

## **The Burden of Kneeling: The Bavarian Kneeling Controversy and the Debate between Ignaz von Döllinger and Adolf von Harless**

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### **Introduction**

In March 1844, Rev. Wilhelm Redenbacher (1800–1876), pastor of Jochsberg in Middle Franconia, was officially suspended from his pastoral office, following a months-long legal investigation into his conduct as a pastor. Eight months later, Redenbacher was found guilty of “disturbing the peace through a misuse of religion” and sentenced to one year in prison. The specific grounds for his investigation, suspension, and removal was that through various tractates and homilies, Redenbacher had regularly condemned the Bavarian Royal Decree issued by the Ministry of War dating from August 14, 1838; and more problematically, Redenbacher had even gone so far as to advocate for active disobedience to the royal decree. Although King Ludwig I (1786–1868) eventually commuted Redenbacher’s sentence, he was still sanctioned by the state, prohibited from serving in the pastoral office in the Kingdom of Bavaria.<sup>1</sup> The royal decree that had elicited Redenbacher’s response, which was so caustic that it resulted in his removal from office, was the so-called “kneeling order” of King Ludwig I. The kneeling order required all soldiers, regardless of religious confession, to kneel during the consecration when attending a Roman Catholic Mass, during eucharistic processions and benedictions, when escorting a Roman Catholic priest carrying the eucharistic host, upon encountering a priest carrying the host in a monstrance, and during the various church parades that required soldiers to enter a Roman Catholic church and attend Mass.<sup>2</sup> While Ludwig’s royal decree was only a directive to the Bavarian military, its

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<sup>1</sup> See Ernst Dorn, “Zur Geschichte der Kniebeugungsfrage und der Prozess des Pfarrers Volkert in Ingolstadt,” *Beiträge zur bayerischen Kirchengeschichte* 5 (1899): 1–36, 53–74.

<sup>2</sup> “§1864. (Militärische Ehrenbezeugungen, insbesondere bei katholischen Gottesdiensten während der Wandlung und bei Ertheilung des Segens betr.),” in *Fortgesetzte Sammlung der im Gebiete der inneren Staats-Verwaltung des Königreichs Bayern bestehenden Verordnungen von 1835 bis 1852, neue Folge* 3 (Munich, 1853): 63–65. On September 7, 1839, an additional decree was issued that gave more detailed orders regarding the conduct of soldiers at the participation of

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promulgation eventually provoked a robust Protestant opposition that resulted in an acrimonious strife between the predominately Catholic administration of Bavaria and its minority Protestant population. This discord between the Bavarian state and the Bavarian Protestant Church, commonly referred to as the “Kneeling Controversy” (*Kniebeugungsstreit*), lasted until December 1845,<sup>3</sup> when Ludwig I eventually rescinded the 1838 kneeling order, restoring the precedent prior to 1838, where soldiers would simply respectfully incline their heads, rather than kneel.<sup>4</sup>

An examination of Protestant criticisms levelled against the kneeling order reveal that the primary line of attack that the Protestants advanced against the state administration was legal, not theological. Protestants framed their opposition as a constitutional matter, arguing that Ludwig’s order was an open violation of the

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church parades, including the command to kneel. See, “§2089. (Das Verhalten bei Kirchenparaden betr.),” in *Fortgesetzte Sammlung*, 331–333.

<sup>3</sup> While the kneeling order may be identified as the catalyst that ignited the hostilities between Bavarian Protestants and the state administration, it is necessary to realize that throughout the 1830s confessional tensions had been steadily mounting between the Bavarian confessional Lutheran revival and the growth of ultramontane Catholicism in southern Germany. Immediately prior to the issuing of the kneeling order, confessional polemics were exchanged between the ultramontanist *Historisch-politischen Blätter für katholische Deutschland* and the confessional Lutheran *Zeitschrift für Protestantismus und Kirche*, both of which were established in 1838. As the Kneeling Controversy intensified, both journals featured prominently in the publication of Lutheran and Roman Catholic polemical writings.

One must also observe that following the eruption of the Kneeling Controversy, a host of other dissensions arose between the Protestant Church and the state. These conflicts included the following: the state’s prohibition of the establishment of new Protestant congregations; the proscription of the Protestant Gustav-Adolphus Society and the reception of any funds distributed by it; the forbidding of private Protestant liturgical services where no Protestant congregations existed; and the allowance for Roman Catholic clergy to catechize underage youth, often orphans of Protestant parents, even when such youth had already been confirmed in a Protestant congregation. Following the unsuccessful efforts of the General Synods of Ansbach and Bayreuth, these complaints were published in Switzerland in 1846. Even after the Kneeling Controversy reached a resolution, the relations between the state and Bavarian Protestants remained fraught on account of the other complaints. See *Die Beschwerdevorstellungen der Mitglieder der protestantischen Generalsynoden in Bayern vom Jahre 1844 und die hierauf ergangen allerhöchsten Entschliefungen* (St. Gallen and Bern: Verlag von Huber und Kompagnie: 1846); Friedrich Julius Stahl, *Rechtsgutachten über die Beschwerden wegen Verletzung verfassungsmäßiger Rechte der Protestanten im Königreiche Bayern, insbesondere Beleuchtung des Verhältnisses zwischen dem Staatsgrundgesetz und dem Konkordat* (Berlin: E. H. Schroeder, 1846).

<sup>4</sup> A historical point often raised by the defenders of the kneeling order, in response to Protestant voices who requested a return to the previous form of military salute prior to Ludwig’s 1838 order, was that the practice of inclining the head had only been common in the Bavarian military since 1803, when it replaced the earlier practice of kneeling. Therefore, it was argued, Ludwig was not introducing a novel form of military salutation, but only restoring an older precedent. For example, see Ernst von Moy de Sons, *An den Hochgebornen Herrn Grafen Carl von Giech. Sendschreiben von Professor von Moy, die Kniebeugungsfrage und die Gewissensfreiheit betreffend* (Regensburg: Verlag von Georg Joseph Manz, 1845).

