

ABUSES UNDER INDICTMENT AT THE DIET OF AUGSBURG 1530

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THE MOST recent historical scholarship on the religious dimensions of the Diet of Augsburg in 1530 has heightened our awareness and understanding of the momentous negotiations toward unity conducted at the Diet.¹ Beginning August 16, 1530, Lutheran and Catholic representatives worked energetically, and with some substantial successes, to overcome the divergence between the *Augsburg Confession*, which had been presented on June 25, and the *Confutatio*, which was read on behalf of Emperor Charles V on August 3. Negotiations on doctrine, especially on August 16–17, narrowed the differences on sin, justification, good works, and repentance, but from this point on the discussions became more difficult and an impasse was reached by August 21 which further exchanges only confirmed. The Emperor's draft recess of September 22 declared that the Lutheran confession had been refuted and that its signers had six months to consider acceptance of the articles proposed to them at the point of impasse in late August. Also, no further doctrinal innovations nor any more changes in religious practice were to be introduced in their domains.² When the adherents of the Reformation dissented from this recess, it became unmistakably clear that the religious unity of the German Empire and of Western Christendom was on the way to dissolution.

But why did it come to this? Why was Charles V so severely frustrated in realizing the aims set for the Diet in his conciliatory summons of January 21, 1530? The Diet was to be a forum for a respectful hearing of the views and positions of the estates and for considerations on those steps that would lead to agreement and unity in one church under Christ.³

¹ The most recent stage of research began with Gerhard Müller, "Johann Eck und die *Confessio Augustana*," *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 38 (1958) 205–42, and continued in works by Eugène Honèe and Vinzenz Pfnür, with further contributions of G. Müller. Herbert Immenkötter made the results easily accessible to the general reader in *Um die Einheit im Glauben: Die Unionsverhandlungen des Augsburger Reichstages im August und September 1530* (Münster, 1973), in which bibliographical references to the key secondary studies are given on pages 6–7. I hope to publish soon an account of these negotiations.

² K. E. Förstemann, *Urkundenbuch zu der Geschichte des Reichstages zu Augsburg im Jahre 1530* 2 (Halle, 1835) 474 f.

³ *Ibid.* 1 (1833) 7 f. The wording of the imperial summons is woven into the Preface of the *Augsburg Confession*, nos. 2–4 (*The Book of Concord*, ed. T. G. Tappert et al. [Philadelphia, 1959] 25).

In early 1530 Charles was riding the crest of a series of diplomatic successes—assertion of firm control over Spain, victory over France, reconciliation with Pope Clement VII, solidification of his power in Italy—but the goal of restoring religious unity in Germany eluded him.

Why did it come to this? In quest of an answer, we have probed into the attitudes and mentalities of those who struggled with the religious questions and arguments of the Diet of Augsburg in 1530. For this investigation we have for the most part put to one side the directly doctrinal and systematic theological views of the men who spoke at Augsburg. Studies of their theological development and positions exist already in sufficient number. Moreover, we know from recent research that considerable doctrinal agreement was attained in the August committee work on articles 1–21 of the *Augsburg Confession* and *Confutatio*. The irreconcilable differences emerged when the negotiators took up the matters of religious practice treated by the two basic position papers in articles 22–28. The insoluble problems turned up under these headings:

- Communion under both forms (art. 22)
- marriage of priests (art. 23)
- the Mass (art. 24)
- confession (art. 25)
- distinction of foods, i.e., fasting laws (art. 26)
- monastic vows (art. 27)
- episcopal authority (art. 28)

On these matters the Lutheran side claimed it had simply undertaken the reform of abuses and defective traditions then undermining right religious practice.⁴ But not all of what the Protestants called abuses were judged to be such by their Catholic partners in discussion. The final article of the imperial *Confutatio* of August 3 had concluded with an assertion of a firm will and intent to correct abuses, curtail infringements of right order, and restore Christian religious practice once more to its original fervor and splendor.⁵ Thus both sides professed a commitment to reform of abuses, but they differed over what practices and institutions should properly be judged abuses.

The nagging differences at Augsburg in 1530 were over concrete realities of religious practice. "Practice" is not meant here in the narrow sense of purely external activity, but includes both the preaching and instruction associated with specific forms of lived religion and the underlying beliefs which came to light when the legitimacy of forms was contested and/or defended. Differences, expressed imperfectly in the doctrinal

⁴ *Augsburg Confession*, Introduction to Part 2, *Book of Concord*, 48 f.

⁵ *Confutatio*, art. 28 (*Die Confutatio der Confessio Augustana vom 3. August 1530*, ed. Herbert Immenkötter [*Corpus catholicorum* 33; Münster, 1979] 202 f.).

articles of the confession and its rebuttal, documented themselves in the concrete and visible forms of ecclesial practice.⁶ At Augsburg the divisive issues had a concrete focus.

This indicates that important light can be thrown on the Augsburg impasse, and on the deeper grounds of our religious divisions, by probing into the attitudes and judgments held by the participants at Augsburg on conditions of worship and religious practice in the pre-Reformation Church. How did they perceive and judge popular instruction on the eve of the Reformation? What was their assessment of Eucharistic and other popular devotions? How did they portray conditions in late-medieval German parishes, religious and monastic communities, and ecclesiastical courts? How did those active at Augsburg evaluate the pastoral ministry carried out by priests and the administration of dioceses by bishops and their associated officials?

We have reviewed some of the principal expository documents connected with the Diet, both from the preparatory stages and from the transactions in Augsburg down to the beginning of negotiations on August 16, 1530, taking note of the main points made about religious conditions on the eve of the Reformation. In our presentation we will begin on the Protestant side and move through various Lutheran statements (non-Saxon preparatory apologias, Saxon preparatory drafts, Luther's *Admonition to the Clergy*) to the *Augsburg Confession* itself. We will conclude by looking at some key reactions to the confession, first from Martin Luther and then from the side of the Catholic majority.

This ordering of the materials in a roughly chronological sequence should facilitate insights both into the specific historical character of the *Augsburg Confession* and into some distinctive differences between Protestant claims and the responses engendered by these claims. All through this presentation, however, our principal purpose is to retrieve from the mental worlds of the Augsburg participants their perceptions, reports, assessments, and claims about religious practice in the era just preceding the outbreak of the Reformation struggles. Thereby we hope to illuminate the work of the Diet of Augsburg from a fresh perspective and to gain new insights into the failure of efforts in mid-1530 to save the religious unity of the West.

NON-SAXON PREPARATORY APOLOGIAS

This section will review the summary of claims and assertions about the pre-Reformation Church made by representatives of some of the

⁶ H. Immenkötter, *Der Reichstag zu Augsburg und die Confutatio* (Münster, 1979) 37. W. Maurer has pointed out the impossibility of sustaining a complete separation of the doctrinal and practical parts of the confession; cf. *Historischer Kommentar zur Confessio Augustana* 2 (Gütersloh, 1978) 74.

estates and cities which took their stand with Electoral Saxony by signing the *Augsburg Confession*. Seven preparatory reports are extant from areas outside Saxony where the Lutheran reformation had established itself in the 1520's. These include three apologias commissioned by Margrave George of Brandenburg-Ansbach: that is, individual papers by Johann Rurer of Ansbach and Kaspar Löner, then of Hof, and the corporate report of four members of the clergy in Kulmbach.⁷ Two preparatory statements are extant from the city of Heilbron, describing the new church order recently instituted there.⁸ And from Nürnberg there is a corporate report prepared by the preachers of the city (ready by May 7, 1530) and a defense of the Nürnberg reforms which Andreas Osiander submitted to the city council on June 22.⁹

The modern editor of these documents, Wilhelm Gussmann, underscored their special value as reflections of first-generation Lutheranism. They tell of a cluster of common religious convictions stemming from Luther, of a large range of agreement on those institutions of late-medieval religion which are to be attacked and rejected, and of some interesting differences of emphasis.¹⁰ These documents are similar to the Saxon preparatory apologia, the *Torgau Articles*, prepared by the Wittenberg theologians in March-April, on which the second half of the *Augsburg Confession* was based. In the end these non-Saxon apologias made little contribution to the final polishing of the *Augsburg Confession* between May 20 and June 20 as it was reworked as the common confession of the Lutheran group of estates. Still, the preparatory apologias from outside Saxony remain of value for their expression of the views of people on the Lutheran side in the momentous exchanges of the Augsburg Diet.¹¹

1) Two themes of a general character accompanied the explanation of the religious changes recently introduced in these lands of the early

⁷ The Margrave called for contributions in preparation for the Diet in a letter to the church superintendents of his domains on January 29, 1530; cf. Wilhelm Gussmann, *Quellen und Forschungen zur Geschichte des Augsburgischen Glaubensbekenntnisses* 1/1 (Leipzig-Berlin, 1911) 274 f. By early April, twenty-eight apologias for the Reformation had been assembled. Gussmann gives the texts of three in Vol. 1/2: 3-47 (Rurer), 96-168 (Löner), and 47-96 (clergy of Kulmbach).

⁸ *Ibid.* 173-80, a preliminary description of the religious changes and how they can be defended, and 180-203, a comprehensive account of the reforms, actually brought to Augsburg with a view to submission to Charles V. Cf. Gussmann 1/1, 169-71. Heilbron formally joined the signers of the *Augsburg Confession* on July 14 or 15, 1530 (*ibid.* 163).

⁹ Texts *ibid.* 278-94 and 297-312.

¹⁰ *Ibid.* 204 f., 210, 213 ff.

¹¹ Johann Rurer of Ansbach was at Augsburg to advise Margrave George (*ibid.* 81). The Nürnberg delegation, which included A. Osiander from about June 27 into late July (*ibid.* 140), was a powerful counterpoise to Melanchthon's conciliatory approach to the issues of the Diet.

Lutheran reformation. First, the changes were attributed to *popular biblical instruction*. The Bürgermeister and Council of Heilbron related that their daily lessons in the word of God brought them to realize how many horrid abuses were plaguing the Church. Fearing the Gospel warning to servants who know their master's wishes but do nothing to fulfil them (Lk 12:47), these urban leaders felt they had to take action to introduce a new church order based on sound doctrine.¹² In a similar vein, Andreas Osiander located the real beginning of reform in the opening of fresh access to understanding Holy Scripture through the linguistic work of Reuchlin and Erasmus. Thereby people came to recognize and detest the abuses which had recently arisen in the Church. Luther's sermons and German writings then attacked the abuses so sharply that church leaders lost their credibility and people welcomed the religious changes.¹³ Thus the pre-Reformation Church is implicitly characterized as closed to Scripture and lacking an awareness of the low state of the Church. The Reformation sprang from the critical ferment arising from encounter with the biblical word.

A second general theme in the non-Saxon reports is the characterization of pre-Reformation religious life as *false worship* based on the observance of various human enactments. The Nürnberg preachers highlighted Christian freedom, deducing from St. Paul an admonition against human traditions, such as outward observances regarding foods, garb, and special days, which turn believers from true worship of God to the idolatrous cultivation of externals.¹⁴ All three reports submitted to Margrave George used a schematic contrast between false worship before the Reformation and true worship now being introduced. "False worship" was especially found in those practices concocted by human ingenuity with the aim of attaining forgiveness of sins and eternal life. After giving such a definition, Johann Rurer of Ansbach offered Margrave George a short catalogue of practices verging on idolatry:

These are the works of all human precepts, namely, keeping the rule and statutes in monasteries and convents; not wearing this or that kind of garment, not eating this or that kind of food, or not touching any money; similarly, building churches or chapels, founding regular singing of the *Salve*, or endowing benefices and Masses, such as an annual requiem on the date of death or one with procession and holy water; praying the Rosary and Psalter; commissioning images, panels, bells, or organs for churches; setting up confraternities; making pilgrimages to this or that shrine; holding processions in the church or through the town and fields; lighting candles; fasting on vigils of saints' days; getting holy water and

¹² Gussmann 1/2, 181 and 183.

¹³ Gussmann 1/1, 297.

¹⁴ *Ibid.* 288.

blessed salt; eating no meat on papal fast days. These and similar works are nothing else but false and vain worship of God.¹⁵

Here we see the acid of Reformation criticism attacking important outgrowths of medieval European piety. The immediate target is not doctrine but rather the folk religion of vast numbers of believers. Explosive shibboleths, "false worship," "human enactments," serve to indict the recent past and to rally those leading the movement of reform.

2) The preparatory statements assert that doctrinal confusion, error, and ignorance reigned before the coming of the Reformation. The Nürnberg preachers began their report by showing how all salvation comes from the word of God by which we were created and redeemed. Although Christ commanded the proclamation of his gospel to all creatures, recently people were forbidden to speak of the faith by which we are saved. Such was the collapse of Christianity.

O God, who can tell of the horrid seduction that we have witnessed up to now? Thereby it finally came to the point that no one had any understanding of God's word, of Christian freedom, of the power of the law and sin, of the efficacy of faith and rightly ordered worship, of the Church, of what are sacraments, and of sin and how it is forgiven. So thoroughly had Satan and his accomplices ruined and confused all things necessary to salvation through our own concocted works, righteousness, and innumerable laws.¹⁶

Andreas Osiander began his report in defense of the Nürnberg reformation with a ten-point catalogue¹⁷ of doctrinal errors flourishing before the changes:

- free choice was stressed and our need of the Spirit concealed;
- observance of the law was preached as the way to merit heaven;
- works of piety, such as pilgrimages, veneration of images, use of candles, etc., were placed ahead of the commandments of God;
- duties of one's calling were not presented as ways of serving God;
- repentance was made into a work;
- complete, auricular confession was demanded;
- satisfactory works were required for actual sins;
- baptism was devalued into forgiveness merely of original sin and had no relevance for the rest of life;
- the "gospel" was referred to stories about Christ's miracles and example, not to the good news of Christ by which we are justified;

¹⁵ Gussmann 1/2, 35. K. Löner's long syllabus of practices of false worship made up the second of the three main parts of his report (*ibid.* 110–42). Similarly, the clergy of Kulmbach began with a short exposition of true worship (*ibid.* 48–55) and then went one by one through all the notions and practices of false worship which had been corrected by their reformation (*ibid.* 55–81).

¹⁶ Gussmann 1/1, 286.

¹⁷ *Ibid.* 298–300.

—teaching on the Eucharist stressed concomitance and worthy preparation, not Christ's saving words addressed to us.

Osiander went on to depict the malaise that spread as people became aware of these abuses. Some recalled the New Testament prophecies about the deceptions to arise in the last days and this combined with the emergence of sectarian preachers to cause the threat of tumult. In such a situation the lay civic leaders of Nürnberg had to take action on behalf of reform.¹⁸

Thus the non-Saxon apologias were clear and outspoken in defending measures taken to correct erroneous preaching and instruction. A new popular catechesis was needed. Basics of Christianity had to be clarified to overcome an intolerable situation of doctrinal confusion.

3) Each one of these reports gave prominence to abuses connected with the celebration of *the Mass* prior to the coming of the Reformation. The most complete listing was given by Johann Rurer of Ansbach in his report for Margrave George.¹⁹ Beginning from the basic Lutheran teaching that the Lord's Supper is a testament of forgiveness and not a propitiatory sacrifice,²⁰ Rurer then named the following abuses:

- daily offering of Christ's body and blood for the sins of the living and the dead;²¹
- payments for the celebration of Mass;²²
- celebrating or hearing Mass in order to gain temporal benefits;
- obligatory founded Masses that must be said even if the priest lacks desire and devotion;
- reception of Communion by the priest alone;
- Mass in a language the people do not understand and without a sermon;²³
- saying Mass for the dead who can no longer hear, believe, and communicate;²⁴
- the sacrilegious withholding of one form from lay people;²⁵
- restricting the reception of Communion to the Easter season;
- unnecessary attention to reservation of the Eucharist in the tabernacle;

¹⁸ Ibid. 304.

¹⁹ Gussmann 1/2, 14–28.

²⁰ The Kulmbach pastors gave a full contestation of the doctrine of Eucharistic sacrifice (ibid. 64–73).

²¹ The Heilbron apologia spoke of the offering of Mass as "ein Gruel vor Gott" (ibid. 191).

²² Osiander called stipends simony and explained that Nürnberg now has eliminated the Masses formerly held only for money (Gussmann 1/1, 310).

²³ The Nürnberg preachers say that now the words of Christ's testament are openly sung and read, in accord with his mandate to proclaim his message from the housetops, Mt 10:27 (ibid. 289).

