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CAMBRIDGE TEXTS IN THE HISTORY OF POLITICAL THOUGHT

# 路德和加尔文 论世俗权威

## Luther and Calvin *on secular authority*

Edited by

HARRO

HÖPFL

中国政法大学出版社

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Secular Authority*

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*Luther and Calvin on Secular Authority*

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# 剑桥政治思想史原著系列

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在政治理论领域，“剑桥政治思想史原著系列”作为主要的学生教科丛书，如今已牢固确立了其地位。本丛书旨在使学生能够获得从古希腊到 20 世纪初期西方政治思想史方面所有最为重要的原著。它囊括了所有著名的经典原著，但与此同时，它又扩展了传统的评价尺度，以便能够纳入范围广泛、不那么出名的作品。而在此之前，这些作品中有许多从未有过现代英文版本可资利用。只要可能，所选原著都会以完整而不删节的形式出版，其中的译作则是专门为本丛书的目的而安排。每一本书都有一个评论性的导言，加上历史年表、生平梗概、进一步阅读指南，以及必要的词汇表和原文注解。本丛书的最终目的是，为西方政治思想的整个发展脉络提供一个清晰的轮廓。

本丛书已出版著作的书目，请查阅书末。

# CAMBRIDGE TEXTS IN THE HISTORY OF POLITICAL THOUGHT

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## Introduction

The movement for religious reform and regeneration which attained self-definition and organization from about 1520 onwards – in the next century it came to be called ‘The Reformation’ – engaged the attention of princes and magistrates from the very beginning, whether as patrons, beneficiaries or opponents. For their part, the spokesmen and prime movers of reformation, usually clerics subject to ecclesiastical discipline from which only secular rulers could shield them, habitually sought to enlist rulers in their cause, particularly when the papacy and a part of the clergy proved obdurate. Secular rulers had been involved more or less officially in the administration, finances, staffing and even the doctrine of the Church since the late Roman Empire. Conversely, ecclesiastics doubled as secular potentates or were members of a ‘Church’ which, humanly speaking, was a polity with its own rulers, laws, courts and subjects, as well as its own taxes and property. Such was the interpenetration of secular and spiritual in the sixteenth century that no reformation of religion could take place without a transformation of the public order of the commonwealths of Christian Europe, and no such transformation could be institutionalized without the assistance of secular rulers.

Martin Luther (1483–1546) was a former Augustinian monk and priest, and a lecturer at the University of Wittenberg. As an ecclesiastic, and especially after his excommunication by the papacy in 1521, not only his freedom to work but his very life depended on the protection of secular rulers, notably the very cautious but nonetheless firm and loyal Frederick the Wise, Elector of Saxony, to whom Luther paid eloquent



if oblique tribute in *On Secular Authority*. From the beginning of his career as a reformer, he had looked to secular rulers to initiate or consolidate reformation. In 1520 he addressed one of his seminal pamphlets *To the Christian Nobility of the German Nation*. In it he sought to persuade the Emperor and the princes of Germany to use their authority to eliminate the ill-gotten wealth, temporal power and chicaneries of the papacy and the higher clergy, to see to the summoning of a Council of the Church, to ensure a married, preaching and resident parish clergy, to reform the theology and philosophy curricula of the universities (where clerics were educated), and to institute a drastic limitation on the number and size of the religious orders. In all this they were not to be frightened or side-tracked by the raging and anathemas of Rome, or the monopoly of teaching authority claimed by the 'spiritual estate': every Christian is a member of the 'spiritual estate' in this regard, entitled to judge doctrine for himself. In a word, what confronted Christians was the 'tyranny' of the Roman Church. Any Christian ought to do what he could to overturn this tyranny, but secular rulers were more advantageously placed than others to act effectively.

Luther's strategy for reformation was not at all distinctive. The reformers originally intended, and continued to intend, the reformation of the whole of Christendom. They soon found, however, that such comprehensiveness was impracticable in the foreseeable future. Thenceforth the Reformation took divergent paths. The 'Radical Reformation' is a term commonly used to refer to those who either sought the take-over of secular authority by the self-selecting members (or leaders) of churches composed exclusively of 'the Elect', or more usually withdrew from contact with secular authority as far as possible, and formed themselves into voluntary and exclusive (although proselytizing) congregations. This course of action frequently brought them persecution at the hands of the secular authorities. The 'Magistral' (or 'Magisterial') Reformers, on the other hand, who included Luther and Calvin, aimed at, or found themselves committed to, a reformation limited to particular territories subject to the jurisdiction of some secular ruler or magistracy not implacably opposed to 'the Gospel'. All the inhabitants of these territories, once reformation had been made official by their rulers, were expected to foreswear 'popery' and subscribe to evangelical religion as a condition of residence. These inhabitants were described as composing the 'Church' of that particular