Bavarian constitution. Specifically, the Bavarian Constitution of 1818 and two accompanying religious edicts from 1819 enshrined the “complete freedom of conscience” to all Bavarian inhabitants, while protecting them against coerced participation in religious confessions and rites, secured legal parity for Lutheran and Reformed minorities, and granted them the free exercise over “inner ecclesial matters,” while subordinating them to the state regarding all “external ecclesial matters.”<sup>5</sup> Protestants consistently decried the kneeling order as an infringement against their constitutionally established rights of the freedom of conscience and the free exercise of religion.<sup>6</sup> Perhaps the most famous example illustrating this argument was made by the Erlangen theologian Adolf von Harless (1806–1879), serving as the elected faculty representative at the eleventh meeting of the House of Representatives (*die Kammer der Abgeordneten*) of the Bavarian Assembly of the Estates (*Ständeversammlung*) on January 10, 1843.<sup>7</sup> On the floor of the Assembly of the Estates, Harless presented a petition calling for the revocation of the kneeling order, wherein he called upon the House of Representatives to defend the freedom of conscience, “the highest good” according to the Bavarian constitution. The command to kneel was a coerced participation in religious practices that Protestants had always considered objectionable, thereby violating their constitutional freedoms. Harless besought his fellow representatives to defend the constitutional freedoms “of all citizens without distinction of faith or social status.”<sup>8</sup>

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<sup>5</sup> “Staatskirchenrechtliche Artikel der Verfassung des Königreichs Bayern,” “Edikt über die äußern Rechtsverhältnisse der Einwohner des Königreichs Bayern, in Beziehung auf Religion und kirchliche Gesellschaften,” and “Edikt über die inneren Kirchlichen Angelegenheiten der Protestantischen Gesamt-Gemeinde in dem Königreiche” in *Staat und Kirche im 19. Und 20. Jahrhundert. Dokumente zur Geschichte des deutschen Staatskirchenrechts*, vol. 1 *Staat und Kirche von Ausgang des alten Reichs bis zum Vorabend der bürgerlichen Revolution*, ed. Ernst Rudolf Huber and Wolfgang Huber (Berlin: Duncker & Humblot, 1990), 126–139, 650–653.

<sup>6</sup> See James Ambrose Lee II, “Issues in Religious Freedom: The Cologne Affair and the Kniebeugungsstreit,” in *The Oxford History of Modern German Theology*, vol. 1, 1781–1848, ed. Grant Kaplan and Kevin Vander Schel (New York: Oxford University Press, 2022 forthcoming).

<sup>7</sup> Harless’s 1833 appointment to the University of Erlangen was a turning point for Bavarian Protestantism in the nineteenth century. Harless was instrumental in inaugurating the confessional Lutheran reform of the Erlangen theology faculty—the so-called *Erlangen Schule*—which would become the theological center of confessional Lutheran theology throughout Bavaria. He also established the Lutheran theological journal *Zeitschrift für Protestantismus und Kirche* and served as its first editor. Harless exercised great influence as a theologian and leader of the neo-Lutheran revival in Bavaria, serving as the president of the Bavarian Protestant Upper Consistory, and throughout Germany, presiding over the 1867 *Allgemeine Evangelisch-Lutherische Konferenz*. For a brief overview, see Lutz Mohaupt, “Adolf von Harless (1806–1879),” in *Nineteenth-Century Lutheran Theologians*, ed. Matthew L. Becker (Göttingen: Vandenhoeck & Ruprecht, 2016), 143–176.

<sup>8</sup> *Verhandlungen der Kammer der Abgeordneten der Stände-Versammlung des Königreichs Bayern im Jahre 1843. Amtlich bekannt gemacht*, vol. 2, containing Protocols X–XVI (Munich, 1842): 1–227, especially 103–105. For Harless’s own account, see Adolf von Harless, *Bruchstücke*

The kneeling order's infringement upon the constitutional rights of Bavarian Protestants remained the central point of criticism levelled by Protestant opposition. However, the protracted character of the controversy gave rise to other arenas of conflict. As one might expect from a military order that prescribed the kneeling of Protestant soldiers during various Roman Catholic eucharistic rites, a logical subject of debate was the theological dimensions of Ludwig's order. This became more prominent following Harless's address at the Assembly of the Estates. Implicit within the Protestant argument that the royal decree transgressed the constitutionally protected rights of the freedom of conscience and the exercise of religion was the claim that the order mandated a particular religious act on the part of the Protestant soldier. Coerced participation in a foreign religious ceremony transgressed the soldier's freedom of religious exercise; and the order violated the soldier's conscience by coerced participation in a foreign and objectionable ritual, undermining the soldier's own religious convictions. However, as witnessed in Harless's argument at the Assembly of the Estates, the theological aspect of the argument was invoked in service to the overarching assertion of the Protestant argument. In fact, he sought to circumvent a theological disputation, desiring to prosecute the case chiefly on legal grounds as defined by the Bavarian constitution. Harless did not want to transform the nature of the controversy from arguing the unconstitutionality of the order, to debating the "dogmatic and religious reasons" why this order was offensive for a Protestant soldier.<sup>9</sup> Strangely, there was almost a point of ironic agreement with the state on the desire to avoid a religious confrontation. In fact, the position of the state administration was that there was no religious or theological dimension to the order. Both King Ludwig I and Karl von Abel (1788–1859), the ultramontanist Minister of the Interior, insisted that the military order only prescribed an external movement of the body.<sup>10</sup> In this context,

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*aus dem Leben eines süddeutschen Theologen: Neue Folge* (Bielefeld und Leipzig: Velhagen & Klasing, 1875), 45–80. Heckel, Harless's biographer, also offers a useful summary of the Kneeling Controversy. See Theodor Heckel, *Adolf von Harless: Theologie und Kirchenpolitik eines lutherischen Bischofs in Bayern* (München: Chr. Kaiser Verlag, 1933), 337–398.

<sup>9</sup> *Verhandlungen der Kammer der Abgeordneten*, 103.

<sup>10</sup> Even though the decree was issued at the order of King Ludwig I, Abel was frequently the object of Protestant outrage throughout the midst of the controversy. While Abel was not responsible for the order, his fingerprints marked the various state machinations at preserving the order and obscuring the official avenues for the expression of Protestant complaints. Moreover, Abel was also responsible for the other circumscribing measures that the state issued against its Protestant population. From the perspective of the Bavarian Protestants, the ultramontanist Abel was the primary antagonist behind the state's increasingly restrictive posture toward the Protestant Church. See Heinz Gollwitzer, *Ein Staatsmann des Vormärz-Karl von Abel 1788–1859. Beamtenaristokratie – monarchisches Prinzip – politischer Katholizismus* (Göttingen: Vandenhoeck

the Bavarian state authorities asserted that bending the knee was nothing more than a particular form of military salutation. Therefore, the accusations that the order violated the Bavarian constitution were regarded as ungrounded.<sup>11</sup>

The remainder of this essay examines one of the theological disputes that arose in the midst of the Kneeling Controversy. Shortly after the 1843 meeting of the Assembly of the Estates, two anonymous letters appeared that pilloried the Protestant position, taking direct aim at Harless. The author of the anonymous *Sendschreiben* (“Open Letter”) was the then-ultramontane church historian Ignaz von Döllinger (1799–1890).<sup>12</sup> Harless quickly responded to the anonymous *Sendschreiben* with his own highly polemical riposte *Offene Antwort* (“Open Answer”). Two additional tracts appeared in the same year: Döllinger’s *Der Protestantismus in Bayern und die Kniebeugung* (“Protestantism in Bavaria and Kneeling”) and Harless’s *Die evangelisch-lutherische Kirche in Bayern und die Insinuationen des Herrn Prof. Döllinger* (“The Evangelical Lutheran Church in Bavaria and the Insinuations of Prof. Döllinger”).<sup>13</sup> The exchange between Döllinger and Harless that emerged in response to Ludwig’s kneeling order offers an insightful vantage point through which to consider the particular confessional postures taken by Roman Catholics and Lutherans during this period of ultramontanist growth and development and Lutheran renewal within Bavaria. In the wake of the popularity of