²⁴ Similarly, in Heilbron's apologia (Gussmann 1/2, 193–95).

²⁵ K. Löner was especially incensed over the withholding of the chalice, calling it robbing the Sacrament of its better part (ibid. 121). See also the report of the Nürnberg preachers, art. 3 (Gussmann 1/1, 189 f.), and Osiander's concise protest (ibid. 310).

—the idolatrous worship connected with processions of the Blessed Sacrament on Thursdays and other days.

Such a syllabus of abuses leaves no doubt that the Reformation broke sharply with a broad range of customs and practices of late-medieval Eucharistic worship. We note, however, in Rurer's "abuses" differing degrees of nearness to basic convictions. The "daily offering" flows more directly from belief in the sacrificial nature of Eucharistic worship than does the system of stipends and foundations. Eucharistic reservation and processions had a concrete logic about them after the early-medieval anti-Berengarian definitions, a logic not supporting infrequent lay reception and mandatory withholding of the chalice. An adequate discussion with Rurer could not be global but would have to engage in sensitive sifting of the material in question.

4) The Lutheran reformation also brought renewal of *baptism* and two aspects of the new rite were defended in the apologias. Each point involved criticism of pre-Reformation practice.

Both Johann Rurer and Kaspar Löner defended the recent simplification of the baptismal rite by pointing to superstitious abuses connected with the added rites with salt, spittle, and chrism, especially the popular belief that these were necessary if baptism is to have its effect.²⁶ A special form of this error is that the Holy Spirit is conferred by the baptismal anointing with chrism.

The Reformation introduction of baptism in the vernacular was defended against a stubborn and senseless insistence on the use of Latin. The apologists cited 1 Cor 14 against the use of a tongue contributing nothing to the instruction and edification of the people and to their confirmation in faith.²⁷

5) Another target of these reports was the complex of *blessed objects* ritually consecrated by the Church and then used superstitiously by the people.

Kaspar Löner named the misused objects, that is, salt, holy water, candles, palms, ashes, the Easter fire, and blessed bread and meat, and charged that both the ritual blessing and popular use of the objects were blasphemous in seeking from these creatures both cleansing from sin and protection from Satan.²⁸ The Kulmbach clergy cited both canon law and scholastic theologians to demonstrate that religious use of these objects

²⁶ Gussmann 1/2, 10 (Rurer) and 117 f. (Löner). For Löner, these beliefs shift trust away from Christ and rob his true baptism of its power. The Heilbron apologia insinuated that the inventors of these additions were trying to improve on the well-conceived original institution by Christ (ibid. 187 f.).

²⁷ Gussmann 1/1, 290 (Nürnberg preachers); 1/2, 10 f. (Rurer), 118 (Löner), 187 (Heilbron).

²⁸ Ibid. 137 f.

had official sponsorship. But such use, they charged, attributes divine power to creatures and robs God of due honor. In addition, the Kulmbach reformers pointed to the well-known and widespread practices of sorcery with blessed water and salt.²⁹

Again one is forcefully reminded of the sharp break made by the Reformation with the everyday realities of popular religion as these were in vogue before the changes came.

6) Each of these Lutheran apologias for the Diet of Augsburg offered justification for the Reformation abolition of the obligation of *clerical celibacy*. These sections of the Brandenburg-Ansbach reports were largely doctrinal disquisitions on the divine institution of marriage, the impossibility for most people to live out a vow of chastity, and the evidence for a married clergy in the New Testament and early Christianity.³⁰ The conclusion could be stated, as by Johann Rurer, in a succinct thesis: for the Church to forbid priests to marry is contrary to God's word and command, against Christian freedom, opposed to numerous ancient councils, and so stems not from the Holy Spirit but from the devil's prompting of human inventiveness.³¹ Or testimony could be given to a firm, heartfelt conviction that those bound by the Church to an impossible chastity should flee this Babylonian captivity and state of certain spiritual ruin to a new life in the divinely instituted state of marriage, in which alone authentic chastity is found.³² In any case, no one was to be held to keeping a vow extracted at the time of priestly ordination.

The preachers of Nürnberg directed a further attack against *monastic institutions* as being in fact contrary to what was, or should have been, the intention of those contributing to their foundation. First, monastic life does not promote the greater honor of God, because it knows nothing of that faith that turns away from good works and achieved holiness to rely totally on God. Second, the founders themselves did not act in a Christian manner but erroneously sought salvation through their work of founding, which in fact led more to their damnation. Third, goods of the larger community should support only preachers of the word and the handicapped poor, while all others should work for their daily bread. Consequently, the Reformation spokesmen called for civil authority to suppress the institutions of religious and monastic life and to apply their properties to new purposes.³³

7) The preparatory reports from the newly reformed areas presented

²⁹ Ibid. 73-75.

³⁰ Ibid. 28-30 (Rurer) and 58-64 (Kulmbach preachers). Also, from the Nürnberg preachers, in Gussmann 1/1, 291.

³¹ Gussmann 1/2, 28.

³² Ibid. 64 (from the clergy of Kulmbach).

³³ Gussmann 1/1, 291-93.

a biblical basis for *ecclesiastical office* and thence drew sharply critical conclusions about papal and episcopal claims to authority.

The Kulmbach pastors contrasted the papal claim to *maiestas* with Jesus' words at the Last Supper that his apostles were sent to serve, not to rule as lords. Their commission was to preach Christ and his message of repentance and forgiveness of sins. People should heed only those ecclesiastics who follow out this divine commission.³⁴ According to the other reports, the power of the keys associated with the commission to preach is not a jurisdictional authority over consciences but the power to absolve from sin.³⁵

Consequently, the claims made by ecclesiastical leaders to jurisdiction is rejected as a blasphemy against God. The preachers of Nürnberg call for the bishops to show whence they got power to institute ceremonies and impose them on consciences once freed by Christ. St. Paul convinced others that his authority was God-given; since the bishops can never do this, one must retort that they are arrogating to themselves a power God did not give them and on their own they are encroaching on God's authority.³⁶

8) The apologias solicited by Margrave George were to treat, among other points, whether and on what basis Christian civil authorities were entitled to suppress long-standing abuses in the Church and to disregard charges by bishops that such actions infringed upon their jurisdiction.³⁷ This request prompted at least one striking indictment of pre-Reformation *episcopal neglect and malfeasance*.

George Rurer's paper culminated in an article on the suppression of abuses.³⁸ Principally, the article is an account of the basis for intervention by civil authority. The protests of bishops are to be expected, since reform has brought application of painful medicine to serious wounds on the body of the Church. These bishops are blind and insensitive to the Christian zeal of reform-minded rulers. They have shown no heed for the gospel and true worship for so long that, according to Rurer, their present protest cannot be due to zeal for God's honor and concern for the salvation of their flocks. No, they are pained over the loss of empty

³⁴ Gussmann 1/2, 82–85.

³⁵ Ibid. 44 (Rurer) and 107 f. (Löner).

³⁶ Gussmann 1/1, 293 f. Both in the *Augsburg Confession*, art. 28, and in private and official negotiations, Melanchthon sought to ground a real role for bishops in administering the Church and in transmitting doctrine. His allies from the cities did not support him on this point. On this see E. Iserloh, "Von der Bischofen Gewalt": zu CA 28," paper given at the *Corpus catholicorum* symposium, The Diet of Augsburg and the Unity of the Church, Augsburg, September 1979, to be published in the papers of the symposium by Aschendorff of Münster.

³⁷ Gussmann 1/1, 274.

³⁸ Gussmann 1/2, 36–47.

honors and of the income they used to have from consecrations, benefices, investitures, commendations, requiem Masses, and all the other taxes and fees they are no longer collecting.³⁹

Rurer closed his apologia for the Reformation by drawing a striking contrast. On the one hand, he drew from Scripture the profile of the zealous and responsible shepherd who promotes good preaching, carefully examines candidates for the pastorate, and visits them annually to oversee their ministry of word and sacrament. On the other hand are the indolent and heedless bishops of his times:

They do not preach the divine word, nor do they allow it to be rightly preached. Instead they oppose, prohibit, and persecute the word, and do not tolerate that the sacraments be administered and received in a manner conformable to the content and power in them from the teaching, institution, and precept of Christ. They do not abolish the abuses affecting the sacraments. They exercise no discretion in ordaining priests and appointing pastors and preachers, but admit ignorant men without understanding of Scripture and give them benefices, invest them, and confirm them in office. Then the bishops forbid them to marry, which God left free to all, and with this prohibition force priests into whoring and concubinage. They thus cause dishonor and insults to the Lord our God, disgrace and ridicule to our Christian faith, and a colossal scandal by ruining countless men and bringing them to perdition.⁴⁰

Given such negligence, a Christian prince is clearly commissioned to undertake reform.

After our survey of these first-generation statements on behalf of the Lutheran reformation, it seems less important that they in fact contributed little to the wording of the *Augsburg Confession*. Independently of any connection with the text of the formal profession made June 25, 1530, these reports witness to a powerful conviction that the reforms recently initiated with local, civil sponsorship have swept aside manifold corruptions of religion in obedience to God's word. Here we see the will and force lying behind the adoption of the *Augsburg Confession* by Margrave George and the cities of Nürnberg and Heilbron. One is all the more amazed that the August committee work toward ecclesial unity had its partial measure of success, in view of the broad span of charges and the rhetorical vehemence of the indictment of traditional religion in the preparatory Lutheran reports. Their rhetoric was biting, and one understands how the mentality they document produced difficulties for those participants in the Diet who brought more irenic and conciliatory dispositions and who resonated more with Charles V's desire to save the religious unity of the German Empire.

Our first encounter with the Lutheran mentalities of 1530 reveals a

³⁹ Ibid. 45.

⁴⁰ Ibid. 46 f.

powerful determination to correct the malfunctioning of religious institutions of the late-medieval Church. But we also perceive a strong doctrinal element, one suggesting insights and convictions on how one comes to share in the grace of redemption. The bases of traditional worship and popular piety are under challenge. Beyond this, and perhaps even more important for understanding the opposition these claims met, is the calling in question of basic visible structures, such as hierarchical authority, Masses for the dead, and celibacy, which for centuries were both constitutive and significant of the unity of Western Christendom. Working with their broad understanding of "abuses," these apologists were seeking to legitimate a broad sociocultural upheaval—and doing this with no little rancor.

SAXON PREPARATORY STATEMENTS

In the genesis of the *Augsburg Confession*, the decision to include the concise doctrinal articles 1-21 was made at a stage after considerable work had been done on draft statements on worship and external church order.⁴¹ As of May 2, 1530, when Prince-Elector John and his entourage arrived in Augsburg, the Saxon apoloia for the Reformation consisted of a draft preface⁴² and a list of articles defending practical reforms of church life in the Elector's domain.⁴³ The leitmotif of this early material prepared for presentation to Charles V was quite simply that of abuses in the Church and their reformation. Consequently, these early Saxon preparatory statements, the preliminary forms of articles 22-28 of the confession, offer us a sharply drawn portrait of pre-Reformation conditions. Reflective study yields six general themes.

1) Melanchthon's earliest draft preface began by referring to the

⁴¹ The Saxon preparation for the Diet was initiated by Prince-Elector John's letter of March 14, 1530, to his Wittenberg theologians; cf. *Corpus reformatorum: Philippi Melanthonis opera* (Halle, 1834 ff.; reprint, New York and Frankfurt, 1963) [henceforth CR] 2, 25-28. Also, *D. Martin Luthers Briefwechsel: Kritische Gesamtausgabe* (Weimar, 1930 ff.) [henceforth WABr] 5, 263-66. We will discuss below why it became urgent to begin the confession with doctrinal articles.

⁴² *Bekennnisschriften der evangelisch-lutherischen Kirche* (Göttingen, 1963) [henceforth BSJ] 35-39, a revision and expansion of the draft preface printed on the lower portion of BS 36-39 and given in CR 2, 63 f.

⁴³ *The Torgau Articles*, given in CR 4, 985-99, and Förstemann, *Urkundenbuch* 1, 68-84. Probably, additional drafts were also on hand by May 2 on faith and works (CR 4, 1005-8; BS 75-78; Förstemann 1, 84-87) and on the power of the keys (CR 4, 1002-5; Förstemann 87-91). English translations of these materials are given in H. E. Jacobs, *The Book of Concord 2* (Philadelphia, 1883) 75-90. The fundamental study of this material is Theodor Brieger, "Die Torgauer Artikel," in *Kirchengeschichtliche Studien Hermann Reuter . . . gewidmet* (Leipzig, 1890) 268-320. The results of scholarly study of the *Torgau Articles* is reflected in the section covering 1530 in the stately *Register* prepared by H. Scheible in *Melancthon's Briefwechsel* 1 (Stuttgart, 1977).

widespread realization of *the existence* of many serious and long-standing abuses in the Church. The draft noted that particular points had been listed by the estates of the Empire in the *gravamina* of 1521 and that the Papal Legate to the Diet of Nürnberg in 1522-23 had uttered on behalf of the Pope the promise to correct as many of these abuses as possible.⁴⁴ Melanchthon's subsequent revision of this preface brought to the fore the precedents and backing for imperial activity in fostering and preserving true religion,⁴⁵ and then suggested something of the long history of abuses by mentioning some of the leading proponents of church reform.⁴⁶ The revision repeated the reference to contemporary common knowledge, the 1521 *gravamina*, and Pope Adrian's promise of reforming action. Therefore, the Emperor should pay no heed to anyone who might rashly deny the existence of abuses and the need of reform.⁴⁷

Melanchthon's earliest draft preface gave this account of the fundamental problem:

Compared with the other abuses, the worst was that in almost all schools, monasteries, and churches little was preached and taught about the principal parts of the Christian faith. Instead, they expounded for the people a great deal of harmful doctrine on a way of worship that burdened consciences terribly. Human enactments, the orders, veneration of saints, pilgrimages, indulgences, and other unneeded and inept things received more frequent and more insistent treatment—to the ruin of souls—than the content of the gospel with its power to comfort consciences.⁴⁸

The revision of this passage omitted this catalogue but made reference to the articles to follow on preaching and life in Saxony, in which the Emperor could readily see, as in a mirror, the abuses that had been corrected. Indulgence preaching did receive special mention, both because of the way it represented a cluster of abuses (preaching instant salvation, deception of the people, exercise of power by monks appointed quaestors) and because it occasioned Luther's original protest.⁴⁹ The ensuing controversy over indulgences brought Luther to speak of the other, more central doctrines which had been languishing on the periphery of earlier preaching, that is, how one attains grace, forgiveness of sins, and the consolation through Christ of an otherwise disturbed conscience.⁵⁰

⁴⁴ CR 2, 63. The *gravamina* of 1521 are found in *Deutsche Reichstagsakten, jüngere Reihe* 2 (Gotha, 1896) 670-704; a partial English translation is in Gerald Strauss, *Manifestations of Discontent in Germany on the Eve of the Reformation* (Bloomington, 1971) 52-63. The papal message is found in *Deutsche Reichstagsakten* 3 (1901), and in English in John Olin, *The Catholic Reformation: Savonarola to Ignatius Loyola* (New York, 1970).

⁴⁵ BS 35, lines 3-33.

⁴⁶ BS 36, lines 8-29, naming Augustine, Gregory, Cyprian, and Pope Innocent III.

⁴⁷ BS 36, lines 30-35.

⁴⁸ CR 2, 63.

⁴⁹ BS 37, line 5, to 38, line 1.

⁵⁰ BS 38, lines 1-12.

A parallel analysis of the main problem of the pre-Reformation Church appeared in Melanchthon's short treatise on faith and works written some time in the preparation for the Diet and later reworked as article 20 of the *Confession*. Genuine good works had been all but forgotten:

It is public knowledge what kind of good works were taught formerly by the monks: the Rosary, gulden Masses, and the like were the only things preached. Little was taught about true good works such as the office of civil authority, obedience and serious respect for such authority, each one's calling, as well as suffering and heartfelt prayer and trust in God in time of need. Their books prove this, full as they are of foolish and harmful questions and devoid of useful teaching. Consequently, the whole world had long been crying out for another teaching.⁵¹

This stress on external devotional acts left the people famished for the central truths of Christianity, a hunger which the new preaching is now filling.