territory, or *Land*, the *Landeskirche*. The price for the cooperation of secular authorities in declaring reformation official, and implementing the changes in the public order that it required, was entitlement to intervene in the appointment of the clergy (and the related profession of teachers) and usually surveillance of every aspect of the life of 'their' *Landeskirchen*. A reformation in this manner, however limited and unsatisfactory, at least guaranteed some approximation to the inclusiveness of the Old Church and protected against disorderly (and even violent and millennialist) proceedings and sectarianism.

A strategy of enlisting the cooperation of sympathetic secular rulers was obvious enough, but ecclesiastical independence, however compromised in practice, soon proved to be something which was not to be thrown away casually. Indeed, all the reformers who took this course soon learnt what indeed they might have anticipated, namely that the favour of princes is fitful and unreliable, and never comes without strings. More immediately pressing, however, was the fact that some rulers proved hostile to reformation. In *On Secular Authority* Luther named some of them, but he left the most important one unidentified: the Holy Roman Emperor Charles V, whom he had known to be his implacable opponent from the Reichstag at Worms in 1521 onwards. Luther's first response to such hostility was to assert complete autonomy for the Church, a position as untenable as his earlier open invitation to princes to take the work of reformation in hand.

### Luther: *On Secular Authority*

Luther had been meditating a book devoted to the rights and duties of secular rulers for some time when, on 7 November 1522, George Duke of Saxony issued an edict which prohibited the buying and selling of Luther's translation of the New Testament, and demanded the surrender, by Christmas, of all privately held copies, in exchange for the purchase price. This episode spurred Luther on to immediate and rapid composition: he was able to write the prefatory Letter to *On Secular Authority* by Christmas Day, 1522, and the book appeared in March 1523.

Most (though not all) of the main themes and organizing ideas that informed Luther's thought about the polity are to be found in this work. Nothing else from his pen comes even close to it in generality, specificity of concern with the polity, or coherence; hence its appearance

here. Nevertheless, it can no more be taken as a digest of the whole of Luther's political thought than any other of his writings. Luther certainly brought to his political thinking the preoccupations of a highly sophisticated theology. But he also brought to it much else that may or may not have been coherent with that theology, but was certainly independent of it. Moreover, he was inclined to speak generally and abstractly, when his attention was in fact focussed on specific persons, occasions and issues. In 1522/3, he was mindful chiefly of rulers hostile to reformation. But when Luther's mind was on sympathetic princes and magistrates, or on the threats posed to the world and reformation alike by 'fanatics', 'prophets', 'murderous hordes of peasants' and suchlike, a quite different account of 'secular authority' made its appearance, an account which was equally general and abstract in form, but much more favourable and indulgent towards secular rulers. That attitude is not entirely absent even in *On Secular Authority*, which contains some of Luther's harshest generalizations about rulers.

*On Secular Authority*, then, shows Luther at his most hostile to secular authority: true religion is presented here as being more divorced from the life of the civil community than in any earlier or later account, as more private and more personal; a more restricted jurisdiction is assigned to rulers; and the true Church is portrayed as more independent of their authority. Conversely, we find Luther here offering a justification of religious toleration that squares neither with his later attitude to the repression of heresy and blasphemy, nor with a good part of the themes of his theology. And, finally, this text contains no intimation of the idea that public, political measures might be taken against an ungodly ruler.

Thus in *On Secular Authority* Luther represented the Church as a free congregation (*Gemeinde*, also meaning a community, parish or commune), in which every Christian is a 'King, Priest and Prophet'. This was not intended to deny the practical necessity of a distinct priestly office; indeed Luther was not even opposed to a reformed episcopacy. Rather his point was to assert the fundamental liberty and equality of all Christians, and to subject all hierarchies and earthly superiors to this fundamental liberty and equality. Hence also Luther's occasional displays of an inclination to allow to congregations a much greater say in the appointment and supervision of ministers, an inclination congruent with the idea (also nurtured in the 'Radical Reforma-

tion') of the Church as a free and voluntary congregation, tolerant of 'authorities' other than Scripture only to the extent that these are merely the appointed agents of the congregation. This theme in his thought proved evanescent; more usually he tolerated appointment and payment of pastors and teachers by magistrates and princes, which *de facto* was already the practice.