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& Ruprecht, 1993), 215–235; 429–444; Hanns-Jürgen Wiegand, “Der Kampf der protestantischen Landeskirche Bayerns gegen die Unterdrückungsmaßnahmen des Ministeriums v. Abel (1838–1846) und dessen Bedeutung für die kirchen- und staatsrechtliche Doktrin Friedrich Julius Stahls,” in *Kirchen und Liberalismus im 19. Jahrhundert*, ed. Martin Schmidt and Georg Schwaiger (Göttingen: Vandenhoeck & Ruprecht, 1976), 84–125.

<sup>11</sup> Up until the withdrawal of the order, the state continued to insist that the original kneeling order only prescribed a form of military salutation, that it was only concerned with “the external bodily movements” and not with matters of faith. See “§1867. (Die bei dem k. Heere vorgeschriebene Salutationsform vor dem Sanctissimum der katholischen Kirche betr.),” in *Fortgesetzte Sammlung*, 66–67.

<sup>12</sup> At the moment when Döllinger entangled himself with the Kneeling Controversy, he had not yet abandoned his ultramontanist leanings. But a few years later, in 1847, Döllinger’s thought begins to shift, gradually resulting in his rejection of ultramontanism, his protest of the First Vatican Council’s stance on papal infallibility, culminating in his excommunication in 1871. See Thomas Albert Howard, *The Pope and the Professor: Pius IX, Ignaz von Döllinger, and the Quandary of the Modern Age* (New York: Oxford, 2017).

<sup>13</sup> See [Johann Joseph Ignaz von Döllinger], *Die Frage von der Kniebeugung der Protestanten von der religiösen und staatsrechtlichen Seite erwogen: Sendschreiben an einen Landtags-Abgeordneten I. II.* (Munich: J. Palm’schen Hofbuchhandlung, 1843); Adolf von Harless, *Offene Antwort an den anonymen Verfasser der zwei Sendschreiben die Frage von “der Kniebeugung der Protestanten” betreffend* (Munich: J. Palm’schen Hofbuchhandlung, 1843); Döllinger, *Der Protestantismus in Bayern und die Kniebeugung: Sendschreiben an Herrn Professor Harless* (Regensburg: G. Joseph Manz, 1843); Harless, “Die evangelisch-lutherische Kirche in Bayern und die Insinuationen des Herrn Prof. Döllinger,” *Zeitschrift für Protestantismus und Kirche*, neue Folge 6 (1843): 241–324.

the genre of theology known as symbolics or *Konfessionskunde*—as recently popularized through the heated exchange between the Tübingen theologians Johann Adam Möhler (1796–1838) and F. C. Baur (1792–1860)<sup>14</sup>—the Döllinger-Harless debate provides another perspective into this increasingly polemical period. Moreover, as a dispute that arose in response to the kneeling order, Harless and Döllinger approached the subject with an eye toward sixteenth-century Roman Catholic-Lutheran polemics. Of particular significance were the Lutheran Confessions’ understanding of the Roman Catholic theology of the Mass, and Formula of Concord X and the legacy of the Adiaphoristic Controversy. These two themes guide the following examination into the writings of Harless and Döllinger.<sup>15</sup>

### Döllinger’s Attack

Responding to Harless’s impassioned speech at the Assembly of the Estates, Döllinger asserted that Protestants had misunderstood the nature of the order. He agreed with the rationale of the Protestant complaint regarding forced religious act: no one, not even a soldier, should be coerced to perform a religious act. But is that what the order mandated? If bending the knee was an act that was exclusively a religious action intrinsically connected to a religious meaning, then it would be inappropriate to ask or expect a Protestant soldier to perform it. One example of such an act would be making the sign of the cross. In this instance, signing oneself in the shape of the cross is an action inextricably bound to a religious meaning. It is

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<sup>14</sup> For a recent investigation into the polemical exchange over Möhler’s famous *Symbolik*, see Grant Kaplan, “What Has Prussia to Do with Tübingen? The Political-Ecclesial Context of Möhler’s *Symbolik*,” *Pro Ecclesia* 27, no. 1 (2018): 81–112.

<sup>15</sup> The various exchanges between Harless and Döllinger touched upon a variety of subjects that this article will not address. From the perspective of this author, one of the most engaging topics was Döllinger’s pointed attack against the then-current state of Bavarian Protestantism. He mocked the disarray of Protestantism and its complete laxity in matters of doctrine, specifically critiquing its tolerance of liberalism, rationalism, and pantheism, all while maintaining an unrelenting antagonism toward Roman Catholicism. Döllinger also accused Lutherans of hypocrisy, showing that Lutherans willingly repudiated the historic confessions of the Lutheran Church through fellowship with the Reformed. Döllinger claimed that this undermined the Protestant invocation of the Confessions in protesting the kneeling order, since fellowship with the Reformed was an explicit compromise of the same confessional texts. This line of argumentation positioned Döllinger to land his greatest rhetorical assault: since Bavarian Lutheranism intentionally and publicly compromised its confessional integrity through tolerance of false doctrine and Communion fellowship with the Reformed, there can be no talk about the existence of a “Lutheran” church. Already at the time of the Reformation, Luther and even Melancthon—before his turn toward Calvinism—had condemned certain practices that contemporary Bavarian Lutherans willingly tolerated. See Döllinger, *Der Protestantismus in Bayern*, 10–11.

not an ambiguous action that witnesses to a religious belief. Therefore, an order prescribing its performance would be inappropriate. One would be able to complain that his freedoms of conscience and exercise of religion had been violated. But kneeling is an act dissimilar to making the sign of the cross. It is an ambiguous action; a simple external act and movement of the body, without “a pure religious character.” Neither for Roman Catholics nor for Protestants is kneeling itself unequivocally religious. As an ambiguous action, the meaning of a specific act of kneeling is contingent upon external circumstances—in the instance of the kneeling order, either an explicit command by the Bavarian state or the internal disposition of the soldier performing the action. According to the order, the state administration had not prescribed an internal posture of faith, a specific religious belief, or an act of piety and devotion. On the contrary, the order only mandated an external movement of the body, a simple external act of salutation. For Döllinger, while kneeling in itself is ambiguous, the state’s explicit order shapes the meaning of the action. According to the state, in the context of the order, kneeling is only a military salutation.<sup>16</sup>