Thus, as the Saxon reformation prepared to present itself before Charles V, it began from the existence of broad misunderstandings about Christian essentials. A connecting line was drawn to link the changes in Lutheran Saxony with the outcry over corruption voiced in the "hundred *gravamina*" collated nine years before as the culmination of eighty years of German unrest. Lutheranism sought recognition as a movement that was beginning to set right this many-sided reality of error, false worship, and abuse of power.⁵² Given this point of departure, its apologists came inevitably to give a "bill of particulars" indicting the pre-Reformation Church. In an evaluative vein, one must point out that the Saxon appeal to the earlier protest documents does not in itself guarantee a congruence between the Lutheran reforms and the longings of the estates expressed in the *gravamina*. Careful study of the latter is first called for, before one can judge just how traditional was the Lutheran movement. Of course, the legitimacy of the movement does not stand or fall on its congruence with recent German clamorings for reform.

We turn now to note the main points formulated in the *Torgau Articles*, composed for the Prince-Elector in March-April, 1530, by Luther, Melanchthon, Justus Jonas, and Johann Bugenhagen ("the Wittenberg theologians"), which Melanchthon's draft prefaces were originally meant to introduce.

2) Among the corrupt practices the Reformation had set aside, the

⁵¹ *CR*, 4, 1005 f.; also *BS* 75, line 25, to 76, line 34.

⁵² As mentioned above, response to the *Augsburg Confession* issued from the Catholic side on August 3, 1530, did not deny the fact of abuses but espoused the purpose of their reform, along with the correction of excesses, the renewal of a leadership sunk to low ebb, and the revitalization of religion now cooled.

that *those observing them could not avoid sin*. These abusive practices had been introduced by human doctrines and human legal enactments. Realizing the true nature of these ordinances, the Saxon Elector could not sanction their further observance, since "one is to obey God rather than men" (Acts 4:19).⁵³

Two of these ordinances entailing sin were innovations introduced into the Church contrary to an express divine precept. (i) The law of priestly celibacy goes against St. Paul's formulation of a divine command, "It is better to marry than to burn" (1 Cor 7:9), and departs from both the practice and conciliar legislation of the early Church. In Germany the law had been imposed by violent means, and the results have not been good.⁵⁴ (ii) The practice of lay reception of Communion under only one form goes contrary to Jesus' express command, "Drink this, all of you" (Mt 26:27), and to the practice observed a long time before it mysteriously disappeared.⁵⁵

(iii) The widespread and documentable teaching that the Mass is a good work gaining both grace and temporal benefits for its beneficiaries gave rise to a shameful commerce in stipends, to proud boasting by sacrificing priests (of how *they* make others blessed), to frequent offering of Mass without devotion but solely out of avarice, and to pernicious neglect of trusting faith in Christ's testamentary legacy of grace and forgiveness of sin.⁵⁶ This indictment of pre-Reformation Eucharistic belief and practice served as the Saxon justification for holding only community Masses and for sponsoring frequent instruction and admonition on the correct use of the Sacrament, that is, as the place for exercising faith in Christ's consoling gift of himself.⁵⁷ Once more, the argument is stated that community celebration and the primacy of faith were normative in the early Church, at least to the time of Jerome and Augustine, and that no one knows how the contrary practices with stipends and private Masses came to be accepted.⁵⁸ Still, the innovators have, it is claimed, spawned a multitude of sins.

(iv) Prince-Elector John has also refused to sanction the continuance of religious orders in his territories because of three sinful aspects of their

⁵³ CR 4, 987.

⁵⁴ Ibid. 990 f.

⁵⁵ Ibid. 991.

⁵⁶ Ibid. 991 f.

⁵⁷ We put aside for the present a short tract on the illegitimacy of the private Mass which K. E. Förstemann published as part of these early articles in his *Urkundenbuch* 1, 91-93 (in English in Jacobs, *Book of Concord* 2, 90-92). The tract belongs to a later stage of the discussion, when the Lutherans were preparing to negotiate specific points. We follow Brieger, "Die Torgauer Artikel" 283-85, and *WABr* 5, 303-5, in taking it as written by Luther, probably in late July, for the guidance of his colleagues in Augsburg.

⁵⁸ CR 4, 992 f.

Wittenberg theologians list four which were of such dire consequence given structure: people are taught to undertake life in the cloister in order thereby to satisfy for sins and merit grace; the vow of celibacy is contrary to human nature and to an express divine command; and members of these orders must engage in perverse worship through Masses for the dead, invocation of the saints, and the like. Consequently, Saxon authorities cannot in conscience take actions to restore religious houses or to penalize those who recently departed from such houses in noncanonical ways.⁵⁹

Such are the issues on which the Wittenberg theologians claimed that the Reformation was freeing Christians from sinful structures of the pre-Reformation Church. The Saxon apologists know that some will contest their position with the counterclaim that these changes made without papal approval constitute a far worse sin, namely, schism.⁶⁰ This occasioned discussion of basic issues about the nature of church unity, which we will relate below. But one retort should be mentioned here. The Wittenbergers responded that it would be far more appropriate to accuse those of schism who have and are acting contrary to "the whole order of Christendom" and to prescriptions of councils by forbidding marriage to priests, going against God's word by instituting new forms of worship, and departing from sound ancient practice by the sale of Masses.⁶¹ If charges of schism are made, the defenders of the old order should realize their own vulnerability! The abusive practices they have sponsored constitute a serious rupture in continuity with Christian beginnings. Here one senses how Reformation theological method was deeply affected by the disputation and even more by the pamphleteering done by its early exponents and enemies.

3) A second class of practices treated in the Torgau draft includes matters of human law which do not intrinsically involve sin but which were being so badly misused in the late-medieval Church that the Saxon authorities can no longer sanction their observance. Principally this argument concerned the observance of fasting and abstinence on days set by church law, but it also touched the liturgical calendar of holydays, use of prescribed hymns, pilgrimages, and other devotional practices.⁶²

The abuse lay not in these practices themselves, which originally had served the good purpose of co-ordinating community practices and disposing people to receive God's word. The problem concerned a cluster of understandings that vitiating these practices by taking them for good works meriting grace and forgiveness and by construing them as necessary to being a Christian. When these practices are understood as meritorious, they constitute a blasphemous offense against the central message of

⁵⁹ *Ibid.* 996 f.

⁶⁰ *Ibid.* 987.

⁶¹ *Ibid.* 988.

⁶² *Ibid.* 988, 990.

freely-given salvation by Christ to be received by us in faith.

So these people who have taught that we gain grace through works of our own choosing, such as prescribed fasting or feasts or the like, have greatly dishonored Christ by attributing to their own chosen works the glory belonging to Christ. They have also thereby caused the people not to recognize Christ and his grace.⁶³

The false evaluation of these church practices comes under Christ's stricture against human enactments, especially Mt 15:9 ("frustra me colunt mandatis hominum"), and those who insist on them fall under Paul's censure of those condemning Christians in matters of food and drink and festivals (Col 2:16).⁶⁴

A similar abuse lay in the veneration of saints. To devoutly petition something from them or to ask something of God in virtue of their merits also derogates from the honor due to Christ and offends against his claim to be the sole mediator (1 Tim 2:5; Mt 11:28 ["Come to me, all you who are burdened"]). Saints do have roles to play in the lives of Christians, precisely as models of faith and of the life of good works in one's calling. But there is no basis for the intercessory role given them in pre-Reformation piety.⁶⁵ We are again made aware that the Lutheran claim to have corrected abuses entails a broad construction of what is abusive that at times clashes with convictions undergirding the religion of the people of late-medieval Europe.

4) A special issue for the Saxon apologia was the practice of *confession and absolution from sin*, which has not been abolished by the reform but only changed in two aspects. In fact, Lutheranism could claim to have rediscovered this rite. In the new order, integral self-accusation by the penitent is no longer required, since this pre-Reformation practice was not grounded in Scripture, was in fact impossible, and served only to torment consciences with scrupulous anxiety.⁶⁶ Second, the Saxon Church no longer sets a specific time of the year for confession and so avoids the earlier abuse of driving people to acts signifying repentance when they have no intention of turning from sin. Still, in the renewed church order, confession is required before one receives Holy Communion, but no one is strictly compelled to communicate. The frequent instructions given on confession aim to highlight the power of the word of absolution, in which one hears Christ's own heavenly verdict "not guilty." Thus troubled and assailed consciences are taught the consolation found in believing acceptance of the word of absolution.⁶⁷

By establishing for confession a regime of freedom, the Saxon reformers claimed to have re-established the proper setting for this event of con-

⁶³ Ibid. 989.

⁶⁴ Ibid.

⁶⁵ Ibid. 998.

⁶⁶ Ibid. 993.

⁶⁷ Ibid. 993 f.

soling grace through Christ's compassionate and liberating word of forgiveness of sin.⁶⁸

5) The *Torgau Articles* introduce their treatment of *episcopal authority* with the plea that the Prince-Elector did not himself oust the Saxon bishops but that their authority had collapsed under the weight of abuses which the people would tolerate no longer. First, the Elector had to take over matters belonging to church courts, because they had been discredited by the way they leveled improper excommunications.⁶⁹ Second, whereas church leaders were earlier guilty of total dereliction of their duty of supervising doctrine and rebuking false teachers, now they perversely want to exercise jurisdiction by suppressing true doctrine! The Prince-Elector surely cannot consent to such a misuse of power.⁷⁰ Third, the Elector can have no obligation in conscience to aid the bishops in disciplining priests who have married. As patron, he is instead obliged to protect ministers of his church against prelates attempting to use their authority improperly. His primary duty is to see to the appointment and maintenance of capable priests in the office of pastor.⁷¹ Fourth, the ecclesiastical judiciary was discredited by bad decisions in a whole host of marriage cases.⁷²

Regarding ordination, the Saxon argument was that no one could rightly be obliged to seek ordination at the hands of the bishops now in office, because they require ordinands to swear two sinful oaths, namely, promises not to teach Lutheran doctrine and not to marry. Other questions on the nature of ordination and ministry could be raised, but they are put aside in the interests of public peace and concentration on the central points of Christian teaching.⁷³

Thus the apologia prepared for the Elector's use in the Diet included a forceful indictment of the pre-Reformation episcopate for neglect of duty and misuse of authority. Where the bishops were derelict, there the

⁶⁸ According to Melancthon's draft prefaces, this doctrine, "wie man die Gewissen durch Glauben an Christum trösten solle," was historically the momentous message Luther came to disseminate in the wake of the controversy over indulgences; cf. *CR* 2, 64, and *BS* 38, lines 10 f.

⁶⁹ *CR* 4, 994. In a draft presentation of the power of the keys from about this time, Melancthon insisted on the spiritual powers of churchmen, that is, their authority to preach the gospel and to discipline public sinners. Excommunication should be leveled against those who refuse to accept correction of their open vices and those found at the time of annual visitation not to have received Communion for a year or longer. Cf. *CR* 4, 1002-4; in English in Jacobs, *Book of Concord* 2, 88-90.

⁷⁰ *CR* 4, 994.

⁷¹ *Ibid.* 994 f.

⁷² *Ibid.* 995. In the tract on the power of the keys, Melancthon called for clear delineation of religious and secular authority. Marriage matters, especially the impediments, were best committed to the civil power. Cf. *ibid.* 1004 f.

⁷³ *Ibid.* 995 f.

authority of the Prince has initiated action to promote genuine Christian doctrine as stemming from Luther; where their courts discredited themselves, there secular courts have extended their reach; where bishops now try to act contrary to God's will, there the Elector impedes their projects. But the Saxons did not call in question the rightfulness of the episcopal office as a basic structure of the Church.

6) We noted above that the *Torgau Articles* included a defense against charges that the ecclesiastical changes initiated in Saxony were tantamount to schism. This prompted, early in the draft apologia, a reflection on the unity of the Church. The treatment brought in its train two implied criticisms of the late-medieval Church.

The Wittenbergers make the point that uniform observance of human enactments is *not* the ultimate constitutive of ecclesial unity. Diversity in external practices must have a place. A fortiori, those who dissent from false teachings and ordinances are not cut off from the body of the Church. Scripture testifies both to the primacy of the interior bond with Christ and to the regime of freedom that ought to envelop all human legal prescriptions.⁷⁴

Implicitly the apologia of the Wittenberg theologians is charging (1) that the pre-Reformation Church was imposing serious obligations going beyond norms set by revelation, and (2) that this was based on the false conception of ecclesial unity as constituted by externally uniform practice.

Such considerations raise the key issue of the criteria of a community's membership in the Catholic communion. It will be instructive to follow closely the give-and-take of negotiations at Augsburg to see whether these notions found any resonance on the imperial or Catholic side and whether the Protestant side proved capable of applying these principles creatively to cases of proposed diversity within ecclesial unity.

The *Torgau Articles* show the strategy which the Prince-Elector of Saxony was preparing to follow at the Diet. As of May 1, as he neared Augsburg, his plan was to emphasize practical matters of worship and church order. He was claiming continuity between his reform and earlier German outcries for renewal of Church and society. Selected abusive practices and structures came under indictment as contrary to Scripture. He was ready to plead the gains of the Reformation in terms of easily understood items like peace of conscience by sacramental absolution and the upgrading of lay vocations. The episcopate was charged with malpractice, but not so as to contest its right to a limited role in the Church. Important changes were to be acknowledged, but if principles of legitimate pluralism were granted, they need not be divisive. The strategy aimed to direct attention away from the heresy indictment against Luther

⁷⁴ Ibid. 987 f.

which underlay *Exsurge Domine* and the *Edict of Worms*. The discussion at the Diet should instead see Saxony as a reformed territorial church and consider its claim for tolerance in the unity of the Empire. Recognition is sought for its newly achieved life as a Christian society.

LUTHER'S ADMONITION TO THE CLERGY

As an outlaw of the Empire, Martin Luther could not appear personally at the Diet, but his presence was nonetheless felt through both publications and correspondence. At Castle Coburg, in late April, he composed his *Admonition to All the Clergy Assembled at Augsburg*,⁷⁵ and copies of this work went on sale in Augsburg about June 7.⁷⁶ The bookseller quickly sold his five hundred copies, and by June 11 the imperial authorities forced the Augsburg city council to prohibit both local reprints and any further sale in Augsburg of copies printed elsewhere.⁷⁷ Of course, the five hundred copies continued to be read and passed around during the Diet.

On June 12, Justus Jonas, a member of the Saxon group, wrote Luther from Augsburg that many were reading his prophetic *Admonition*, albeit with divergent reactions.⁷⁸ The next day Jonas wrote Luther again praising the "potentissima apologia," while noting that the vehemence of Luther's words was likely to elicit yet more bitter hatred from some. Jonas felt it was an inspired work, rebuking the haughtiness of the higher clergy, forcefully asserting "the article on necessity," and reducing the opponents to silence.⁷⁹ The Strassburg reformers Bucer and Capito were put off by Luther's *Admonition*, not only because in passing it accused them of sedition, but especially because of Luther's glorification of himself and his doctrine.⁸⁰

⁷⁵ In German: *D. Martin Luthers Werke: Kritische Gesamtausgabe* (Weimar, 1883 ff.) [henceforth *WA*] 30II, 268–356. In English translation by Lewis W. Spitz: *Luther's Works: The American Edition* (St. Louis and Philadelphia, 1955 ff.) [henceforth *LW*] 34, 9–61. In a letter to Melancthon on April 29 Luther reported that his "oratio ad clerum" was going well, except that he was struggling to hold back aggressive notions that were threatening to make the tract too polemical (*WABr* 5,298, 15–18). On May 12 Luther reported that he had finished his "invektivam contra ecclesiasticos" and sent it off to Wittenberg for printing (*ibid.* 316,6 f.)

⁷⁶ Reported by Justus Jonas on June 13 (*ibid.* 361,1 ff.).

⁷⁷ Reported in letters from members of the delegations representing Strassburg and Nürnberg (*ibid.* 363 note 4). Still, the work went through nine printings in 1530 (*WA* 30II, 238–40).

⁷⁸ *WABr* 5, 358,131 ff.

⁷⁹ *Ibid.*, 361,14–25. Twelve days later, writing to Luther a few hours before the presentation of the *Augsburg Confession* to Charles V, Jonas spoke again of the *Admonition* as a "liber . . . propheticus et sanctissimus" (*ibid.* 392,41 f.).

⁸⁰ Cited *ibid.* 363, no. 5. Capito termed Luther's work "in episcopis librum odiosissimum." The accusation of sedition probably lay in Luther's mentioning urban confiscations of church properties (*WA* 30II, 312,12; *LW* 34, 35).