Such a vision of Christian equality and Christian liberty (the latter being an evangelical slogan and the title of Luther's most famous work) was clearly incompatible with the use of coercion, lawcourts and ordinary civil penalties and punishments as instruments of ecclesiastical order; hence Luther's insistence on the need to keep secular and spiritual 'government' distinct, despite the obvious practical impossibility of doing anything of the sort. By parity of reasoning it seems that the Church cannot be anything but a voluntary and indeed a private association. This latter implication Luther here accepted, albeit without appearing to realize that it entailed the denial of the idea that the Church should have a membership coextensive with that of some civil polity. This idea he merely took for granted, for his object was always to reform an existing Church, not to found a new one.

At this time Luther had not fully discerned the threat posed to the orthodox reformation and (as he came to see it) to the peace of the whole world by the sectarians' 'gathered' churches, composed exclusively of the Elect. The appeal of this idea of the true Church, so closely analogous to the persecuted, or at best tolerated, assemblies ('churches') of Christian believers of the New Testament, was one he found hard to resist. Conversely, he never gave any reason why civil subjection and membership of a particular Church should coincide.

*On Secular Authority* thus marshals the arguments which could be used to advocate religious toleration, and even the reconstitution of churches as private associations, and does it so cogently that Sébastien Châteillon (Castellio)' could simply reproduce this part of the book in his own plea for toleration. Luther was not of course adopting this position merely out of political expediency. On the contrary,

Sébastien Châteillon, Castalio or Castellion (Castellio), 1515-63, was an evangelical humanist who, after conversion, left France for Strasbourg in 1540 and was made head of the newly founded Academy of Geneva by Calvin the following year. Theological differences with Calvin obliged him to leave Geneva for Basle in 1544, where he remained until his death, writing (*inter alia*) a translation of the Bible in Latin and French. After the execution of the noted heretic Servetus in 1550, Châteillon, under the pseudonym Martinus Bellius, published *Whether Heretics are to be Persecuted*, 1554. See below, p. xxiv.

libertarian, egalitarian, communal motifs were part of the texture of his theology.

What holds Luther's political thought together is not unchanging doctrines or attitudes, but the continuing attempt to establish a congruence between his views of the polity and his (logically as well as chronologically) prior theology of the Christian and his relationship to God. In this attempt he employed a vocabulary, and the assumptions it incapsulated, which were highly derivative and conventional; there is nothing in Luther's political writings reminiscent of the genius for devising the appropriate concept, or of that relentless independence and thoroughness so characteristic of his theology. And the fact that he simply appropriated an extant vocabulary, rather than submitting its contents to inspection, led him into certain tangles, much as it did his contemporary, Machiavelli.

Let us begin with the title of the book: *Von Weltlicher Oberkeit*. *Weltlich* is a highly troublesome term, and not only for the translator. It is the adjective from *Welt*, the world, and thus means: secular, temporal, worldly, earthly. It had a well-established usage in distinguishing between the secular, or temporal, authorities of Christian commonwealths and the spiritual and ecclesiastical ones, and in this sense the term is neutral and merely designative. This is the principal sense of the term here: Luther's subject was secular authority and secular rulers, not popes, prelates and priests.

But the matter is not as simple as this. Terms derive part of their meaning from those to which they are usually counterposed, and part from the company they habitually keep. The standard antonyms for *weltlich* were terms with highly favourable connotations: heavenly, celestial, eternal, spiritual; conversely, 'the world' was commonly linked with 'the devil' and 'the flesh', not least in the works of St Augustine, Luther's and the Reformers' favourite patristic theologian. So although *weltlich* does have a neutral, merely designative sense ('secular' as opposed to 'ecclesiastical'), it wears the pejorative connotation of 'worldly', 'this-worldly' (which are the same word in German as 'secular') on its sleeve. Neither 'secular' nor 'temporal' quite capture this; both will serve equally well or badly.