*The Same Thing Is Not the Same*

While the order itself only required a religiously indifferent movement of the body, Döllinger recognized that the interior disposition of the soldier also played a determinative role, thereby creating the possibility for the same ambiguous action to accrue different meanings. In obedience to the order, when a Roman Catholic soldier kneels, as “one who has faith, as a member of the Catholic congregation,” since he already possesses an interior disposition of faith and devotion toward the eucharistic host, the action of kneeling simultaneously becomes “an external sign of true devotion.” He kneels as a soldier and as a Roman Catholic. With the requisite disposition, kneeling as an “act of the body” and an “act of the spirit,” becomes “one spiritual-corporeal activity of the whole man.”<sup>17</sup> Conversely, since a Protestant soldier lacks the appropriate disposition of faith, it is only possible for him to kneel as a soldier in obedience to the order. Absent the necessary interior disposition, kneeling remains only an act of the body. Therefore, it is illegitimate for Protestants to claim that the kneeling order is a violation of their freedom of conscience and religion, because neither has the state ordered a religious act, nor does the Protestant soldier possess the faith necessary for kneeling to become a religious action in this situation. Thus, Döllinger concluded that even though a Roman Catholic and a

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<sup>16</sup> [Döllinger], *Die Frage von der Kniebeugung*, 33.

<sup>17</sup> [Döllinger], *Die Frage von der Kniebeugung*, 31.

Protestant soldier both kneel in obedience to the same order, it is not the same thing—*duo si faciunt idem, non est idem*.<sup>18</sup>

In using the terminology “indifferent action” (*indifferente Handlung*), Döllinger was engaging the Protestants’ use of the Formula of Concord’s category of adiaphora or “middle things” (*Mitteldingen*). Like the Formula, he recognized that certain things were indifferent in themselves. Döllinger even conceded that in specific circumstances an act, indifferent in itself, could forfeit its inherently indifferent status, becoming “a burdening of conscience” upon the individual. As an illustration, presumably alluding to the Interim Controversy, Döllinger passingly mentioned an effort during the “early years of the Reformation” when an attempt was made to mandate the reintroduction of the adoration of the sacrament. But despite obvious similarities, he argued that the two cases were not commensurate. Contrary to the arguments proffered by the Protestant Count Karl von Giech (1795–1863), the current state of affairs was not one that demanded an “unambiguous confession of faith” regarding indifferent things during times of persecution.<sup>19</sup> Döllinger found the suggestion itself preposterous. One could neither legitimately claim that this was a period of persecution, and one could hardly consider the Bavarian state to be an “enemy” of Protestantism. His most penetrating insight was what he considered to be an inconsistent application of the category. In rejecting the kneeling order, the Protestants were requesting a return to prior precedent, where, instead of kneeling during the specific eucharistic rites, soldiers were only required to bow their heads, an act not found objectionable by Protestants. But if these bodily actions were themselves ambiguous, and both had been used in the same liturgical and eucharistic contexts for the same purpose, why was one indifferent action deemed intolerable, while another indifferent action was acceptable? Should not the same principle be applied to both? Moreover, in his reading of the Adiaphoristic Controversy, Döllinger concluded that his Protestant contemporaries would not

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<sup>18</sup> [Döllinger], *Die Frage von der Kniebeugung*, 31.

<sup>19</sup> In 1841, Count Karl von Giech anonymously authored the first tractate that denounced Ludwig’s kneeling order, arguing that it was a violation of the Bavarian constitution and represented the intrusion of the state into the matters of the church. Eventually, Giech became embroiled in a debate over the kneeling order with the Roman Catholic Ernst von Moy de Sons (1799–1867), the Munich professor of constitutional law and philosophy of law. See [Karl Grafen von Giech], *Die Kniebeugung der Protestanten vor dem Sanctissimum der katholischen Kirche in dem bayerischen Heere und in der bayerischen Landwehr: Materialien zur Beurtheilung dieser Angelegenheit vom Standpunkte der Glaubenslehre, des Staatsrechts und der Geschichte* (Ulm: Verlag der Stettin’schen Buchhandlung, 1841); Giech, *Antwort an den Verfasser der Schrift: “Offenes Sendschreiben von einem Katholiken an den Verfasser der Schrift: Zweites offenes Bedenken, die Kniebeugungsfrage u.s.w. betreffend” von dem Verfasser dieses zweiten offenen Bedenkens Karl Grafen von Giech* (Nuremberg: Verlag von Johann Adam Stein, 1845).

find a sympathetic voice among their Lutheran forefathers. If the Lutherans of the sixteenth century held that the imposition of wearing a surplice was “an antichristian abomination,” would they not consider the bowing of the head to be as objectionable as kneeling?<sup>20</sup> In other words, if this were truly a context that demanded a clear and unambiguous confession, if the circumstances had rendered an indifferent action no longer indifferent, demanding its rejection, how could Protestants such as Harless content themselves with the substitution of another indifferent action, intended for the same purpose? Would not a time of confession require the rejection of both?

Döllinger assessed that the entire Protestant classification of indifferent things was arbitrary and inconsistent. The Protestant idea of adiaphora lacked a definitive criterion and method of application. From his perspective, the qualification of something as indifferent occurred solely through capricious determination. Döllinger scoffed at Harless for what he considered to be an inconsistent and disingenuous discussion about kneeling and indifferent actions, where one moment Harless considered these subjects from a “theoretical dogmatic-liturgical standpoint,” but in another instance from the standpoint of “practical life”:

From a dogmatic-liturgical standpoint, kneeling for a Protestant is no sign of faith; rather it is an indifferent thing that may be exercised or omitted according to the desire or custom of the individual congregation. But if a Protestant positions himself in the daily standpoint of practical life and he enters into a Catholic church, then suddenly he discovers characteristics of the act of kneeling which were completely unknown to him before, and now he sees that, in kneeling, he has truly represented the sign of a specific doctrine of faith.<sup>21</sup>

Even more critical than his mockery, Döllinger claimed that Harless had exploited the concept of adiaphora as a parliamentary tactic for his argument. In his life as a professor of Protestant theology, he had readily admitted that kneeling was an indifferent act that could be practiced or omitted; but when arguing on the floor of the Assembly of the Estates, kneeling had suddenly become a sign of faith that had to be denounced.<sup>22</sup>

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<sup>20</sup> [Döllinger], *Die Frage von der Kniebeugung*, 34–35; Döllinger, *Der Protestantismus in Bayern*, 28–29.

<sup>21</sup> Döllinger, *Der Protestantismus in Bayern*, 40.

<sup>22</sup> Döllinger, *Der Protestantismus in Bayern*, 40.