1) In tone, Luther's exhortation oscillates between two poles. There are some moderate appeals for the bishops to take advantage of an opportunity given them for repentant turning to God and for compassion on their badly-used people and priests. Luther would elicit their sympathy for a population lacking sound Christian instruction, exploited by indulgence preachers, and made frantic to pile up works of satisfaction. Special pity is deserved by parish pastors forced to forgo marriage and caught in miserable unchastity.⁸¹

But far more often Luther levels blunt accusations of malfeasance and guilt at the bishops, whom he judges responsible for a lamentable corruption of Christian belief and practice.

All of you clergy bear the guilt for this unspeakable thievery and robbery of money, for such an inconceivable multitude of misled hearts and consciences, for such a most horrible outrageous lie and blasphemy of the suffering of Christ, of the gospel, of grace, and of God himself, perpetrated through indulgences. This is true not only of you who accepted money from it, but also of you who kept silent about it and willingly looked on at such raging of the devil.⁸²

For such shameless violation is not to be tolerated that whatever you choose must be known as an innovation and what you do not so choose must not be called an innovation. You are suppressing the truth against your own consciences.⁸³

It is exactly as though baptism had been a temporary human work, just as the Anabaptists teach, and not an everlasting covenant of God. Tell me here, what good is left among you? . . . For you have taught nothing right, but have taught everything contrary to baptism, the sacrament, and penance. That is clear.⁸⁴

Who, then, is the church? Are you? Then show the seals and credentials or prove it another way with deeds and fruits. Why are not also we the church, since we are baptized as well as you, teach, preach, have the sacraments, believe, pray, love, hope, and suffer more than you? Or are you the church because you introduce nothing but novelties and thereby change, blaspheme, persecute, and murder God's Word and, in addition, occupy the foundations and monasteries like church robbers? Yes, you are the devil's church.⁸⁵

We both know that you are living without God's Word, but that we have God's Word. It is therefore our deepest desire and humblest request that you will give

⁸¹ WA 30II, 273,12 ff.; 282-84; 290,3-15; 324,7; LW 34, 11, 16 f., 20 f., 41 f. At the very end Luther begs the bishops to change: "Men's hearts are already too much embittered. . . . This makes it necessary to sooth, mollify, and quiet them with humble confession and solemn reformation and not to jolt and irritate them further" (LW 34, 60, translating WA 30II, 354,7-10).

⁸² LW 34, 17, translating WA 30II, 284,17-285,6.

⁸³ LW 34, 29, translating WA 30II, 303,14 ff.

⁸⁴ LW 34, 32, translating WA 30II, 308,6-11.

⁸⁵ LW 34, 39, translating WA 30II, 321,6-12.

honor to God, acknowledge yourselves for what you are, repent, and mend your ways. If not, do away with me. If I live, I shall be your plague. If I die, I shall be your death. For God has set me on you. I must be, as Hosea says, a bear and a lion in the way of Assur. You shall have no rest in the presence of my name until you reform yourselves or go to ruin!⁸⁶

The prevalent tone is the bitterness of angry denunciation.⁸⁷ Luther acted out the role of prophet called to confront leaders hardened in their evil. When he spoke late in the *Admonition* of a negotiated settlement which would allow the restoration of episcopal jurisdiction in exchange for free preaching of the gospel, he immediately noted that their power had fallen into discredit by reason both of the abuses they sponsored and the measures they took against him and God's word.⁸⁸ In fact, Luther left little or no ground for respectful discussion of accommodations.

In content, Luther's message to Augsburg interwove two related complexes or clusters of topics: religious practices and preaching before the Reformation, and the performance in office of the bishops of the Church.

2) In composing his *Admonition*, Luther first made a simple catalogue of devotional practices in vogue in late-medieval parishes, which he set in contrast with topics central to Christian life and practice.⁸⁹ These lists then became, with some small revisions, the final section of the published *Admonition*.⁹⁰ Luther claimed that this jungle of pious practices was taken as enshrining articles of faith and so had to be carried out by pastors and people. The genuine articles on faith, conversion, and Christian living were not preached. Essentials were marginalized and forgotten, while peripheral religious practices came to dominate church life.⁹¹

As Luther developed his pamphlet after the Elector and his entourage had left Coburg in late April, he went through a familiar series of late-medieval devotional and doctrinal dislocations of authentic Christianity. Indulgences defrauded the people, while obscuring Christ's redemption, undercutting faith, and making outlandish claims for the Pope's power.⁹² Confession featured tortuous attempts at the complete recounting of sins, while nothing was said about how absolution comforts consciences.⁹³

⁸⁶ LW 34, 49, translating WA 30II, 339,12—340,2.

⁸⁷ Upon hearing that Johann Eck had published a lengthy anti-Lutheran heresy catalogue that was circulating in Augsburg, Luther wrote to Melanchthon on May 19: "Eccium acriter odi cum sua Sathana, homicidam et mendacem . . ." (WABr 5, 322,12 f.). Luther sees himself ranged against men who serve as allies and instruments of the devil.

⁸⁸ WA 30II, 340-42; LW 34, 49-51.

⁸⁹ WA 30II, 249-55. These lists were given by Förstemann in his *Urkundenbuch* 1, 98-108, as part of the *Torgau Articles*, but have been universally accepted since Brieger's analysis in 1890 ("Die Torgauer Artikel" 282 f.) as Luther's jottings in preparation for the *Admonition*.

⁹⁰ WA 30II, 345-51; LW 34, 52-58.

⁹² WA 30II, 281-86; LW 34, 16-18.

⁹¹ WA 30II, 346 f., 353; LW 34, 53, 59.

⁹³ WA 30II, 287 f.; LW 34, 19.

Situating repentance in human satisfactory efforts drove people into the frantic multiplication of devotional works, most of which involved innovations (saints' intercession, forms of prayer, pilgrimage sites confraternities, relics) unknown in earlier times.⁹⁴ Sermon books brought no corrective but made things worse, especially by placing the Virgin Mary in Christ's place as a refuge in need and source of comfort.⁹⁵ The Mass was vitiated by commercial traffic in stipends for the sacrifice and all but total suppression of Communion and the remembrance of Christ.⁹⁶ Withholding the chalice from the laity innovated directly against the precept of Christ,⁹⁷ while priestly celibacy was contrary to human nature, the rightful esteem due to women, and the overall cause of public decency.⁹⁸

Central in this picture of things out of joint was the pitifully low state of Christian instruction:

Everything was so confused and upside-down with sheer discordant doctrines and strange new opinions that no one could know any longer what is certain or uncertain, what it means to be a Christian or not a Christian. The old doctrine of faith in Christ, of love, of prayer, of the cross, of comfort in affliction lay trodden under. Indeed, there was no doctor in the whole world who would have known the whole Catechism, that is the Lord's Prayer, the Ten Commandments, and the Creed, to say nothing of understanding and teaching it, as it is now taught and learned, praise God, even by young children. For proof of this I refer to all the books of both theologians and jurists. If you can learn from them correctly one part of the Catechism, I will let myself be put on the wheel and be shredded.⁹⁹

These bishops have done no teaching of basic Christianity,¹⁰⁰ and so the center of Christian consciousness was captured by childish peripherals. Such was Luther's accusation against pre-Reformation religion.

3) Woven into Luther's narrative of doctrinal and devotional confusion are a series of direct accusations of abuses perpetrated by the bishops in the performance of their office. In using the spiritual penalty of excommunication, they have infringed on the rightful area of secular authorities, at times arbitrarily condemning the innocent, especially by frequent misuse of the Church's ban to enforce collection of tithes and fees owed to ecclesiastics.¹⁰¹ Corruption abounds because endowments are applied

⁹⁴ WA 30II, 288-92, 295-98; LW 34, 19-22, 24-26.

⁹⁵ WA 30II, 298 f.; LW 34, 26 f.

⁹⁶ WA 30II, 293 f., 305 f.; LW 34, 22 f., 30 f.

⁹⁷ WA 30II, 320 f.; LW 34, 38 f.

⁹⁸ WA 30II, 323-29; LW 34, 40-43. In his May 19 letter to Melanchthon, Luther expressed the intention of telling all about clerical unchastity if he were to write on vows again (WABr 5, 322, 18 ff.)

⁹⁹ LW 34, 28, translating WA 30II, 301,5-15.

¹⁰⁰ WA 30II, 331,12 ff.; 346,15 ff.; 353,4-17; LW 34, 45, 53, 59.

¹⁰¹ WA 30II, 309-12; LW 34, 32-34.

to perverse purposes never intended by the donors and founders.¹⁰² The bishops, who exercise no supervision over pilgrimage sites, neglect Christian teaching themselves and commission auxiliary bishops who in ordaining pay no heed to the capabilities especially for preaching of those on whom they lay hands.¹⁰³ Luther gave a brief sketch of the true bishops, but then began his "negotiations" with the observation that his addressees do not perform the episcopal office and are unfit for preaching and ministering to consciences.¹⁰⁴

Such was Luther's written apologia for the Reformation movement. His *Admonition* was in fact a bitter, at times compulsive, denunciation of late-medieval popular religion as exploitative and perverse, for which the blame falls on a guilty leadership. And the message is delivered with sovereign assurance of rectitude and possession of the truth.

One can see in Luther's *Admonition* the outline of a Saxon strategy: acceptance of a restoration of episcopal jurisdiction in exchange for freedom in preaching the gospel. The strategy itself was burdened by the ill-defined nature of "freedom for the gospel." But the tone of Luther's work also suggests that he had little hope for the success of the formula. These bishops, the princely pastors of Germany, are in effect written off under a hailstorm of accusations of corruption. One wonders how many could read this work and then still take seriously the Saxon Elector, Luther's patron and protector, in his appeal for tolerance and coexistence in the Empire.

Historians regularly point to Luther's impact in late-August 1530 in stiffening the resistance of the Protestant side against concessions demanded of them in the last phases of the negotiations over differences.¹⁰⁵ Our review of Luther's *Admonition to the Clergy* serves to remind us of his earlier impact on the Diet. With five hundred copies of his tract circulating, he was certainly a force in Augsburg, instilling confidence on the Protestant side, especially in their rejection of late-medieval popular religion, and moving bishops and others on the Catholic side to the pained outrage of those whipped by denunciations.¹⁰⁶ We will return to Luther and to his further messages to those assembled in Augsburg after

¹⁰² WA 30II, 313-19; LW 34, 35-38.

¹⁰³ WA 30II, 297,1, 332 f.; LW 34, 25, 45.

¹⁰⁴ WA 30II, 335,5-15; 340,3 ff.; LW 34, 47, 49.

¹⁰⁵ For example, H. Immenkötter, *Um die Einheit im Glauben* 54-56, especially with reference to Luther's letters of August 26 to the Prince-Elector and to Melanchthon. *WABr* 5, 572-579. The first of these letters is translated in LW 49, 403-12.

¹⁰⁶ Sixteen years later Melanchthon noted in his oration at Luther's funeral that good people have asserted, "asperiores fuisse Lutherum quam debuerit." Melanchthon did not deny that a sinful aggressivity at times marked Luther's words and actions (*CR* 11, 729 f.). The tone and content of Luther's writings and letters from Coburg exemplify quite well what Melanchthon referred to. I am grateful to Dr. James Weiss for this reference.

we review the *Augsburg Confession* with an eye to its assertions about pre-Reformation religious practice.

THE AUGSBURG CONFESSION¹⁰⁷

We turn now to the document in which the Lutheran estates, seven princes of the Empire and two cities, presented to Charles V on June 25, 1530, an account of their belief and reformed ecclesial practice. Patent in the statement, they claimed, was "that we have introduced nothing, either in doctrine or in ceremonies, that is contrary to Holy Scripture or the universal Christian church."¹⁰⁸ The confession begins with twenty-one succinct articles of faith which serve to demonstrate that the doctrine professed and preaching approved in these territories is conformed to biblical and traditional norms. Therefore, the Lutherans should not be treated as heretics and not be expelled from the catholic communion.¹⁰⁹ The second part of the confession, articles 22–28, describes and justifies the changes in life and worship undertaken through reform of certain abusive practices that had crept in over the years.¹¹⁰

Clearly, the *Augsburg Confession* differs in content, tone, and purpose from the Saxon preparatory apologia reviewed above. What occurred between May 2, the date the Prince-Elector and his retinue arrived in Augsburg, and June 25? Why did the Lutheran group come to insist so forcefully on their fundamental orthodoxy? Why is the confession so mild and irenic?¹¹¹

For Melanchthon and his associates, the stay in Augsburg began quite traumatically with the discovery that Johann Eck of Ingolstadt had prepared for Charles V a comprehensive catalogue of Lutheran heresies and seditious teachings. This work, *The 404 Articles*, had also been

¹⁰⁷ In the following notes we use the conventional abbreviation CA in referring to the confession, adding an Arabic number to indicate the article, and a second Arabic number when the reference is to a specific sentence of an article. The German and Latin texts are in BS 44–137, and the English translation is in *The Book of Concord*, ed. T. G. Tappert et al. (Philadelphia, 1959) 24–96. The confession was read on June 25 in German, the official language of the Diet, in spite of the lack of knowledge of German by Charles V and his main advisors.

¹⁰⁸ CA, Conclusion 5.

¹⁰⁹ CA, Conclusion of Part I.

¹¹⁰ See above, where the topics of CA, Part II, are listed.

¹¹¹ Out of the considerable secondary literature on Melanchthon's redactional work of May–June, 1530, we list the following major contributions: H. Bornkamm, *Der authentische Text der Confessio Augustana* (= *Sitzungsberichte der Heidelberger Akademie der Wissenschaften, Phil.-Hist. Klasse*, 1956, n.2); W. Maurer, "Studien über Melanchthons Anteil an der Entstehung der Confessio Augustana," *Archiv für Reformationsgeschichte* 51 (1960) 158–207; Vinzenz Pfnür, *Einig in der Rechtfertigungslehre* (Wiesbaden, 1970) 1–221; W. Maurer, *Historischer Kommentar zur Confessio Augustana*, 2 vols. (Gütersloh, 1976–78).

published and was circulating in Augsburg, where the participants in the forthcoming Diet were assembling.¹¹²

Eck's type of work was not uncommon in the early days of Reformation controversy, and the imperial summons to the Diet provoked the preparation of at least fourteen other such dossiers aimed at grounding the accusation and conviction of the Protestant teachers for heresy and sedition.¹¹³ Especially galling in *The 404 Articles* was the fact that Eck did not present Lutheran teachings as distinctive from the doctrines of Zwingli, the Anabaptists, and the radical spiritualists but instead depicted Luther as the fountainhead of these latter movements. Eck tarred with the same brush "Luther himself, obviously an intimate of the devil, Luther's adherents, and those who moved from the foolishness of his errors to worse absurdities."¹¹⁴ The Lutherans found themselves lumped together with those against whom they had been battling for five years. Further, Eck portrayed the Lutheran movement as responsible for a wide range of errors, many already condemned, which were destructive of substantial elements of Christian belief and life.¹¹⁵ And this was circulating just after Luther had issued his large and small catechisms to instruct believers in this substance of their belief and duties. Eck had also depicted Lutheran teaching as responsible for a breakdown of civil order in Germany,¹¹⁶ paying no heed to the fact that Luther had written against the marauding bands of the peasants in 1525 and that the reforming visitations of Saxon parishes in the late 1520's were sanctioned under the authority of the Prince.

Eck's intervention struck a tone of belligerence on the eve of the Diet. There were those who favored harsh measures of repression, even the use of armed force, against the estates and cities fallen into heresy, and

¹¹² Melancthon mentioned Eck's "great heap of propositions" in his first report to Luther from Augsburg (*WABr* 5, 305,20). The critical text of Eck's notorious work is W. Gussmann, *Quellen und Forschungen zur Geschichte des Augsburger Glaubensbekenntnisses* 2 (Kassel, 1930). The genesis of Eck's articles began with the request of the Dukes of Bavaria, by letter of February 19, 1530, that the theological faculty of Ingolstadt supply a summary of Luther's heresies and scandalous utterances for possible use at the forthcoming Diet. The text of this letter is given by Gussmann 196 f.

¹¹³ See the catalogue given by H. Immenkötter, *Die Confutatio (Corpus catholicorum* 33) 15. Eck's was the only one of these works printed. Some of the manuscripts contain excerpts from Eck's articles.

¹¹⁴ *404 Articles*, Conclusion; Gussmann, *Quellen und Forschungen* 2, 151.