Luther used this terminology in *On Secular Authority* to distinguish areas of jurisdiction and competence for 'secular' and 'spiritual' governors. The distinction is crucial to the implicit *non sequitur* in Luther's argument that because rulers are 'secular', they are to concern them-

selves only with secular matters. But on Luther's own understanding, religion is not a sphere of life, or a class of matters, things or concerns, but rather an aspect of every sphere of life, every matter, every thing or concern. Nevertheless, in Part II of *On Secular Authority* he attempts to safeguard religion against the unwelcome attentions of ungodly princes by trying to separate secular and spiritual *matters*, allocating them to their respective agencies. He does not of course ask exactly what is a *weltlich* matter, but then neither did his successors until the next century; he casually takes it that secular matters are matters concerned with the body, honour and property. Now, since bibles, Luther's proximate concern, were very much property (indeed the rulers confiscating them were scrupulous in refunding the purchase price, thus respecting their character as property), Luther was already in difficulty: not every item in the genus property is of the same kind, it seems. Exactly the same goes for secular peace, tranquillity, justice and so forth.

Luther saw the duty of secular governors, traditionally enough, as keeping the peace, enforcing conformity to laws, protecting the law-abiding and punishing law-breakers. But his language here also generates ambiguity. His term for the law-abiding is *die Frommen*, which in his vocabulary means: those who do their duty to God and men, and hence: the just or morally upright (cf. Glossary: just). But this term does not make the distinction Luther was careful to make elsewhere (e.g. in *On Good Works* of 1520) between 'outward' justice, mere conformity to rules, and 'true' or 'inward' justice, which is a quality of the intention. Similarly, Luther's term for law-breakers is simply 'the wicked' (*die Bösen*), or 'evil-doers' (*Übeltäter*). Thus what Luther actually says is that the duty of rulers is to protect the good and to coerce, inhibit and punish the wicked.

In the same way, he left vague the distinction between civil and moral law. At various points, he casually asserted that true Christians naturally obey 'the law'. This makes sense only on the assumption that *das Recht* (i.e. positive law, the law of the land; cf. Glossary: law) in fact ordains what is morally and spiritually right (*recht*). He then argues that Christians accordingly need neither laws (which must mean positive laws), nor anything that goes with the enforcement of laws. He furthermore infers from this that Christians are no threat to rulers, but rather a positive asset. In any case, the crucial component of a civil polity for Luther is not secular law at all, but rulers. Indeed at various points in

*On Secular Authority* he goes out of his way to voice the opinion, characteristic of early modern partisans of absolute monarchy, that a wise prince must have discretion to override the law, must indeed keep it as firmly in hand as the head of a household keeps under his discretion such rules as he has made for the disposition of the domestic order. What matters is rulers and ruling; it is these that constitute a polity.

The principal organizing idea in Luther's political thought is *Oberkeit* (cf. Glossary: authority). German-speakers of Luther's time would automatically have resorted to this now obsolete term to translate *potestas* (which Lonitzer, see p. xxiv, used in the title of his translation) or *auctoritas*, 'authority'. It is for this reason that the title of the book has here been rendered as 'On Secular Authority', which also follows the precedent set by other translators. But in fact the synonymity of *auctoritas* / *potestas* and *Oberkeit* is by no means perfect. At many points in the text it has been necessary to substitute 'superiors', 'those in (or with) authority (or power)', or even the infelicitous word 'superiority'. For, unlike 'authority', the German word cannot fail to call to mind the persons who are in authority, 'superiors' (*die Oberen*, also obsolete). And this property of the term sits well with the character of Luther's thought, for he tends to personalize political authority.

Luther thus conceives of the polity as a relationship between superiors and inferiors, rulers and subjects, public and private persons. Unlike Calvin, he does not qualify this by any civic humanist notions of private persons as citizens (for Luther they are 'subjects'), or of rulers as generically 'magistrates'. Rulers are 'superiors', 'princes' (*Fürsten*) and 'lords and masters' (*Herren*). The emphasis, implicit in the very terminology Luther employs, is throughout on the right to command, the duty to obey, and the mastery over resources to ensure compliance with commands. The completion of this circle would be to treat law itself as a species of command; it is not, however, clear that Luther took this step. And because he did not equate the law of the Holy Roman Empire with the will of Holy Roman Emperors, he was able in the 1530s to assert a legal right of godly princes subject to the Holy Roman Emperor to resist the Emperor when he acted outside his constitutional authority. Calvin and his followers were to take exactly the same line with the French kings (or regents) and the *anciennes loix* of France, a line of argument already implicit in the *Institution* (p. xviii below). But in *On Secular Authority* Luther gets nowhere near this; the rigorously a- or

anti-political ethic of New Testament Christianity can find no relationship of the Christian to the polity other than an in-but-not-of-the-polity quiescence, service to rulers in the things which are Caesar's, or prayer and suffering ('passive resistance'); this is the manner of conducting themselves towards tyrants consistently enjoined upon private persons by both Luther and Calvin.