*Where Is the Lutheran Presence?*

More consequential than his response to Protestant recourses to adiaphora, Döllinger excoriated Harless, accusing him of lying for an explanation that he had offered at the Assembly of the Estates regarding the Protestant practices of kneeling. In the conversation that followed the presentation of his proposal, Harless had insisted that it was impossible for Protestant soldiers to obey Ludwig's kneeling order without compromising their faith. In order to justify his position, Harless had argued that for Protestants there exist both "positive and negative external signs of [their] confessional faith." As "a positive external sign" of the Protestant faith, kneeling is a confession that Protestants make "only at the reception of the Lord's Supper, as before the Lord who is present in the reception."<sup>23</sup> Conversely, even the omission of kneeling operates as a "negative external sign of our confession of faith," as a testimony of the Protestant confession vis-à-vis other confessions of faith. Therefore, kneeling is an action whose performance or omission witnesses to the Protestant confession of faith. For this reason, obedience to the order would compromise one's faith.

Döllinger accused Harless of perpetuating three lies. First, it was not true that Protestants only knelt during the reception of the Lord's Supper, as kneeling "before the Lord who is present in the reception." It was common for Lutherans to kneel during the recitation of the words of institution. In fact, among some Lutherans a novel practice had emerged where Lutheran pastors knelt during the consecration while reciting the *verba domini*.<sup>24</sup> Second, Döllinger noted that some Protestants did not kneel at all, opting to stand for the reception of the sacrament. He even referenced an anomalous example cited by the seventeenth-century theologian Johann Brunnemann (1608–1672), who had reported occurrences where men would stand at distribution, while women would kneel. Third, since it was common for Protestants to stand while receiving the Sacrament of the Altar, it could not be true that the omission of kneeling functioned as a "negative act of confession." If the absence of kneeling was itself a confession of faith—as Harless had claimed in defending the Protestant refusal to kneel at a Roman Catholic Mass—then every Protestant who stood to receive the Lord's Supper was making "a confession of their unbelief regarding the presence of Christ."<sup>25</sup> If no consensus of practice was found

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<sup>23</sup> *Verhandlungen der Kammer der Abgeordneten*, 215. "Das positive äussere Zeichen unseres Glaubens besteht darin, nur beim Empfange des Abendmahls, als vor dem im Empfange gegenwärtigen Herrn, zu knien."

<sup>24</sup> Here Döllinger distinguishes between the theology and practices of the Lutheran and Reformed churches. [Döllinger], *Die Frage von der Kniebeugung*, 38.

<sup>25</sup> [Döllinger], *Die Frage von der Kniebeugung*, 42.

among the Protestants of Germany, Döllinger concluded that Harless's arguments were disingenuous. He could argue for neither a positive nor a negative understanding of kneeling for Protestants.

In his assessment of Harless's supposed three lies, Döllinger further accused him of a falsehood regarding the nature of the Protestant belief in the presence of Christ in the Supper. Döllinger believed that he had located Harless within an intra-Lutheran controversy over the nature of the presence of Christ in the Sacrament of the Altar. Döllinger observed a trend in Lutheran theology, beginning with Melanchthon, that restricted the bodily presence of Christ to the moment of the believer's reception, thereby "giving up Luther's firmly held teaching of the presence of the body of Christ in the Supper, affected by and prolonged through the consecration."<sup>26</sup> Parsing his language regarding the bodily presence of Christ, since Harless had stated that Protestants knelt at the reception of the sacrament as "before the Lord who is present in the reception," Döllinger concluded that Harless had followed Melanchthon's sacramental theology in restricting Christ's bodily presence to the moment of reception, rather than following the consecration. By identifying a receptionist conception of the sacramental presence, Döllinger believed he caught the Protestant opposition in a web of self-contradiction that also undermined their own objections. Beyond breaking with Luther, Harless and modern Lutherans were guilty of an inconsistent liturgical ritual that contradicted their own theology. If Christ's presence only occurred upon reception, then the practice of kneeling at any moment other than reception—such as during the consecration or even during the distribution before the "moment of the authentic eating of Christ"—undermined the claim that Protestants only kneel before the present Lord: "How are you now able to say that at the Lord's Supper the Protestant kneels as before the Lord who is present in the reception?"<sup>27</sup> This evidences either inconsistency, gross ignorance, or disingenuousness. Moreover, Döllinger concluded that restricting the presence of Christ to the reception of the Lord's Supper also invalidated the argument that Ludwig's order resulted in coerced participation in Roman Catholic eucharistic adoration and worship. If Protestants did not believe that Christ was present in the consecrated elements, they could not argue that they were forced to take part in an act of adoration or devotion. If Christ is absent from the element of bread before reception, then kneeling may be considered nothing more than a sign of honor, no different than bowing or removing one's hat.

Having investigated Harless's arguments against the kneeling order, Döllinger assessed Protestant outrage as "artificial and deliberate," nothing more than their

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<sup>26</sup> [Döllinger], *Die Frage von der Kniebeugung*, 39, 45; Döllinger, *Der Protestantismus in Bayern*, 44–45.

<sup>27</sup> Döllinger, *Der Protestantismus in Bayern*, 45.

attempt to exploit an inconsequential matter for the purpose of gaining power within the state. Harless trafficked in falsehoods and half-truths, lacking a unified ground for opposing Ludwig's order. The justification for refusing to kneel appeared to be nothing other than Protestant anti-Catholic capriciousness, whose theological basis, absent a legitimate foundation in a Protestant theology of the Lord's Supper, amounted to little more than "since the Catholics kneel, we will not kneel."<sup>28</sup>

### Harless's Defense

Döllinger's essays struck a blow against Protestant opposition to the kneeling order. Döllinger had claimed that their objections were ungrounded, inconsistent, and insincere, motivated more by prejudice than either theology or alleged violations of constitutional freedoms. In addition to countering Harless's argument, Döllinger also mocked Harless for his supposed ignorance of Lutheran theology and history. Harless quickly penned his *Offene Antwort* in response to the Munich church historian's *Sendschreiben*, followed by *Die evangelisch-lutherische Kirche in Bayern*, answering Döllinger's *Der Protestantismus in Bayern*.<sup>29</sup> The tone of his writings matched Döllinger's own caustic rhetoric, lampooning him for his anonymity, making light of his own ignorance of Lutheran history, and questioning Döllinger's inability to understand the Lutheran position on indifferent things.<sup>30</sup> But Harless's main objective was the defense of the Protestant dissent against the order; in particular, validating the argument that he had made at the Assembly of the Estates.

### *A Sacramental Confession*

Harless conceded that Döllinger was correct in observing that there was no single Protestant posture for receiving the sacrament. In some congregations, it was common for parishioners to kneel, while in other congregations they stood. Additionally, Döllinger was also correct in stating that Lutherans will also kneel outside of the reception of the Lord's Supper. In fact, he admitted that he himself

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<sup>28</sup> [Döllinger], *Die Frage von der Kniebeugung*, 37–42; Döllinger, *Der Protestantismus in Bayern*, 21–24, 37–47.