¹¹⁵ Among the seventy-two section headings Eck provided to indicate the objects of Lutheran destructiveness, we find these: *In Christum* (arts. 66-82), *In Spiritum Sanctum* (arts. 83 f.), *In crucem Domini* (arts. 88-90), *In evangelia* (arts. 107-10), *In Nicaenum concilium* (arts. 145 f.), *In Vetus Testamentum* (arts. 152-58), *Contra opera* (arts. 198-202), *In eucharistiam* (arts. 235-43), *In claves* (arts. 261-63), *Vota* (arts. 299-313).

¹¹⁶ Further headings included these: *Contra obedientiam et principes* (arts. 332-41), *Seditiosa* (arts. 342-48, 375-79), *In nobiles* (arts. 350 f.), *Contra jura* (arts. 380-83).

Eck's articles could well be used to convince Charles V to pursue such a policy.¹¹⁷ The Protestant hopes for a *modus vivendi* were in jeopardy, and it became imperative to mount a convincing defense against Eck's allegations.

Soon after May 2, Philip Melanchthon set to work transforming the preparatory tracts into a firm statement of orthodox faith.¹¹⁸ For this he had recourse to the seventeen *Schwabach Articles*, which had been prepared in mid-1529 to articulate the Lutheran position at the Marburg Colloquy with the Zwinglians. Melanchthon's work of revision and expansion produced both notable changes in the *Schwabach Articles* and the composition of new articles. Points in the original articles were clarified by additions, and specific answers were formulated to charges of destructive heterodoxy.¹¹⁹ Revising the first article, on the Trinity, Melanchthon underscored the traditional character of Lutheran faith by stating its explicit adhesion to the Nicene decree on the three divine Persons.¹²⁰ Further, he added a series of anathemas against ancient and

¹¹⁷ The memoranda of the Papal Legate, Cardinal Lorenzo Campeggio, to the Emperor in the first half of May sketch out a series of punitive legal measures to apply toward the extirpation of heresy in Germany: renewal of the *Edict of Worms*, interdiction of the University of Wittenberg, privation of princely privileges, destruction of heretical books, inquisitorial prosecution of heretical teachers—as in Spain, expulsion of heretical advisors from princes' courts and urban councils (*Nuntiatgeberichte aus Deutschland* 1. Abtl., 1533–59, 2. Ergänzungsband, ed. Gerhard Müller [Tübingen, 1969] 457–71, esp. 464–67). However, Campeggio also urged Charles to prepare himself, in case legal severity is not effective, to apply yet stronger measures, that is, “metter la mano al ferro et al foco et radicius extirpare quæste male et velenose piante” (ibid. 464). The leading enemies of the Lutheran cause, Duke George of Ernestine Saxony, the Bavarian Dukes, and Prince-Elector Joachim of Brandenburg, went to confer with Charles V in Innsbruck in May. Melanchthon characterized their discussion; “Ibi habentur de nostris cervicibus comitia. Orabis igitur Deum ut dissipet consilia gentium quæ bella volunt” (Letter to Luther, May 11, 1530; *WABr* 5, 314,8 ff.). Shortly after, the welcome news came that the Emperor was not swayed by them but was still bent on preserving neutrality as he entered the Diet (*WABr* 5, 335,9; 339,10).

¹¹⁸ See Melanchthon's laconic description of his work on May 11, when he sent an early draft for Luther's inspection: “Mittitur tibi apologia vestra, quamquam verius confessio est. . . . Ea dixi, quæ arbitrabar maxime vel prodesse vel decere. Hoc concilio omnes ferre articulos fidei complexus sum, quia Eckius edidit *diabolikotatas diabolos* contra nos. Adversus has volui remedium opponere” (*WABr* 5, 314,2–6).

¹¹⁹ Looking at the final form of *CA*, the following purposes are served by articles composed new in Augsburg: art. 14, on a minister being “rite vocatus,” clarifies art. 5 on the ministry through which justifying faith is given; arts. 18–19, on human freedom, give precision to art. 2 on original sin and respond to Eck's allegations of determinism and of a Lutheran attribution of the causality of sin to God (*404 Articles*, arts. 48, 86, 331); the first part of art. 21, on the positive role of the saints as examples of faith, responds to Eck's allegations that Lutheran teaching utterly expelled the saints from Christian devotion. Gussmann gives a full list of the anti-Eckian passages of *CA* (*Quellen und Forschungen* 2, 49 f.).

¹²⁰ Contrast *CA* 1 (*BK* 51) with art. 1 from *Schwabach* (*BK* 52), where Nicaea is not mentioned.

modern heresies, in which, however, Zwingli was not noted by name.¹²¹ However, the correspondence of Luther and Melanchthon in these crucial months is emphatic on the line of demarcation separating Lutherans and Zwinglians, a line clearly believed to run between orthodoxy and blatant heresy.¹²²

The overall tone of Melanchthon's confession is notably irenic. Luther read it in an early stage and remarked that stylistically it was gentle and delicate in a way he could never have written.¹²³ Melanchthon himself was aware that he was stating the Lutheran position with restraint and extreme tact in his choice of words. He expected to be criticized for being too gentle against adversaries such as those the Lutherans were facing.¹²⁴ The important thing, however, was to convince Charles V and to gain his agreement to a policy of toleration in the Empire.

The restraint of the *Augsburg Confession* includes more than a prudent avoidance of polemical and injurious language. Luther later noted that there was no article on purgatory and no unmasking of the papal Antichrist.¹²⁵ We know that the deliberations accompanying Melanchthon's compositional work in Augsburg did discuss at length the basis and role of papal authority in the Church. But it was decided not to incorporate a statement of the Lutheran position on the papacy in the confession in order to avoid upsetting Charles V and running the danger that he might simply refuse to negotiate with the Lutheran party at the Diet.¹²⁶

¹²¹ Ancient heresies are condemned in CA 1, 2, 7, and 12, while Anabaptist teachings are explicitly rejected in CA 5, 9, 12, 14, and 17. CA 10 confesses the presence and giving of the body and blood of Christ in the Lord's Supper and disapproves those who teach otherwise (=Zwingli). This softer handling of Zwingli was part of the price paid for gaining the adhesion of Prince Philip of Hesse to CA. Philip still harbored hopes of forging an anti-Hapsburg alliance between the Lutheran estates and the Swiss cities.

¹²² Luther and Melanchthon were personally convinced that Zwingli was teaching heresies on original sin, infant baptism, the *usus* of the sacraments, and on the mediation of grace by the external word, in addition to his denial of the Real Presence. Furthermore, Zwingli had acted hypocritically at Marburg in October 1529, and in mid-1530 had become a tool of the devil. Cf. *WABr* 5, 336,34 f.; 330,32-64; 340,36-41,63 f.; 475,8 ff.

¹²³ "Ich hab M. Philipsen Apologia uberlesen, die gefellet mir fast wol, und weis nichts dran zu bessern noch endern. Wurde sich auch nich schicken, denn ich so sanfft und leise nich tretten kann. Christus unser herr helffe, das sie viel und grosse frucht schaffe, wie wir hoffen und bitten" (Letter of May 15 to the Prince-Elector; *WABr* 5, 319,5-9). In the second clause, *fast* is equivalent to the modern German word *sehr*. Basically, Luther liked the CA very much.

¹²⁴ "Ego apologiam paravi scriptam summa verecundia, neque his de rebus dici mitius posse arbitror" (Letter of May 21 from Melanchthon to J. Camerarius; *CR* 3, 57). "Non dubitabam, quin Apologia nostra videretur futura lenior, quam mereatur improbitas adversariorum. Ego tamen complexus sum ea, quae sunt in causa praecipua" (Letter of June 19, also to Camerarius; *CR* 2, 119).

¹²⁵ Letter of July 21 to J. Jonas; see below.

¹²⁶ Related by a key participant, Chancellor Brück, in 1537 (*WABr* 12, 116). Conse-

The political and diplomatic aims of the confession are especially clear in the Preface and Conclusion, both composed in Augsburg by the Saxon Chancellor, Gregor Brück. Instead of beginning with Melanchthon's early prefatory references to long-standing discontent over abuses in the Church,¹²⁷ the confession presents itself as the estates' response to the Emperor's cail for their "judgments, opinions, and beliefs with reference to the said errors, dissensions, and abuses" in faith and religious practice. It is hoped that the other estates will also make written presentations and that amicable discussion may reconcile those who differ. If unity is not achieved at the Diet, the estates look ahead to participating in a general council.¹²⁸ The confession makes a first step toward a broader agreement, by demonstrating that Lutheran beliefs are not erroneous and that the troublesome dissensions are caused—unjustifiably—by the fact that manifest abuses have been corrected in the signers' territories.

The question arises whether the new purposes influencing the redaction of the *Augsburg Confession* brought about any notable softening of the positions taken earlier, in the *Torgau Articles*, on abuses and the reform of worship and church life. We can answer immediately that Melanchthon's revisions in the second part of the confession brought no substantial changes in the indictment leveled against pre-Reformation religion. In fact, these abuses were set in even sharper relief by the claim that they in fact constituted the heart of the matter in the present dispute. The confession's transition from the doctrine of faith to the practice of religion is made in this manner:

Since this teaching is grounded clearly on the Holy Scriptures and is not contrary or opposed to that of the universal Christian church, or even of the Roman church (in so far as the latter's teaching is reflected in the writings of the Fathers), we think that our opponents cannot disagree with us in the articles set forth above. . . . The dispute and dissension are concerned chiefly with various traditions and abuses.¹²⁹

From the above it is manifest that nothing is taught in our churches concerning articles of faith that is contrary to the Holy Scriptures or what is common to the

quently, CA 28, on ecclesiastical authority ("De potestate ecclesiastica"; German title, "Von der Bischöfen Gewalt"), makes no reference to the Pope, although it is forthright on episcopal authority *iure divino* to preach the gospel, forgive sins, censure doctrine, and ban sinners (CA 28, 21).

¹²⁷ Scattered references to existing discontent over abuses do occur in CA: Conclusion to Part I, 5; 23,1-2; 24,10; 27,60.

¹²⁸ CA, Preface 6-11, 15-21. An important motive for the Lutheran estates' persistent demand that their confession be read, and not just handed over, was the defense of their honor before the Diet against the accusations then circulating that they were tolerating false doctrine in their lands (Letter of the Nürnberg envoys, June 25; CR 2, 128). Again we are reminded of the impact of Eck's 404 Articles.

¹²⁹ CA, Conclusion to Part I (*Book of Concord* 47 f., translating the German text).

Christian church. However, inasmuch as some abuses have been corrected (some of the abuses having crept in over the years and others of them having been introduced with violence), we are obliged by our circumstances to give an account of them and to indicate our reasons for permitting changes in these cases.¹³⁰

Our own reflection on the second part of the *Augsburg Confession* has led to the identification of five distinct patterns of analysis and argumentation about recent religious practice. "Abuses" are judged and assessed in the confession in five ways, or according to five types of diagnosis. After reviewing these we will return to a consideration of Melancthon's audacious assertion just cited, "Tota dissentio est de paucis quibusdam abusibus." But first let us review the confession's five perspectives on the pre-Reformation practice of religion.

1) Three cases stand out where the Lutherans criticize religious practices because the actions were vitiated by erroneous theological interpretations. The Church's prescribed fasts and cycle of feasts were being presented wrongly and consequently were being observed for the wrong reasons, namely, as works of a meritorious and/or satisfactory character and as necessary to being a Christian in good standing.¹³¹ Second, this erroneous notion of merit and satisfaction was also attached to the taking and observance of monastic vows and was leading to the false evaluation of life under vows as "the state of Christian perfection."¹³² Third, erroneous doctrine also vitiated the Mass, especially its private celebration without community, by taking it as a sacrifice for actual sins with multiple beneficiaries.¹³³

Therefore, a key phase of the official Lutheran protest attacks the doctrinal superstructure erected by theology and preaching to justify and motivate certain religious practices. The latter have been rendered harmful by false constructions placed upon them. These understandings must now be dismantled and replaced with teachings having solid biblical backing, that is, that Christ alone merits and satisfies, that faith introduces one into a realm of freedom and equality, and that the Lord's Supper is Christ's testament of forgiveness for those actually participating by hearing and partaking of his gifts. But to make room, the contrary teachings must be rejected and practices interpreted in their light must be either suppressed or radically reinterpreted in accord with true doctrine. Such was a first form of the Lutheran protest against abuses.

2) Some of the most striking passages of the *Augsburg Confession* describe pre-Reformation cases of displacement or marginalization of themes or topics which should be central in Christian instruction. Prior-

¹³⁰ CA, Introduction to Part II (*Book of Concord* 48, from the German).

¹³¹ CA 15, 2-4; 26, 1-3.19-21.29; 28, 34-39.

¹³² CA 14, 4; 27, 11-13.36.46-60.

¹³³ CA 24, 21-23.29-30.

ities were askew in catechesis. The late-medieval stress on devotional practices—in all their kaleidoscopic variety—went hand in hand with a *mirum silentium* about faith in Christ, which is the authentic way to peace and consolation.¹³⁴ The multiplication of private Masses also obscured faith and true service of God.¹³⁵ No one could experience peace through absolution, so great was the emphasis on complete enumeration of sins and on satisfactions.¹³⁶ Instruction on meritorious observances extinguished a rightful stress on the merit of Christ and on the duties of the worldly callings.¹³⁷ Praise of monastic life detracted from the central components of a personal relation to God and service of him in family and society according to His commandments.¹³⁸

Therefore, another phase of the Lutheran protest charges that pre-Reformation religion pushed the chief topics of authentic Christianity to the periphery through its profusion of devotions and its stress on stipulated external observances. The Reformation, therefore, represents in its own self-understanding a decisive return to the Christian center, God's redemptive grace in Christ, through the clearing away of distracting trifles and obfuscating practices.

3) The hierarchical officers of the medieval Church are charged in the confession with making excessive claims to authority. This charge plays a major role in article 28, albeit in a framework of notable clarity on the respective competencies God has given to those who rule the secular and spiritual realms.¹³⁹ The confession looks back on earlier infringements on the secular realm by ecclesiastics, but its principal argument attacks the episcopal claim of power to institute ordinances in the Church which are meritorious of grace and satisfactory for sin and/or which bind under penalty of sin.¹⁴⁰ Over against this the confession affirms the doctrine of justification through the merit of Christ alone and "the teaching of Christian liberty."¹⁴¹ There are to be rules of community order in the Church and obedience to bishops and pastors, but the *opinio necessitatis* must be destroyed.¹⁴² Also, laws involving offenses against divine precepts, such as Communion *sub una* and celibacy, dramatically exemplify this hierarchical overreach.¹⁴³

¹³⁴ CA 20, 3–8.19–20.

¹³⁵ CA 24, 23.

¹³⁶ CA 25, 4–5.

¹³⁷ CA 26, 4–11.

¹³⁸ CA 27, 48–59.

¹³⁹ CA 28, 4–22. E. Iserloh has demonstrated convincingly that CA 28 affirms episcopal jurisdiction as a supervisory authority over local pastors. Lutheran interpretations have been reductionist here, in a manner not justified by Melancthon's text: "Von der Bischofen Gewalt: zu CA 28" (see above at n. 36).

¹⁴⁰ CA 28, 2.38–50.

¹⁴¹ CA 28, 36.51.

¹⁴² CA 28, 53–60.64.

¹⁴³ CA 28, 69 f.

This third aspect of the Lutheran protest strikes at an alleged arrogance of power in the pre-Reformation hierarchy. The episcopal office is not contested in principle, but a sharp censure is leveled against the extension of episcopal authority far beyond the scope it is said to have by biblical warrant. Hierarchs have been acting on the basis of a fundamental error about the limits of Christian obligation. The remedy is to redefine the office to make it consonant with the renewed doctrine of Christian freedom now flourishing in Lutheran territories.

4) The confession notes with little or no rancor a series of instances of negligent performance in office by the leadership of the pre-Reformation Church. It admonishes the bishops for their failure to correct fiscal abuses concerning the Mass.¹⁴⁴ In the orders, superiors have not observed numerous norms and even some canons: for instance, those diminishing the obligating force of vows taken at a young age.¹⁴⁵ Article 28 makes passing reference to the oppression bishops exercise through reserving the absolution of certain sins to themselves and issuing violent excommunications.¹⁴⁶

In this fourth phase of its protest, the Lutheran confession offered a relatively short catalogue of episcopal malfeasance in office, which is quite mild when compared with the charges of corruption voiced in the non-Saxon apologias and with the denunciatory invective of Luther's *Admonition to the Clergy*. The confession, however, is not just being tactful and politic before an assembly that included numerous prince-bishops. Its restraint on episcopal performance seems more due to the conviction that the real problem lies elsewhere. Whether bishops be conscientious or careless means little in comparison with their erroneous conceptions and convictions about lawmaking, Christian obligation, and how grace is given and satisfaction made for sin.