What secular authority (in other words, rulers and their power) is put into the world to do, as far as Luther is concerned, is to prevent chaos, given the overwhelming preponderance of the ungodly and the Unchristian in the world. This cannot be done by laws alone, or by law-making: the point is not to make new laws, but to enforce existing ones. The crucial term here is *Gewalt*, which, according to the Grimms' *Deutsches Wörterbuch*, means any or all of: power, strength, might, efficacy . . . empire, rule, dominion, mastery, sway, jurisdiction, government, protection . . . *potestas, facultas, imperium, dictio, arbitrium, ius* . . . *potentia, vis, violentia, iniuria, indignitas*. Its most prominent meaning, however, is force, power or might. In many passages in *On Secular Authority* Luther uses the term interchangeably with *Oberkeit*; he might indeed have used it for the title of the work. But what *potestas* would conceal, and *Oberkeit* partly conceals, is that *Gewalt* can mean – and often in the text does mean – mere coercion, force, or violence. For what is crucial, given Luther's Augustinian cast of thought, is not that power should be exercised legitimately and by duly authorized office-holders (*potestates*), but that someone should use force (*Gewalt*) to prevent the ungodly from tearing each other to pieces, even if those who use such force are no better than those against whom they use it. God's will and purposes are served whether rulers act from benevolent or wicked motives. 'Frogs need storks.' Nor was the distinction (of which Luther was of course perfectly well aware) between an office and its occupant of any consequence: it is enough for Christians to know that power itself is of divine ordinance, and provided rulers do not use their power to 'hurl souls into hell', one person will do as well as another for a ruler. Calvin took much the same view. Thus Luther's original (1522) translation of the crucial scriptural passage Romans 13.1–3 – much of Protestant political thought may be read, and indeed presented itself, as a commentary on this text – was: 'Let everyone be subject to the *Oberkeit* and power (*Gewalt*), for there is no power (*Gewalt*) but from God. But the power (*Gewalt*) which is in every place [this seems to mean: whatever *Gewalt* is to be found anywhere] . . .' The



1544 version, however, reads: 'Let every person be subject to the *Oberkeit*, which has power (*Gewalt*) over him. For there is no *Oberkeit* but from God. But wherever there is *Oberkeit* . . .' The version Luther offered in *On Secular Authority* is almost identical to the 1522 text. Thus it seems that there was a distinction for Luther between *Gewalt* and *Oberkeit*; although he could use them interchangeably, the latter had more of a connotation of legitimacy, the former of force. In 1523 the distinction was a matter of indifference to him, but it was force and coercion he was concerned to stress.

It is in this connection that 'the sword' should be mentioned. For Luther this is the symbol, emblem and substance of secular authority. This was conventional enough. And of course there is a Christian tradition of embroidering on certain biblical texts which mention the 'sword'. Most of these are prominently displayed in Luther's text; some are conspicuous by their absence in both Luther and Calvin; e.g. Matthew 26.52; Isaiah 2.4 (a favourite with the 'Radical Reformation' in its quietistic phase); Luke 22.38. But however conventional the usage, metaphors are never innocent, and there is no doubt that Luther meant the 'sword' reference most literally; it is not the Judge, but the Executioner who epitomizes ruling for Luther.

#### Calvin: *Institution of the Christian Religion*

Jean Calvin (1509–64), a former student of law and already the author of a commentary on Seneca's *On Clemency*, was obliged to flee his native France for Basle in 1534 because of his evangelical convictions. In 1536 he published the first (Latin) edition of his *Institution of the Christian Religion*. The book was an immediate success. Luther himself welcomed it, and it is clear from the book itself that Calvin's conversion had taken place under Lutheran auspices. There is, however, no unequivocal evidence that Calvin had ever read *On Secular Authority* (see p. xxiv below). The part of the book that is offered in translation here began life in that edition as the concluding section of the final chapter: 'On Christian Liberty, Ecclesiastical Authority (*potestas*), and Civil Government (*administratio*)'.

The linking of these three themes and the choice of 'civil government' for the peroration of the book were signs of the times. So is the *Epistle Dedicatory*, addressed to the then king of France, François I, but