<sup>29</sup> Harless was not the only Protestant who answered Döllinger. The German philologist Friedrich Thiersch (1784–1860), the so-called "Praeceptor Bavariae," penned his own comprehensive response. See Friedrich Thiersch, *Über Protestantismus und Kniebeugung im Königreich Bayern: Drei Sendschreiben an den Herrn geistlichen Rath und Professor Dr. Ignaz Döllinger*, 2 vols. (Marburg: Bayrhofer'sche Universität-Buchhandlung, 1844).

<sup>30</sup> Harless, *Offene Antwort*, 11, 24; Harless, "Die evangelisch-lutherische Kirche in Bayern," 281–290.

attended a church where it was custom to receive the sacrament standing, and that he had reintroduced the custom of kneeling, not for the Lord's Supper but for the reception of Holy Absolution.<sup>31</sup> Nevertheless, these concessions do not invalidate the distinction between positive and negative external signs of faith. One cannot conclude from the existence of diverse practices that kneeling at the Lord's Supper is never anything more than an indifferent action. When Protestants kneel at the reception of the sacrament, it is a confession of their faith. Similarly, in attending a Roman Catholic Mass, when a Protestant refrains from kneeling, in this context this omission is similarly a confession of Protestant belief vis-à-vis the theology and practice of the Roman Catholic Mass. The environment is not incidental in the determination of one's actions. Kneeling itself is not always a confession of faith in the bodily presence of Christ, and its omission is not always a negative confession; but when Protestants kneel at a Protestant service of the Lord's Supper, or refrain from kneeling at a Catholic Mass, these actions serve as positive and negative external signs of a Protestant confession of faith.<sup>32</sup> The inherently indifferent character of kneeling is determined by the nature of the environment wherein it takes place, becoming a witness to the specific beliefs of the community. Within the various Roman Catholic eucharistic services, a Protestant soldier must ask himself, "*May I also participate in making this sign? Is it not an expression of a completely different faith than mine? Do I not deny the confession of my faith when I participate in making a form of the confession of a faith which stands in contradiction with the content of my faith?*"<sup>33</sup>

If a Protestant soldier were to kneel at a Catholic Mass, this action would be seen as an indication of a positive external sign of faith, that is to say, as a confession of faith on behalf of the Protestant. But if Protestants—at least Lutherans—and Roman Catholics both believe in the bodily presence of Christ in the sacrament, how would kneeling undermine the Protestant confession of faith? Could it not stand as a joint witness to the bodily presence of Christ, unless, as Döllinger claimed, Protestants had abandoned Luther's view of the consecration and restricted Christ's presence to the moment of reception? Curiously ignoring Döllinger's accusation of holding to a Melancthonian understanding of the presence of Christ, Harless argued that as an external act of confession, neither kneeling nor the bodily presence of Christ could be considered apart from the larger theological context of the Roman Catholic theology and practice of the Mass, specifically the sacrifice of the Mass. A

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<sup>31</sup> Harless, *Offene Antwort*, 17.

<sup>32</sup> Harless, *Offene Antwort*, 18–21.

<sup>33</sup> Harless, *Offene Antwort*, 19. "[D]arf ich denn dieses Zeichen auch mitmachen? ist es nicht Ausdruck eines ganz andern Glaubens, als des meinigen? verlägne ich nicht das Bekenntniß meines Glaubens, wenn ich die Bekenntnißform eines Glaubens mitmache, welcher mit dem Inhalt meines Glaubens in Widerspruch steht?" (emphasis original).

part could not be isolated from the whole.<sup>34</sup> Within the context of the Roman Catholic theology and practice of the Mass, one could not separate the consecration from the whole body of Catholic eucharistic theology—and the center of Catholic eucharistic theology is the doctrine and practice of the sacrifice of the Mass.<sup>35</sup> Drawing upon FC SD VII, Harless critiqued the Roman Catholic theology of the Mass, conceptualized and offered as a sacrifice, as a comprehensive departure from Christ’s institution of the sacrament, or as the Smalcald Articles labelled the sacrifice of the Mass, “the greatest and most terrible abomination.”<sup>36</sup> For Harless, the conceptualization of the Mass as a sacrifice did not represent a minor error or aberration; it shaped the entire theology and practice of the Roman Catholic Mass. For this reason, the Confessions held that the Roman Catholic Mass was “a transformation and perversion” of the sacrament instituted and mandated by Christ.<sup>37</sup>

If the sacrifice of the Mass constituted a transformation from the instituted testament of Christ into the “highest and most considerable” of the “papist idolatries,” then this metamorphosis would result in consequences that affect the entirety of the sacrament. The doctrine permeates all of its members. This is why Harless held that one could not consider the consecration or the bodily presence of Christ in the sacrament in isolation from the whole doctrine. Harless formed his

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<sup>34</sup> The closest that Harless comes to addressing Döllinger’s accusation is a passing statement about the relationship between a Protestant understanding of the presence of Christ in the Lord’s Supper and the practice of kneeling before the reception of the sacrament, such as during the consecration. In such an instance, the meaning of the act of kneeling would not change, kneeling would “*always signify only one and the same thing*,” which apparently would be a confession of the Lord who is present in the reception. See Harless, *Offene Antwort*, 18 (emphasis original).

<sup>35</sup> According to Tridentine thought, the consecration was not simply an element within the larger sacrifice of the Mass; rather, the consecration was an essential feature that effected the sacrifice. According to the *Catechismus ex decreto Concilii tridentini ad parochos*, the reason for the separate consecration of the bread into the body and of the wine into the blood is that it “more greatly recalls” (*magis referatur*) the separation of the body and blood of Christ during His passion. Therefore, as a distinct act, the consecration of the wine into the blood is a remembrance of the effusion of Christ’s blood. It is uncertain if Harless is specifically referring to this aspect of the Roman Catholic Church’s doctrine of the consecration. Nevertheless, it is clear that he understood that the doctrine of the sacrifice of the Mass affects the entire theology of the Mass, including the consecration. See *Catechismus ex decreto Concilii tridentini ad parochos Pii Quinti Pont. Max. Iussu Editus. Ad Editionem Romae A.D. MDLXVI Publici Iuris Factam Accuratissime Expressus. Cum S. Rev. Consistorii Catholici Per Regnum Saxoniae Approbatione* (Leipzig: Bernhard Tauchnitz, 1856), 190.

<sup>36</sup> SA II II 1; Robert Kolb and Timothy J. Wengert, eds., *The Book of Concord: The Confessions of the Evangelical Lutheran Church*, trans. Charles Arand, et al. (Minneapolis: Fortress Press, 2000), 301.