5) The confession could not be clearer in its contestation of particular institutions of the pre-Reformation Church. It is direct and succinct in rejecting five structures of Christian practice stemming from decisions contrary to identifiable norms. (i) Invoking the aid of the saints is contrary to the unique and exclusive mediatory role of Christ.¹⁴⁷ (ii) Communion under one form goes directly against Christ's mandate that all drink from the cup.¹⁴⁸ (iii) Making celibacy obligatory on all in major orders was a bad decision, as is indicated by widespread clerical incontinence, by the deathbed torments of priests, and by the violence with which the law was introduced. The cumulative evidence is that priests

¹⁴⁴ CA 24, 14–20, Latin text.

¹⁴⁵ CA 27, 3–6.27–33.

¹⁴⁶ CA 28, 2.

¹⁴⁷ CA 21.

¹⁴⁸ CA 22, 1 f.10; 28,70.

are by God's will free to marry.¹⁴⁹ Consequently, the monastic vow of chastity is also rejected.¹⁵⁰ (iv) A private Mass, offered only to fulfil the obligation connected with the stipend, is a contemporary form of the unworthy eating and drinking censured by St. Paul in 1 Cor 11:27.¹⁵¹ (v) The requirement of integral confession must be dropped in the face of the demonstrable impossibility of its observance.¹⁵²

The Lutheran protest, in this fifth phase, rejected concrete institutionalized practices sanctioned by custom and law in the Church. Specific decisions, reached in a past distant enough to be obscure to people of 1530, had been rolled back in the reformed life of these territories. New patterned actions of conduct in worship and clerical life style had been introduced amid an elation of release for those experiencing the new, but causing consternation to others over the shattering of sacred traditions. In 1530, before the Reformation argument was reduced to opposed doctrinal systems, these practical matters constituted the true radicality of the new movement. Here issues were public and concrete, touching people intimately, even physically, in their relationship with God. Here, in the second part of the *Augsburg Confession*, the Reformation argued that it was fully justified, fully responsible, in changing these parts of people's lives and worship.

After this review of the Lutheran syllabus of abuses, we can return to the central claim advanced by their confession, namely, that while their doctrine is in substance traditional, the critical points at issue are certain abusive practices now being reformed. The reforms, they assert, should be acknowledged as authentically Christian and, starting from that acknowledgement, arrangements for harmonious coexistence in a unified empire and church can follow.

What, then, are we to say about Melanchthon's audacious claim, "Tota dissentio est de paucis quibusdam abusibus"? A first observation, based simply on the full text of the confession, is that the concept *abusus* is not a univocal term. In fact, it denotes a variety of issues which in their formal structure are quite distinct. Notably different kinds of diagnosis contributed to the Lutheran syllabus. Therefore, the conciliatory intentions expressed in the transitional passages linking the two parts of the *Augsburg Confession* were burdened by a broad ambiguity in the central concept *abusus*.

Secondly, when the meaning of *abusus* is reduced to more manageable proportions of a strict sense, as did occur in Melanchthon's private negotiations with Cardinal Campeggio, we are left with the fifth category

¹⁴⁹ CA 23, 1-13.18-25.

¹⁵⁰ CA 27, 18.36-40.

¹⁵¹ CA 24, 12 f.

¹⁵² CA 25, 7-12.

of specific institutionalized practices.¹⁵³ As we indicated above, these practices are far from being of minor importance, as Melanchthon's adjectives "paucis quibusdam" would indicate. In fact, on the Lutheran side, in the non-Saxon apologias and in Luther's *Admonition to the Clergy*, these practices were seen as documenting a horrid fall of the Church into corruption and sin. Melanchthon's claim was, therefore, neither adequate to the importance of things strictly termed abuses nor congruent with the mentalities of his colleagues on the Lutheran side.

Some might want to write off Melanchthon's conciliatory claim as an unworthy product of an anxious fear of incurring Charles V's displeasure.¹⁵⁴ As he wrote, was he frantically searching for arguments, even specious ones, that would lure Charles away from advisors urging severity against the Lutherans? Certainly there is evidence that Melanchthon suffered a painful siege of depression and anxiety toward the end of his redactional work on the confession.¹⁵⁵ But his claim was *not* merely a flimsy barricade thrown up in defense. With the benefit of historical hindsight, we know that the negotiations of August 16-17 greatly reduced the apparent gap between the opposing sides. Face-to-face exchanges, especially between Melanchthon and Eck, brought clarification and unexpected agreement on points of doctrine.¹⁵⁶ Regarding the "abuses,"

¹⁵³ On June 26 and July 5 Cardinal Campeggio reported to Rome that the Lutheran side had approached him and proposed terms for a restoration of harmony to the Church. Essential would be the concession of Communion under both forms, clerical marriage, a revision of the Canon of the Mass, and the calling of a general council. Cf. *Nuntiaturberichte* 1. Abtl., 1. Ergänzungsband 70, 76. In reporting to Luther on June 26, Melanchthon named the key issues as both forms, marriage, and private Mass with the last being the least promising for eventual concessions (*WABr* 5, 397,16; = *CR* 2, 140). Three letters from Melanchthon's negotiations with Campeggio are given in *CR* 2, 169-74, in which we note the claim, "Dogma nullum habemus diversum ab Ecclesia Romana" (Letter of July 4; on the dating see *Nuntiaturberichte* 76, n. 10; *CR* 2, 170). Melanchthon's revised list of conditions for peace, in his letter of July 7 to Campeggio, were both forms in Communion, toleration of marriage by priests and monks, and the calling of a conference of learned and good men to establish a new *ratio* concerning the Mass (*CR* 2, 173).

¹⁵⁴ Wilhelm Gussmann's representatively Lutheran reaction was that Melanchthon's claim shows him both naive and cowardly in his quest of peace (*Quellen und Forschungen* 2, 52, 54). H. Bornkamm stated baldly that under pressure Melanchthon inserted a falsehood in the confession in the "Tota dissentio . . ." sentence (*Religion in Geschichte und Gegenwart*³ 1, 735). J. von Walter's anniversary account of the Augsburg Diet included the charge that in his dealings with Campeggio, especially in his letter of July 4 (see the previous note), Melanchthon denied the gospel ("Der Reichstag zu Augsburg 1530," *Luther-Jahrbuch* 12 [1930] 68).

¹⁵⁵ Melanchthon wrote on June 13 to Luther; "Ego paene consumor miserrimis curis," and on June 26, "Versamur hic in miserrimis curis et plane perpetuis lacrymis" (*CR* 4, 1009, and 2, 140; = *WABr* 5, 365,16, 369,2). Jonas wrote in the same vein on June 18 and 25, also to Luther (*WABr* 5, 368,69, 392,44).

¹⁵⁶ E. Honee, "Die Vergleichsverhandlungen . . .," *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 42 (1963) 412-34, and H. Immenkötter, *Um die Einheit im Glauben* (Münster, 1973) 36-44.

there were problems, but by no means was the possibility of accommodation excluded in principle. If anything, the August negotiations proved Philip Melanchthon *almost* wholly correct in his claim that the abuses were the heart of the controversy, but not right in his statement that these were matters susceptible of easy solution.

The *Augsburg Confession* must be judged a considerable success. It did come very close to vindicating the claim it put forth in 1530. In part, the success was achieved both in spite of and because of its calculated omissions in content and its purposeful moderation in language and tone. A key factor is the confession's forthright profession of central Christian truths, a profession given an extra degree of sharpness by use of anathemas. The heart of Luther's teaching is presented in concrete terms of a new piety, reformed worship, and the regime of freedom enveloping practices outside the core of New Testament prescriptions. The confession was a diplomatic document, serving a specific political strategy. In this context, its omissions can be judged more leniently, since total disclosure is simply not expected in the political and diplomatic realm of discourse.

But, as we know, unity amid a pluralistic church was *not* achieved in 1530. But before we impute the failure to Melanchthon and his confession, we must look carefully at the exchanges and decisions taken after the reading of the *Augsburg Confession* on June 25, 1530. We will make a start by reviewing some key reactions to the confession expressed in the six weeks after it was read and submitted.

LUTHER'S REACTIONS TO THE CONFESSION

From his temporary residence at Coburg, Luther followed the events of the Diet as closely as he could through correspondence. He took up his role as advisor to his prince with a memo of early May on Lutheran conduct in case Charles V required the Protestant participants in the Diet to observe abstinence days, to halt evangelical preaching, and to attend Mass.¹⁵⁷ Melanchthon repeatedly asked Luther's advice, pointedly remarking in one letter that those with him in Augsburg were not much help on the momentous topics being treated.¹⁵⁸ In June, when there was a break in the correspondence, Melanchthon eventually pleaded with Luther to exercise a direction of his friends who depended on his authoritative guidance and needed his consoling words amid the threats and hostility surrounding them at the Diet.¹⁵⁹ Luther did write touching letters of encouragement from Coburg, and their ensemble would provide

¹⁵⁷ *WABr* 5, 313 f.

¹⁵⁸ Letter of July 27 (*ibid.* 508,11).

¹⁵⁹ *Ibid.* 397,11. Luther responded sharply on June 29, rejecting the notion that he was an authoritative leader and alleging that Melanchthon's worries stemmed from a lack of faith (*ibid.* 406,43–47.65 ff.).

a good basis for a study of his ideal of adamantine trust in God's providential care.¹⁶⁰

The *Augsburg Confession* itself was a first major item in this correspondence between Augsburg and Coburg. On May 11 a first draft was sent for Luther's review and suggested emendation at the request of both the Elector and Melanchthon.¹⁶¹ Eleven days later, while he was recasting the article on episcopal authority, Melanchthon expressed again his desire that Luther go over the articles on doctrine.¹⁶² The day after the confession was presented to Charles V, Melanchthon dutifully sent Luther a copy of the text read, and at the same time opened discussions on the second major item in this correspondence, namely, possible concessions if Charles V set conditions for peace and unity. Luther was asked to set down some guidelines for his followers to use in the give-and-take of negotiations. The first topics were quite practical: Communion under both forms, clerical marriage, and the suppression of private Masses. Just how firm should the Lutherans be in demanding these?¹⁶³ In July Melanchthon requested position papers from Luther on "traditions," that is, ecclesiastical laws, as well as on vows.¹⁶⁴

How, then, did Luther evaluate the *Augsburg Confession*? In answering, one has to take care with the nuances, but the central point is Luther's early fundamental approval of the document, which escalated after he studied the June 25 text to enthusiasm and delight. On May 15, after reviewing a draft, he said he liked it and had no emendations to offer.¹⁶⁵ On July 3, after a careful reading, Luther repeated his approval ("placet vehementer") and chided Melanchthon for expecting to be treated differently than Christ, the stone rejected.¹⁶⁶ The implication is that the confession is the witness of a genuine disciple and is bound to be rejected by corrupt leaders. In the following days Luther expressed exultation in being alive in a time when Christ had been confessed and proclaimed so wonderfully before the world in the estates' enunciation of their doctrine and church life.¹⁶⁷

¹⁶⁰ Some examples: letters of May 20 and June 30 to the Prince-Elector (*WABr* 5, 324-27, 421 f.); letters of June 19 and late July to Jerome Weller (*ibid.* 373-75, 518-20); letter of June 30 to Spalatin (*ibid.* 413-15); letter of June 30 to Brenz, with advice for Melanchthon (*ibid.* 417-19); letter of August 5 to Chancellor Brück (*ibid.* 530-32).

¹⁶¹ *Ibid.* 311, 314. Melanchthon's submissiveness is concise but complete: "Tu pro tuo spiritu de toto scripto statues" (314,7).

¹⁶² *Ibid.* 336,29 f. Melanchthon indicates that he can exercise more freedom in treating matters of practice.

¹⁶³ Letter of June 26 (*ibid.* 397).

¹⁶⁴ Letters of July 14 and 20 (*ibid.* 476,15, 490,11).

¹⁶⁵ *Ibid.* 319,5-9, cited n. 123 above.

¹⁶⁶ *Ibid.* 435,4.

¹⁶⁷ Letter of July 6 to C. Cordatus (*ibid.* 442,12); letter of July 9 to the Prince-Elector (*ibid.* 453,9); letter of July 9 to Jonas ("Christus publica et gloriosa confessione declamatus est . . ."; *ibid.* 458,12); letter of July 15 to the four colleagues in Augsburg (*ibid.* 480,13).

In two ways, however, Luther restricted his approval of the *Augsburg Confession*. First, he uttered explicit reservations on at least two occasions. On June 29, just after receiving the text, he said he was disinclined to discuss further concessions to the papal party, since in his judgment more than enough was already conceded in the confession itself.¹⁶⁸ Then, on July 21, upon hearing that Charles V was asking whether the Lutherans had any further articles to submit, Luther asserted that Satan, working in midst of the opponents, had seen that the confession lacked total candor by reason of its omission of forthright rejections of purgatory, the cult of the saints, and especially of the papal Antichrist.¹⁶⁹ This is more than an obiter dictum, since Luther published strongly polemical statements on each of these three points in the weeks after he saw the text of the confession.¹⁷⁰ Still, these directly critical statements are not revocations of his positive assessment but rather indications of the limitations of the confession in view of its rather complex set of aims. Luther's basic judgment was that it gave authentic witness to Jesus Christ and to his significance in the lives of his followers.

A second line of Luther's criticism of the *Augsburg Confession* is more subtle. Four times in mid-July Luther told his friends in Augsburg that he had no expectation that the exchanges at the Diet would lead to doctrinal agreement. Events, he claims, are showing him right in his predictions that the best the Lutheran side can hope for is a political settlement allowing them to teach as they have been doing while the papal side continues in its errors and evil.¹⁷¹ These statements on doctrinal agreement being a chimera are, we suggest, Luther's dissenting judgment on Melancthon's claims in the confession that the heart of the controversy is disciplinary or practical but not doctrinal. Luther does not agree,

¹⁶⁸ Italics added to my translation of this text: "Accepi Apologiam vestram, et miror quid velis, ubi petis, quid et quantum cedendum Pontificibus. . . Pro mea parte plus satis cessum est in ista Apologia . . ." (ibid. 405,17). Luther notes that politically it might be necessary for the Elector to submit in some matters in order to avoid a greater evil (405,18) but doctrinally it is time to stand fast (405,24).

¹⁶⁹ "Nunc video, quid voluerint istae postulationes, an plus articulorum haberetis offerendum. Scilicet Satan adhuc vivit, et bene sensit Apologiam vestram leise treten et dissimulasse articulos de purgatorio, de sanctorum cultu, et maxime de antichristo Papa" (ibid. 495).

¹⁷⁰ On purgatory, in *Widerruf vom Fegfeuer*, written June 30–July 15, arrived in printed form in Augsburg on August 13 (WA 30II, 360–90). On the saints, in the final section of *Sendbrief vom Dolmetschen*, finished before September 12 (ibid. 643–46; English: LW 35, 198–202). On the papal Antichrist: in passages of *Von den Schluseln*, written by August 25, circulating in printed form in October (WA 30II, 470,39, 480,21, 484,4, 496,17, 506,8).

¹⁷¹ On July 9, to Jonas, Luther says that the drama is nearing its end: "Non sane ut de dogmatibus unquam fiat concordia (quis enim Belial cum Christo speret conciliari?) . . . sed quod optem paeneque sperem, dissentione dogmatica suspensa, politicam concordiam fieri posse" (WABr 5, 458,5 ff.; also, ibid. 470,2 ff., 480,23 ff., 496,15). The same point is made by Luther in an open letter to Archbishop Albrecht of Mainz, circulating in Augsburg in late July (WA 30II, 399,3, 400,8).

for who can reconcile Belial with Christ? Luther was perceptive on this point, it would seem—at least from a later historical vantage point. But he was speaking on the subject before the official response had been given from the other side and before the important doctrinal negotiations of August 16–17, 1530. The latter negotiations in fact almost proved Luther wrong.

