wanting, so too could Martin's. If, argued the Catholics, Church authority be irrelevant here, then Scripture, at first meaning everything, would ultimately mean nothing. The dialogue on Church and Scripture has not yet come to an end.

What was lacking in the colloquies at Augsburg and in the debate at Leipzig was the art of distinction. Luther contended that councils and popes have erred; Eck maintained that councils and popes have not erred. Both positions were ill defined in their generalizations. Truth was in the middle, and the middle could only be discovered by distinction. Unfortunately, nobody seemed sufficiently interested or skilled in making the proper distinctions. Had they been made, the theological atmosphere would have been clarified. One would have known more clearly what Luther was denying to the magisterium and its authority, and what Eck was affirming of it. *Theologische Unklarheit*—to use Josef Lortz's descriptive phrase—darkens and obscures almost every page of the early dialogue of Luther with the Church.⁹¹

On November 9, 1518, the chancery of Pope Leo X published the Bull *Cum postquam*, which aimed at correcting both the theological and the pastoral abuses connected with the indulgence preaching. Here the Pope taught correct Catholic doctrine: (1) that the Church can grant indulgences to the living and to the dead; (2) that indulgences are conceded by apostolic authority from "the treasury of the merits of Jesus Christ and the saints"; (3) that indulgences are granted *per modum absolutionis* and *per modum suffragii*; (4) that guilt is remitted by the sacrament of penance, temporal punishment "by means of an ecclesiastical indulgence." This Bull, issued "lest anyone in the future should plead ignorance of the teaching of the Roman Church with regard to indulgences of this sort and their efficacy," greatly helped to clarify the Catholic position on indulgences in neat

⁹¹ Cf. Lortz, *op. cit.* 1, 205-7.

terms; unfortunately, the much-needed clarification which this document provided was belated. The train of ideas which had developed since October, 1517, was not to be reversed by a document from the chancery of Pope Leo; the dialogue had now moved from the relatively unimportant question of indulgences to the concept of the Church itself, to the very center of Catholic Christianity as a religion of authority.

It was inevitable that Luther's contumacy face to face with the supreme authority of the Church would bring reprisals. In the solemn Bull *Exsurge Domine* of June 15, 1520—"Arise, O Lord, and defend thy cause"—the Holy See once again addressed itself to the Lutheran theses. Forty-one propositions, which represented different aspects of Luther's thought and action—his teaching, for example, on indulgences, and his appeal to a general council—were condemned. His books, "even those containing no errors," were forbidden to be read or retained by the faithful; they were to be repudiated and burned. They were forbidden in order that "his memory might be totally obliterated from the fellowship of the faithful." Luther himself, characterized as "the new Porphyrius," was ordered to recant his errors within sixty days under pain of excommunication. The document, formidable in its diplomatic style and manner, was a solemn condemnation, made on "the authority of Almighty God and the blessed apostles Peter and Paul and Ours."

The events of the hot summer of 1520 showed what little prestige and efficacy papal bulls enjoyed in the Holy Roman Empire. Far from recanting, Luther took a more recalcitrant position, which he expressed in a series of significant monographs: in August, *Address to the Christian Nobility of the German Nation*; in October, *The Babylonian Captivity of the Church*; in November, *Against the Execrable Bull of Antichrist* and *On the Freedom of a Christian*. Piece by piece he dismembered and discarded the Catholic concept of Christianity as it was known in his day, and no one laid a finger upon him. What was retained (and much was) was transposed in terms of the new theology. On December 10, while the students of the University of Wittenberg looked on, he burnt the Bull *Exsurge Domine*, a copy of the canon law, and other writings in the tradition which he opposed. Thus, within the short space of three years, 1517-20, the center of the debate had gradually shifted from

the theology of indulgences to the theology of the Church, and there it has remained ever since. The definitive excommunication of Luther by the Bull *Decet Romanum Pontificem* (January 3, 1521) only recognized in an official and legal way what had been a reality possibly as early as the colloquies at Augsburg in October, 1519. The act was regrettable, but it was characteristic of that century to settle its differences in a decisive way. Luther had subtracted himself from obedience to the papacy and hence from the supreme authority of the Church. He had come to apprehend Christianity differently—in the light of the gospel as he understood it—from the Church. She gave the only possible answer in the light of her tradition: excommunication and expulsion from her community.

More often than not the attempt to determine moral imputability in the context of history is futile. Who really knows the hearts and minds of men? And who can accuse without this knowledge? In 1967 it is no easy matter to discover "the culprit" of 1517, whether he be pope, emperor, bishop, prince, or friar. History is not so simple that its inner substance can be extracted and examined by men. From her foundation the Christian Church has always insisted on the abiding presence of the Spirit, who plans and shapes her history. Out of the ninety-five theses of Martin Luther grew schism and disunity; but nothing that happens to the Church of God, as she makes her pilgrim way through space and time, happens by chance. Everything has purpose and meaning, even though its full significance and relevance may be revealed only centuries later, when the dust of history has settled. So it is with the Reformation, an event too recent, an influence too living, to be comprehended all at once. Only in the light of the ecumenical concern of our day and age do we begin to enjoy flashes of insight into its meaning. If Church history contains its own mysteries locked in its memory and awaiting comprehension at the acceptable time, surely the episode of the ninety-five theses in all its ramifications and influences must be enumerated among these provoking obscurities.