<sup>37</sup> Harless, *Offene Antwort*, 17–20; Harless, “Die evangelisch-lutherische Kirche in Bayern,” 249–252.

criticism based upon FC SD VII 83–85, that the entirety of Christ’s institution must take place. Apart from the observation of the whole institution, no sacrament is present. Harless used this principle in order to evaluate the consecration and the bodily presence of Christ in the Roman Catholic Mass:

Or should it have remained unknown to Prof. Döllinger that all of the confessional writings of our Church unanimously teach that the testament of the Lord Jesus Christ may not be changed, [and] that in the Roman Catholic mass an unholy transformation and perversion of this testament occurs? [Should it have remained unknown to him that] in the Lord’s Supper the body and blood of Jesus Christ are there for the use and reception and their presence is not dependent merely on the words of institution, but rather dependent upon the whole institutionally-determined action taking place? [Should it have remained unknown to him that] therefore, a true action of the Lord’s Supper and its divine mystery by no means exist without the distribution and reception of the elements, according to the institution; and conversely, the doctrine of the ever-repeated sacrifice of Christ in the mass, which is affected **ex opere operato**, with and in its consequences, must be called un-Christian and idolatrous?<sup>38</sup>

For Harless, the bodily presence of Christ in the sacrament was dependent upon the entire institution of the sacrament, not simply the result of the consecration in isolation from the rest of the institution. The recitation of the words of institution were no less necessary than the distribution and reception of the consecrated elements. The recitation of the words of institution without the distribution and reception of the sacrament, and when the eucharistic elements are offered to God as a bloodless, propitiatory sacrifice, was a perversion of the Lord’s Supper.<sup>39</sup> Similarly,

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<sup>38</sup> Harless, “Die evangelisch-lutherische Kirche in Bayern,” 250–251. “Oder sollte es dem Herrn Prof. Döllinger unbekannt geblieben seyn, daß alle Bekenntniß-schriften unserer Kirche einstimmig lehren, daß das Testament des Herrn Jesus Christ nicht geändert werden dürfe, daß in der römische-katholischen Messe eine heillose Veränderung und Verkehrung dieses Testaments stattfinde, daß Leib und Blut Jesu Christi im Abendmahl nur für den Genuß und Empfang da sind und ihre Gegenwart nicht blos von den Einsetzungsworten, sondern davon abhängt, daß die *ganze Handlung einsetzungsmäßig* stattfindet, daß demnach eine wirkliche Abendmahlshandlung und deren göttliches Geheimniß ohne einsetzungsmäßige Spende und Empfang der Elemente gar nicht besteht, und daß umgekehrt die Lehre von einer immer wiederholten Opferung Christi in der Messe, welche **ex opere operato** wirkte, mit und in ihren Konsequenzen unchristliche und abgöttisch genannt werden müsse?” (emphasis original).

<sup>39</sup> This is the same point that a fellow Protestant defender, pastor Georg Hermann Trenkle, articulated in his own response to Döllinger. Trenkle argued that, “For the *Consecratio* in itself, according to our dogma, has no independent meaning isolated from the rest of the action of the Lord’s Supper. Without relationship to the ensuing *dispensatio* and the real beneficial reception, the consecration would even remain completely without its end, and therefore even without its

eucharistic benedictions, the celebration of Corpus Christi, and other processions and parades that exhibited the consecrated host represented liturgical innovations and abuses if for no other reason than that they lacked the distribution and reception of the sacramental elements.<sup>40</sup> From this perspective, if a Protestant soldier were to kneel at a Mass or eucharistic benediction, he would not simply be witnessing to a shared confession in the bodily presence of Christ, but Harless argued that the Protestant would be participating in a liturgical action that compromised his own confession of faith. Coerced participation would be a violation of one's conscience, let alone the constitutional rights of the freedom of conscience and the exercise of religion.

Harless held that the Roman Catholic Church, in altering the nature of the Lord's Supper, had compromised the sacrament, since it had undermined Christ's institution. Harless refrained from concluding that the Roman Catholic Mass was absent of the bodily presence of Christ. Such a pronouncement would have been beside the point. Harless's goal in his dispute with Döllinger—and in the larger debate about the kneeling order—was to demonstrate that despite some commonalities, the doctrine and practice of the Roman Catholic Mass represented a comprehensive perversion of Christ's testament. To be sure, like Roman Catholics, Lutherans believed in the bodily presence of Christ in the sacrament and even knelt as a confession of their faith, but this was a different confession and practice than Roman Catholic doctrine and practice:

[Our] faith is not at all a belief in what is believed in the Roman Catholic doctrine of the sacrifice of the mass and of the consecration and what is actually confessed in the mass. In the Roman Catholic mass kneeling is an expression

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fruit." See Georg Hermann Trenkle, *Die Kniebeugungsfrage mit Rücksicht auf die Döllinger'schen Streitschriften* (Nördlingen: C. H. Beck, 1844), 18.

<sup>40</sup> It is important to recall that prior to the liturgical reforms of the twentieth century, attendance at Mass was not frequently accompanied by the distribution and reception of the sacrament. Although the Council of Trent had encouraged more frequent Communion, yearly reception remained the norm for most Roman Catholic laity. In fact, when laity would desire to receive the sacrament during Mass, the distribution of Communion occurred within a separate rite inserted into the order of the Mass. According to Andreas Heinz, this practice evidences that "In post-Tridentine liturgical praxis, we see a theology that to a large extent has lost sight of the relation between the celebration of the Eucharist and its reception." See Andreas Heinz, "Liturgical Rules and Popular Religious Customs Surrounding Holy Communion between the Council of Trent and the Catholic Restoration in the 19th Century," in *Bread of Heaven: Customs and Practices Surrounding Holy Communion: Essays in the History of Liturgy and Culture*, ed. Charles Caspers, Gerard Lukken, and Gerard Rouwhorst (Kampen: Kok Pharos, 1995), 119–143, 125.

of a faith which stands in contradiction with what we Protestants believe regarding the Lord's Supper.<sup>41</sup>

The theological differences overshadowed similarities in both doctrine and practice. Specific commonalities could not be the basis for a shared theological and liturgical witness. Harless could argue that the level of difference between the two confessions regarding the Lord's Supper was so great that kneeling would constitute an explicit undermining of a Protestant soldier's confession of faith.