Another phase of Luther's reaction to the *Augsburg Confession* is found in the positions he took in letters and published works in the six weeks after the presentation of the confession on June 25. Some of these works provide more material for our collection of indictments of pre-Reformation life and worship. On June 29 Luther set the tone for this period of work when he told Melancthon that the question of further concessions was driving him into intense study and reflection, which, however, was only increasing his certainty and deepening his conviction of the rightness of their doctrine and position.¹⁷² His missives to the brethren in Augsburg breathed this spirit of uncompromising tenacity.

Luther treated five points of doctrine and practice in this period. (1) Purgatory has no biblical basis but represents an intolerable dogmatizing of an unbinding patristic opinion. The church of foundations, monasteries, altars, and chapels—all in service of requiems offered for souls—is in fact ruled by lies and greed. Worse, this church does not teach about dying in the embrace of Christ's mercy and it has abused the precious prayers of faith found in the Psalms by having these recited for the souls in purgatory.¹⁷³ (2) No quarter is to be given in battling the private Mass, even if some claim to celebrate it purely as an expression of gratitude to God. It is blatantly contrary to Christ's institution to have Mass without a community to hear about and commemorate his death. This abuse of the sacrament and of the priesthood is structural and the best of intentions cannot make it acceptable.¹⁷⁴ (3) Christ's ordinance of Communion under both forms is also fully binding, whatever may be the discipline in one's locale. If the chalice is forbidden to lay people, then they must either emigrate or restrict themselves to spiritual communion. No obedience to a magistrate has any value in this case, in view of the contrary

¹⁷² "Ego dies ac noctes in ista causa versor, cogitans, volvens, disputans et totam Scripturam lustrans, et augecit mihi assidue ipsa *plerophoria* [1 Thes. 1:5] in ista doctrina nostra, et confirmor magis et magis, dass ich mir (ob Gott will) nu nichts mehr werd nehmen lassen, es gehr druber, wie es wolle" (WABr 5, 405,22).

¹⁷³ *Widerruf vom Fegfeuer* (WA 30II, 360–90, esp. 369,14–25, 372,19–26, 377,1–13, 386,3–17, 388,2–23).

¹⁷⁴ Letter to Spalatin, July 27 (WABr 5, 502,2–21). Similarly, in Luther's July 27 letter to Melancthon (ibid. 498,5) and in his memo on Communion for Queen Maria of Hungary (ibid. 528,17–21). Luther's memo against the private Mass, included in older editions of the *Torgau Articles*, is probably from this time (ibid. 504–5; in English, in *The Book of Concord*, ed. H. Jacobs, 2, 90–92). See Brieger, "Die Torgauer Artikeln" 283–85.

mandate of Christ.¹⁷⁵ (4) When Melanchthon asked whether life under monastic rule might be admitted as a nonmeritorious act of thankful worship, Luther responded that we humans have no authority to declare some acts to be worship of God. God alone determines how He is to be worshiped. Also, the choice of monastic life is an option for singularity which can easily lead people to despise God's own ordinances, such as the family, which are much holier.¹⁷⁶

5) In mid-July Melanchthon was having difficulty formulating the Lutheran position on the nature and extent of lawmaking authority in the Church. There was apparently no consensus on the implications of article 28 among the signers of the confession, and this made Melanchthon feel ill-prepared for the expected negotiations over a restoration of episcopal jurisdiction in Lutheran territories. The nub of the problem was the reconciliation of the principle of evangelical freedom with the maintenance of obedience in the Church. Is there some principle (*causa*) that grounds obedience?¹⁷⁷ In response, Luther first reaffirmed the God-given distinction between the two realms of ecclesiastical and political governance. Further, an ecclesiastical authority as such can make no binding ordinances without the consent of the Church. Actually, Luther charges, the bishops are not seeking to be representative spokesmen for the corporate will of the Church in its self-governance, but are lusting after arbitrary domination of the Church. They were guilty of oppressing the Church by a political style of governance and until they repent of this horrid sin and tyranny they are to be resisted at every turn.¹⁷⁸

¹⁷⁵ Memo by Luther, about August 4, 1530 (*WABr* 5, 527-29), in response to questions (*ibid.* 511) posed on behalf of the Emperor's sister, Queen Maria of Hungary. The Queen's evangelical leanings were well known, since she always had a Latin Bible with her, even on the hunt, and would open it to read during sermons if the preacher made insufficient use of Scripture (*ibid.*). Luther cited a vulgar remark of Nicholas Amsdorf in response to the suggestion by Campeggio that the Lutheran territories might be granted a dispensation by the Pope for the lay chalice. When the Lord has commanded, Luther asserts, one need have no care for the dispensation of some impudent servant. Cf. letter of July 15 (*ibid.* 480,34).

¹⁷⁶ Melanchthon's question, which he himself thought was to be answered negatively, is in his letter of July 28 (*ibid.* 510,6), in which Melanchthon is following up a question placed initially in his letter of July 20 (*ibid.* 490,11). Luther's answers of August 3 and 4: *ibid.* 523,3—524,16 and 526,37-56.

¹⁷⁷ Melanchthon to Luther, July 14: "Mitto tibi quaestionem de traditionibus, de qua velim te copiose respondere. Nulla me res magis exercet in omnibus nostris disputationibus quam illa" (*ibid.* 476,15). After giving a spectrum of five positions on how prescribed practices could be binding (476,31—477,64), Melanchthon anticipated Luther's appeal to Christian liberty and continued: "Si est obedientia necessaria, libertas nulla est; pugnant inter se libertas et obedientia. Hic nodus explicandus est; nam illa libertas videtur dissolvere prorsus obedientiam, quod non convenit" (*ibid.* 477,69).

¹⁷⁸ Letter of July 21 to Melanchthon (*ibid.* 5, 492-95). Shortly before writing this letter, Luther composed his forty *Propositiones adversus totam synagogam Sathanae et universas portas inferorum*, which were quickly printed in Nürnberg and arrived in Augsburg on

On July 27 Melancthon answered Luther, asking him to review more carefully the possibility that ecclesiastical law might be justified if its imposition were purified of base motives and the prescribed practices observed simply as acts of worship and praise of God.¹⁷⁹ Luther responded on August 4, reaffirming his position against the binding power of church law with yet more cogent reasoning. If one goes through the scheme of the four causes, one finds no ecclesial principle justifying authority to make binding laws. The true scope of the Church—sin, forgiveness, holding to the word in the Spirit, righteousness before God, eternal life—is simply alien to laws regulating external practice.¹⁸⁰ Correlatively, the scriptural word is both necessary and sufficient in binding us to obligatory practices of self-discipline and thankful worship. What is left for a putative church authority to impose is either the specific manner of our practice—which God wills to be free—or matter outside God's word, such as purgatory, pilgrimages, brotherhoods, and prayers to the saints—which are wicked. Thus nothing is left to be instituted as binding tradition, no matter what the motive might be for its imposition or observance.¹⁸¹ In the next section it will be important to note carefully the position taken in response not to these precise arguments but to the Lutherans' general position on church authority.

These five positions, which Luther articulated for his brethren between the reading of the confession and the beginning of negotiations in mid-August, reveal for us the deeper basis for Luther's conviction that there would be no agreement between the Lutherans and Catholics at the Diet. We note especially how his positions focus on specific religious practices that were firmly institutionalized in the late-medieval Church. The erroneous doctrines and base attitudes were incarnate in patterned actions of worship, life style, and procedure affecting Christian practice on a daily basis. Again we see the radicality of the Lutheran protest.¹⁸² One gauge

July 22 in the form of a one-page placard in Latin. In these theses great emphasis falls on the argument that Scripture has provided sufficiently for the Church in matters of faith and has set severe limits for church authority in matters of worship and church life. Malicious nonobservance of these limits transformed the pre-Reformation Church into an oppressive tyranny. Cf. *WA* 30II, 420–24, esp. theses 9–20 (421,1 ff.).

¹⁷⁹ *WABr* 5, 508,9–19.

¹⁸⁰ *Ibid.* 529 f.

¹⁸¹ Letter of August 4 (*ibid.* 525–27).

¹⁸² It would, however, be hasty to conclude that Luther's demands in effect barred all possibility of agreement and reconciliation. In 1531 Cardinal Cajetan responded to a request of Pope Clement VII by submitting a list of the concessions that could be made to the Lutherans in the framework of their restoration to unity. Clerical marriage and Communion under both forms could be allowed. The Roman canon may not simply be dropped, although use of another canon may be admitted. Finally, for the whole Church it may be declared that purely ecclesiastical laws do not bind the conscience seriously. The text of Cajetan's

of the seriousness of Luther's contestation of church structures was the respectful request made by the Prince-Elector on July 27 that Luther refrain for a while from publishing things liable to upset those with whom the Protestants are dealing in the Diet.¹⁸³ We turn now to see what in fact that "other side" had to say in its official response to the Lutheran protest.

INITIAL CATHOLIC REACTIONS¹⁸⁴

The available evidence indicates that two factors loomed large in the deliberations of the Diet immediately after the reading and submission of the *Augsburg Confession*. The Papal Legate, Campeggio, showed little initial interest in what the Lutherans had professed publicly, because he was treading the more promising path of private exchanges with Philip Melanchthon.¹⁸⁵ In the first days of July these contacts produced formulae of relatively simple conditions for a reconciliation of at least Electoral Saxony with the Roman Church.¹⁸⁶ As of July 6 the Legate was optimistic that dissensions could be settled and unity re-established, but shortly circumstances caused these negotiations to break down. Still, in the first days after July 25 the Legate paid little heed to the *Augsburg Confession* itself.

Others deliberated over procedure. The majority of the imperial estates had already decided not to submit a confession of faith corresponding to the Lutheran document. Their faith, they claimed, could not be questioned, since they held loyally to the teachings and traditions of the

memo was published by W. Friedensburg, "Aktenstücke über das Verhältnis der Römischen Kurie zur Reformation 1524 und 1531," *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 3 (1900) 16-18. I translated it under the title, "Guidelines for Concessions to the Lutherans," *Cajetan Responds* (Washington, D.C., 1978) 201-3.

¹⁸³ *Ibid.* 498, 18. The immediate occasion for this attempt to muzzle Luther was the *Propositiones* (see n. 178 above), which arrived in Augsburg on July 22.

¹⁸⁴ We use the term "Catholic" here and in the following pages as a simple designation of the side opposed to the Lutherans. The more accurate terms used in German literature, *Ständemehrheit* and *altgläubige*, do not translate smoothly into English. We realize that in the events we are describing, the precise point at issue was the claim of the signers of the *Augsburg Confession* to be "Catholic."

¹⁸⁵ Campeggio reported to Rome on June 26 and July 5 on these exchanges (*Nuntiaturberichte* 1, 1. *Ergänzungsband* 70, 76). After discussion in consistory, the papal secretary Salviati wrote to the Legate on July 13 that no concessions were to be made to the Lutherans (*ibid.* 80 f.). But Campeggio had already been moved, apparently by pressure from the Catholic majority in Augsburg, to break off his negotiations with Melanchthon (*ibid.* 84). Later the issue of a diplomatic settlement came up once more.

¹⁸⁶ Melanchthon's letters to Campeggio are in *CR* 2, 169-74. See n. 103 above. H. Immenkötter gathered the evidence which shows that Melanchthon's approach to the Legate was made with the knowledge of the Saxon Prince-Elector and the other signers of the *Augsburg Confession* (*Die Confutatio* 29).

Church. On June 27 they recommended two steps. First, theological experts should examine the Lutheran confession and where necessary provide a refutation on the basis of the gospel and church teachings. Second, the Emperor should take resolute action toward reforming the abuses pointed out by the Lutherans and should put reform on a wider basis by drawing up a catalogue of the complaints of secular and ecclesiastical lords over conditions in Church and Empire.¹⁸⁷

After an exchange of memoranda between the Catholic estates, Campeggio, and the Emperor, it was decided to have the articles of the Lutheran confession examined carefully by learned and prudent men working under the Cardinal Legate. This group should sift what had been submitted to separate truth from error. Teachings diverging from the faith should be refuted, but with judicious arguments and evangelical admonitions apt to lead to a change of heart. Also, the responsible ecclesiastics, the Pope and his Legate, should take up the cause of reform and deal with the abuses. At best this should be done quickly, so that it would not appear to be done at the Lutherans' insistence but because of the Pope's sense of his duty to provide for the good estate of Christendom. If, however, the Lutherans prove obstinate—for instance, by refusing to submit to what the theologians and the Emperor determine about their articles or by refusing to acknowledge the authority of an eventual general council—then the Catholic side must be ready to apply rigor and even prepare for war.¹⁸⁸

The group of theologians commissioned to examine the *Augsburg Confession* were men who had come to Augsburg as advisors to princes and prince-bishops. Among their number were men already well known for writings opposing Luther and the other reformers. They included the following: Johann Eck, *peritus* for the Bavarian Dukes and an experienced controversialist; Johann Fabri of Constance, advisor to the Emperor's brother, Ferdinand of Austria, and later bishop of Vienna; Johann Cochlaeus, chaplain to Duke George of Ernestine Saxony and prolific opponent of the German Protestants; Bartholomew von Usingen, an Augustinian who had been Luther's teacher in Erfurt in 1501–1505; the Dominicans Johann Mensing of Frankfurt/Oder and Johann Dietenberger of Koblenz; and Arnold von Wesel of Cologne, who submitted a key

¹⁸⁷ Memorandum of the Catholic estates, edited by T. Brieger, *Zeitschrift für Kirchengeschichte* 12 (1891) 126 f. In mid-July a *gravamina* committee began work at the Diet, leading to a new list of complaints against the Roman Curia and to a draft imperial constitution on internal reform. See W. Gussmann, *Quellen und Forschungen* 1, 14–21; S. Ehses, "Kardinal Lorenzo Campeggio auf dem Reichstag von Augsburg 1530," *Römische Quartalschrift* 18 (1904) 372–82; G. Pfeilschifter, *Acta reformationis catholicae* 1 (Regensburg, 1959) 453 f., 489–548.

¹⁸⁸ "Proposita R. D. Legato ex resolutione concilii Caes. Maiestatis," ca. June 30, 1530 (*Concilium Tridentinum* 4, ed. S. Ehses [Freiburg, 1904] XXXVI f.).

draft for the official *Confutatio* of August 3.¹⁸⁹ Campeggio had conceived of the task given this group as, first, a careful demonstration that the Protestants were espousing errors already condemned, especially by the Council of Constance, and, second, a comparison of the official Lutheran confession with earlier Lutheran teachings in order to bring to light any other errors for which the five princes and cities should be held responsible. This refutation should then be enunciated as the Emperor's definitive judgment on the religious dissensions in his realm.¹⁹⁰

The first draft of a Catholic response to the *Augsburg Confession*, the *Responsio theologorum* of early July, apparently covered only the first four articles of the confession. The approach corresponded generally to Campeggio's proposed method. The Lutheran princes and cities were commended for specific points found orthodox but were to be admonished by the Emperor for tolerating the dissemination by their preachers and theologians of other, false teachings, many of which had not been listed in the *Augsburg Confession*.¹⁹¹

Two particular points in this earliest draft reveal the mentality of its band of authors. (1) The Lutheran profession of the Nicene Trinitarian faith became an occasion for accusing them of unjustifiably diverging from practices obligatory by reason of a common consensus of the Catholic Church. The Sacrifice of the Mass, the Lenten fast, prayers to saints, and liturgies for the dead have all been attacked by Lutheran preachers, to the scandal of simple people, as unbiblical, "and therefore we should profess and practice the other things the Catholic Church teaches, receives, commands, and institutes, even if they are not found explicitly in Scripture."¹⁹² The Emperor should point to Christ's promises to his Church, which make it the pillar and ground of truth, and so he should urge the princes to stop giving credence to fallible individual teachers who in their pride dare to oppose the teachings and practices of this same Church.¹⁹³ Here we see ecclesiological considerations coming strongly to the fore in response to the Lutheran confession. Notable also is the concern to defend matters of everyday worship and practice.

¹⁸⁹ A full roster of the *confutatores* is given by H. Immenkötter, *Die Confutatio* 17-23.

¹⁹⁰ *Ibid.* 26. Only excerpts of Campeggio's recommendation are given by Ehsses, *Concilium Tridentinum* 4 XXXV f.

¹⁹¹ *CR* 27, 85, 89, 91, 95.

¹⁹² *Ibid.* 86.

¹⁹³ *Ibid.* 87. The obligation to follow the Church is grounded in Jn 14:26, 16:13, Mt 16:18, and 1 Tim 3:15. On art. 2 of the *Augsburg Confession*, the *Responsio* lists five erroneous but divergent teachings on original sin and baptism (from Luther, Melancthon, Zwingli, Eberhard Vuidensee, and the *Catabaptistae*), and observes characteristically: "Et quis tandem eris errorum modus aut finis, si unicuique iuxta somnia sua novam opinionem effingere, et in populum evulgare liceat? Satius est igitur et multo salubrius, unam certam Ecclesiae sententiam sequi et amplecti, quam per tot opinionum ambages misere in errorum

2) Article 4, on justification being wholly God's gift, occasioned, among other points, the charge that the Lutherans were calumniating Catholics, especially monks, by accusing them of a Pelagian disregard of grace. The Catholic spokesmen claim to know quite well the New Testament teachings on God's gifts from above, and their side professes that good works—otherwise of no worth—are meritorious because they are begun, accompanied, and completed by God's grace given by merit of Christ's passion.¹⁹⁴ The Catholics were clearly not without answers in response to Lutheran charges of an erroneous doctrine of merit. There was a basis for further exchanges and possibly a reduction of differences.

It is not clear just when the cumbersome *Responsio theologorum* was set aside, but it must have been in very early July, because by July 12 a complete draft response to the Lutheran confession, the *Catholica responsio*, was submitted to the Emperor by the *periti*, who were now working under the chairmanship of Johann Fabri. But the deliberations of the following week unleashed from the majority group of estates a small storm of criticism of this second attempt to answer the *Augsburg Confession*. The document was far too long; it included many points not germane to the precise purpose of refuting the Lutherans' stated views; its polemical tone was insulting and more destructive of than conducive to peace.¹⁹⁵

The *Catholica responsio* of June 12 represented the high-water mark of the influence at the Diet of Eck's *404 Articles* and similar heresy catalogues. Throughout this draft response the Lutheran princes were briefly commended for professing the traditional faith of the Church but were then called upon to admonish Luther and his colleagues for a host of divergent doctrines. Abundant citations of the erroneous teachings of the Reformers showed the wide gap thought to separate those on the Lutheran side.¹⁹⁶ The *Catholica responsio* rested on the assumption that the *Augsburg Confession* represented quite inadequately what comprised

pelago fluctuare" (ibid. 90). Melancthon, it appears, foresaw a similar outcome if an episcopate were not restored in Lutheran lands (Letters of September 4, 6, and mid-October, 1530; *CR* 2, 341, 347, 433). If there were a violent outcome, the Lutherans would be driven into an alliance with the Zwinglians, and this would lead to a detestable "maxima confusio dogmatum et religionum" (ibid. 382).

¹⁹⁴ *CR* 27, 96. The *Responsio* cites these texts on the role of grace: 1 Cor 4:7, 15:10; Jn 3:27, 6:44; Jas 1:17; 2 Cor 3:5, and the traditional prayer beginning "Actiones nostras, quaesumus, Domine, aspirando praeveni et adiuvando prosequere. . . ."

¹⁹⁵ H. Immenkötter gives pertinent excerpts from this criticism out of his work in archival material (*Die Confutatio* 38 f.)

¹⁹⁶ The edition of the *Catholica responsio* by Johannes Ficker, *Die Konfutation des Augsbургischen Bekenntnisses* (Leipzig, 1891) 1–140, gives full documentation of these citations taken over by the *confutatores* from Eck's *404 Articles*. Unfortunately, only pages 1–51, printed by Ficker for his *Habilitation*, were available to the present author.

Lutheran doctrine and preaching. In addition, the Lutherans were charged with being responsible for sectarian teachings and tumults troubling Germany for the past ten years.¹⁹⁷ But this approach was unacceptable to the majority of the imperial estates, who called for much closer adherence to the actual text submitted to the Diet and for avoidance of injurious and insulting passages.¹⁹⁸ Consequently, on about July 20 the group of men working under Fabri made a fresh start on their work of examination and refutation. The product of their work, the *Confutatio*, was read in the name of Charles V on August 3, 1530, as his official response to the Lutheran confession.¹⁹⁹

The *Confutatio* took shape under great pressure of time and amid shifting conceptions of just what kind of document it was to be. On July 22 the decision was finally made to issue the response in the name of the Emperor himself. On August 1 the wording was revised to reduce the document from the legal status of a final, binding decision to that of an official report on the Emperor's religious position, which, however, left open the possibility of negotiations. The document differs from the *Augsburg Confession* in not being a confession of faith or an apology for reform. It is strictly a response and reaction to what the Lutherans had presented.

Although the *Confutatio* was drawn up largely by men who had for a decade been turning out polemical retorts to the Reformation, it is marked by restraint and objectivity. It acknowledges much in the Lutheran confession as sound and it makes a conscious effort to ground its alternative positions in Scripture and early patristic and conciliar texts. The *Confutatio* passed over opportunities for further confrontation and so evinced a sincere desire for peace. While being firmly critical on numerous doctrinal and disciplinary points, it did not preclude further discussion, clarification, and rapprochement.²⁰⁰

We turn now to review the specific responses of the imperial *Confutatio* to the Lutheran indictment of abuses in the life and worship of the pre-

¹⁹⁷ Preface (Ficker, *Die Konfutation* 2 f.).

¹⁹⁸ Their recommendation of July 19 is given by Brieger, *Zeitschrift für Kirchengeschichte* 12 (1891) 152-55.

¹⁹⁹ A fine edition of this work, with the official German text and the Latin base-text, has been edited by Herbert Immenkötter as Vol. 33 of *Corpus catholicorum* (Münster, 1979). In subsequent footnotes we refer to this edition as CC 33, with added Arabic numbers indicating page and line numbers of the Latin text.

²⁰⁰ Our information on the *Confutatio* comes largely from the preface of Immenkötter's edition, while our evaluative remarks depend on his *Um die Einheit im Glauben* (Münster, 1973) 11-21, and his paper "Die Confutatio—Ein Dokument der Einheit," read at the *Corpus catholicorum* symposium, The Diet of Augsburg and the Unity of the Church, Augsburg, September 1979, the papers of which are to appear in 1980 from Aschendorff of Münster.

Reformation Church. We follow the five-point analysis used above in presenting material from the *Augsburg Confession*.

1) The *Confutatio* does not accept the erroneous character of the interpretations which the Lutherans claimed were vitiating certain religious practices. The doctrine of merit is upheld for those good works done with the assistance of divine grace given through the power of Christ's passion.²⁰¹ The *Confutatio* extols fasting in accordance with church ordinances for its contribution to self-discipline, and holds that satisfactory works are integral to repentance.²⁰² Vows have good biblical and historical backing, and with the aid of grace their observance brings merit of eternal life. Monastic life does not detract from Christ's honor, since this religious observance is dedicated to Christ and to his gospel and so merits eternal life.²⁰³ Private Masses, the *Confutatio* asserts, do redound to the glory of God and the benefit of both the living and the dead. Consequently, the Lutheran suppression of these Masses deserves a sharp reprehension.²⁰⁴

In this first phase of its response the *Confutatio* offered direct rejection of the Lutheran indictment as doctrinally unsound. The practices can be set in a good light, if one only attend to their biblical justification and to certain details of the doctrinal superstructure. Correct interpretations can be supplied, and so the practices are to be continued. The Lutheran charges of erroneous interpretation have met serious rebuttal. But this was not the end. Such an exchange would open up new issues: for instance, whether each side has adequately understood the other position, whether fuller definition of terms might reveal important common convictions, whether certain practices—or their suppression—might be tolerated from a distance while not being actually espoused, and whether one side or the other or both might develop their positions to be inclusive of each other.

2) The *Confutatio* declined to be drawn into a discussion of the alleged displacement or marginalization of central points of Christian instruction. It did not meet head on the Lutheran claim of promoting a revitalization of Christianity from its center. In 1530 this issue fell outside the scope of the task given to the Catholic *periti* and so the charges and claims made by the Lutherans were quietly allowed to stand.

3) The *Confutatio* made some forthright responses to the Lutheran charge of hierarchical overreach. In tone, article 28 of the *Augsburg Confession* was found excessively harsh. More importantly, grounds were

²⁰¹ Arts. 4, 6, 20 (CC 33, 85,11, 86,11, 93,14–17, 123,11 f.).

²⁰² Arts. 26, 12 (CC 33, 181,7, 107,10 ff.).

²⁰³ Art. 27 (CC 33, 186–97, esp. 191,7–13 and 195,5–13).

²⁰⁴ Art. 24 (CC 33, 163,1–14).

given for the existence in the Church of a power of governance and disciplinary correction.²⁰⁵ Where the Lutherans appealed to Christian freedom, the rebuttal saw license.²⁰⁶ The ordinances enacted by church authority promote desirable ends, such as the worship of God and personal discipline, and do not detract from the righteousness of faith and from divine commandments.²⁰⁷

This line of defense might appear to accentuate and even harden differences between the two sides. But one should recall that the *Confutatio* was not facing Luther and his missives from Coburg but the confession of June 25 with its clear doctrine of ecclesiastical authority by divine right. There was common conviction beneath the difference over the extent of this authority's lawmaking power. Also, the *Confutatio* concluded its article 28 with a ringing call for reform, specifically mentioning the correction of excesses, or encroachments, by those having authority in Church and state.²⁰⁸ It is not too much to state that there was, at Augsburg in the high summer of 1530, important common ground on which to base further discussion of the rightful exercise of authority in the Church.

4) The *Confutatio* did not directly touch issues of episcopal performance in pastoral office, but it was not unmindful of the need of reform in the Church. Regarding the Mass, it asserted that all sensible people greatly desired its reform.²⁰⁹ The Lutheran princes and cities were told to support ordered reform of the monasteries in their domains and to see to the correction of monks rather than connive in the destruction of their way of life.²¹⁰ And in the final paragraph of the last article the *Confutatio* gave a ringing endorsement of reform. Excesses of both ecclesiastical and secular leaders are to be corrected and their negligence set right. Religion has declined and infringements of right order cry out for correction. The Emperor, at least, will not flag in his pursuit of a renewed Christianity.²¹¹

In the *Confutatio*, therefore, we hear some scattered expressions of aspirations for reform. The will to change was not totally absent, and the

²⁰⁵ Art. 28 (CC 33, 197,11, 199,8-15. Also in art. 26 (179,3 ff.).

²⁰⁶ Art. 28 (CC 33, 201,5 ff.).

²⁰⁷ Art. 26 (CC 33, 177,12-16, 179,20-181,9).

²⁰⁸ Art. 28 (CC 33, 203,11 f.). This passage came from the Emperor's advisors, Granvella and Valdes, who reviewed the text in the final days before it was prepared for reading.

²⁰⁹ Art. 24 (CC 33, 161,16 f.).

²¹⁰ Art. 27 (CC 33, 197,3-6).

²¹¹ Art. 28 (CC 33, 203,7-17). This endorsement of reform indicates well the idealistic hopes of Emperor Charles V. On August 12, 1530, he spoke to the Venetian envoy to the Diet of his aspiration of having a great council during his reign to correct the grave disorders plaguing Christendom (cited by J. von Walter, "Der Reichstag zu Augsburg 1530," *Luther Jahrbuch* 12 [1930] 5).

Diet's *gravamina* commission was beginning work on the details of a comprehensive reform plan. Further probes would be necessary to ground a judgment on the congruence of these reform ideas with what the Lutherans had presented in their indictments of abuses. Also, just how strong were the reform intentions of the German bishops? It is not clear that the imperial reform movement could easily absorb the church renewal taking hold in the Lutheran territories. Still, it is clear enough that the Lutherans were not the only ones present in Augsburg in 1530 for whom reform of the Church was an important issue.

5) The *Confutatio* opposed the Lutheran contestation of particular institutions, at times with direct denials that they were abuses. (i) In questioning the legitimacy of prayer to the saints, the Lutherans have fallen into an error condemned on numerous occasions by the Church.²¹² (ii) It is wrong to call Communion under one form an abuse, in view of the backing it has from Scripture, history, and practical pastoral considerations.²¹³ (iii) Nor should celibacy be called an abuse, because it too is well grounded both in the tradition and in considerations on the nature of priestly ministry.²¹⁴ (iv) The abrogation of private Masses receives severe censure as destructive of important values.²¹⁵ (v) Integral confession, the *Confutatio* claims, is necessary to salvation and is the key moment in the Church's system of discipline.²¹⁶ Generally, the Catholic rebuttal does not accept the Lutheran argument for legitimate diversity on these matters. In fact, the second part of the Lutheran confession is said in passing to be about "pretended abuses."²¹⁷

One senses in these sections of the *Confutatio* dealing with specific institutions a special vigor born of outrage over the Lutheran charges and changes. Firm convictions were under challenge and the response was a series of direct reprehensions. The everyday visibility of the contested practices and ways of life added to the urgency of defense and counterargument. The authors of the *Confutatio* would in no way allow the term "abuses" to be applied to religious activities woven deeply into their own worship, ministry, and life style. The web of their own lives was under attack, and the forthrightness of their response is understandable. Here the Reformation generated a clash of considerable intensity, enough to daunt the most skilful of mediators.

²¹² Art. 21 (CC 33, 125,4-11).

²¹³ Art. 22 (CC 33, 133-39). The abuse is rather the disobedience of giving both forms to lay people (133,7).

²¹⁴ Art. 23 (CC 33, 143-59, esp. 143,13 ff. and 151,5-9).

²¹⁵ Art. 24 (CC 33, 163,1-7).

²¹⁶ Art. 25 (CC 33, 175,19 ff.).

²¹⁷ Art. 26 (CC 33, 185,1f.10-13 and 193,1f.).

CONCLUSION

Throughout our presentation we have interspersed reflective considerations on the mentalities revealed in our texts. Clearly, many of the participants in the Diet of Augsburg did not harbor attitudes conducive to a reconciliation of the differences between the estates. We have seen abundant evidence that this clash of attitudes was most sharp when dealing with practical matters of worship and church organization. On these points the crucial arguments, ever present just beneath the surface, were over the competence of ecclesiastical authority and the criteria of legitimacy of concrete forms of religious practice. On these points the participants at Augsburg in 1530 *were* divided to a point beyond easy reconciliation. But on the surface the arguments we have seen show a remarkable symmetry.

On the Lutheran side we found a forceful movement of polemical attack, across a wide front, against allegedly corrupt and abusive aspects of pre-Reformation religious life. The reformers argued from their conception of pristine biblical forms to the discrediting of existing popular practices and ecclesial traditions. In the preparatory apologies and in Luther's *Admonition*, polemic became at times compulsive. Accusations were hurled with abandon, out of a certain grasp of God's will for the life of Christian believers. Luther's consummate self-assurance stands out amid the attitudes we have researched. He denounced with full earnestness, rising on occasion to apocalyptic cries, as he charged the hierarchy with greed, blasphemy, arbitrary rule, and downright hypocrisy. Little wonder that peace did not prevail in mid-1530.

But the enduring Lutheran monument from the Diet is the moderate and measured statement of the *Augsburg Confession*. We find it a worthy and even attractive articulation of the reformatory impulse. The confession does not encompass the whole of the Lutheran movement and it remains burdened by the ambiguity of its key term "abuses." Still, Melancthon made his indictment in a firm, judicious manner. It is a case for reform deserving recognition.

On the Catholic side we noted the belligerent approach of Johann Eck and his associates in heresy-hunting. They too were compulsive, self-assured, and given to broad denunciations. But sounder minds prevailed in July 1530 and accordingly the *Confutatio* was also shaped into a document of moderate and measured argumentation. Like its Lutheran counterpart, neither was it comprehensive. It was burdened, we would judge, by its failure to address questions about norms controlling popular religion. On abuses and their reform the *Confutatio* had good random remarks, but reform was not a major theme. Its writers were *not* reformers and so lacked important common ground with Melancthon and his colleagues.

Still, the *Confutatio* was a significant Catholic response to the first phase of the Lutheran reformation. Compared with the majority of early Catholic controversial works, it was controlled and judicious in both tone and content. It urged values of considerable religious importance: continuity, consensus, authority. The *Confutatio* spoke well for those who remained committed to tradition and to historically developed forms of life and worship. Its advocacy of such structures—against charges of inherent sinfulness—also deserves recognition. The prosecution should consider carefully this response given to its indictment.