#### *The End of Adiaphora*

Harless readily conceded that kneeling in itself was an indifferent act, neither commanded nor forbidden, one that Protestants had used and continued to use as a witness of their faith. Since it was not commanded, however, it could also be omitted without compromising one's faith, as attested to through historical and current examples of Protestant practice. What Döllinger had failed to understand—or simply feigned ignorance of—were the circumstances wherein an indifferent act ceased to be indifferent. Based on FC X and St. Paul, Harless specified two specific conditions when “middle things indifferent in themselves” cease to be indifferent: either when the thing itself is in a situation that would result in a denial of faith, and when the indifferent thing would offend (*ärgern*) one's brother. In other words, context has a determinative role in relationship to adiaphora. The free performance or omission of an indifferent act forfeits its indifferent character when an unambiguous (*rund*) confession is demanded. Unequivocal confessions are no less required during periods of trial and temptation (*Versuchung*), as in times of persecution. An order of the state that not only prescribed kneeling but mandated the performance of kneeling within specific Roman Catholic eucharistic contexts, according to Harless, constituted the creation of a condition that compromised the character of an indifferent act.<sup>42</sup> As Harless had demonstrated, the nature of the differences between Roman Catholic and Protestant theologies and practices of the Lord's Supper prevents a Protestant soldier from participation in the prescribed rites without compromising his own faith. Set within the context of a Roman Catholic Mass or eucharistic procession, kneeling may not be considered as a mere military salutation comprised of bending the knee; nor may it be considered as a mere indifferent act that the church may freely adopt. Before a priest reciting the words

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<sup>41</sup> Harless, *Offene Antwort*, 18–19. “[W]elche Glaube ganz und gar das nicht glaubt, was in der römische-katholischen Lehre vom Meßopfer und von der Wandlung geglaubt und in der Messe thatsächlich bekannt wird, und daß bei der römisch-katholischen Messe das Kniebeugen Ausdruck eines Glaubens ist, welcher in Widerspruch mit dem steht, was wir Protestanten vom Abendmahl glauben” (emphasis original).

<sup>42</sup> Harless, “Die evangelisch-lutherische Kirche in Bayern,” 287–290.

of institution as part of the sacrifice of the Mass, or when exhibiting the consecrated host in a monstrance before the eyes of the faithful in a ritual that exceeds the purpose of Christ's institution, bending the knee ceases to be an indifferent movement of the body. Rather, it becomes a specific bodily expression of devotion and adoration that is alien to a Protestant confession. The state's imposition of these acts in these environments only further evacuates any claim of indifference.

In response to the claim that the order concerned itself only with the mandate of a military salutation, a simple external movement of the body, Harless used Döllinger's own thought to elucidate the error of this position. Döllinger had admitted that one of the benefits of this order was that it created great "liturgical unity and uniformity" between the military and the rest of the congregation.<sup>43</sup> Based on his own interpretation, Harless held that it was not possible to hold that the order only commanded the performance of a military salute. The "unity and uniformity" that the order established was liturgical. Parishioners kneeling during the consecration or at a Corpus Christi procession did not consider themselves performing a military salutation, but rather an act of devotion. Therefore, Ludwig's prescription to kneel may not be interpreted merely as "a purely military" act. The performance of the order even gives the appearance that the soldier is "actively participating" in a liturgical rite. Accordingly, the command to kneel at a Roman Catholic Mass or eucharistic procession violates the conscience of a Protestant soldier by forcing him to participate in religious ceremonies—or, at the minimum, it gives the appearance of participation and agreement—at odds with his confession, undermining his faith.<sup>44</sup>

### Historical Observations

By December 1845, when Ludwig I had officially rescinded the kneeling order, the exchange between Harless and Döllinger had already abated. In fact, they were no longer key figures in the debate. For his part in the controversy, Harless's re-election as the university representative to the Assembly of the Estates went

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<sup>43</sup> Döllinger, *Der Protestantismus in Bayern*, 46–47.

<sup>44</sup> Harless, "Die evangelisch-lutherische Kirche in Bayern," 290–296. Harless argued that this is the reason why inclining the head is preferential to kneeling. Certainly, both actions are in themselves indifferent, and both are used in liturgical contexts; however, kneeling gives the appearance of an "active participation" in the various Roman Catholic rituals, while inclining one's head allows for a "passive expression." As an already acceptable liturgical expression for Roman Catholics, the selection of the inclination of one's head would provide a middle ground that both Protestants and Roman Catholics could perform, without compromising their respective confessions. Harless states that this would be a kind of concession necessary in a bi-confessional state.

unconfirmed. Even more significantly, he lost his faculty position at the University of Erlangen on March 25, 1845.<sup>45</sup> Ironically, even Döllinger merited some frustration on the part of Ludwig. Despite his public campaign against Protestant objections to the kneeling order, Döllinger came to the conclusion that the order needed to be revoked. According to his biographer, to the annoyance and frustration of Ludwig, Döllinger argued that if the Protestants interpreted the order as prescribing coerced participation in a religious ritual, its revocation was necessary.<sup>46</sup>

This essay has considered the Kneeling Controversy by focusing on the debate between Ignaz von Döllinger and Adolf von Harless. It further restricted itself to their discourse over the Lord's Supper and adiaphora. When reflecting upon the Kneeling Controversy, it is necessary to remember that this literary exchange only provides a narrow perspective into a much more complicated controversy that pitted the Bavarian Protestant minority against the Roman Catholic King of Bavaria and his ultramontane interior minister. Moreover, looming over the entire period was the threat of political revolution. While one may consider the theological dimensions of this episode, such consideration offers only a narrow view of the issues. It would be a gross misinterpretation to conclude that the Kneeling Controversy only constituted a theological debate between Bavarian Catholicism and Protestantism.

Harless and Döllinger frequently invoked the sixteenth century throughout the course of their antagonistic exchange. Both theologians drew upon the past in their attempt to justify an argument by locating it within the thought of the sixteenth century, or to demonstrate its error by showing its disparity. Harless and Döllinger each recognized that Luther, the Lutheran Confessions, and the theological disputes of the sixteenth century held some degree of authoritative significance and that the weight of their argument would be bolstered if they could deploy the voices of history on their side of the dispute.<sup>47</sup> This essay concludes by offering observations regarding the relationship between the two periods of controversy. Attention is first given to the Lord's Supper and will conclude by addressing the issue of adiaphora.

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<sup>45</sup> Harless was removed from his faculty position at Erlangen and transferred to Bayreuth as the second pastoral consistorial counselor. See Heckel, *Adolf von Harless*, 392–398.

<sup>46</sup> See Johann Friedrich, *Ignaz von Döllinger. Sein Leben auf Grund seines schriftlichen Nachlasses*, vol. 2, Vom Ministerium Abel bis zum Ablauf der Frankfurter Zeit 1837–1849 (Munich: C. H. Beck, 1899), 198.

<sup>47</sup> The invocation of the sixteenth-century confessional writings was usually restricted to the Lutheran Confessions, but at least on one occasion, in arguing against the doctrine and practice of the sacrifice of the Mass, Harless made a passing reference to the Heidelberg Catechism. See Harless, "Die evangelisch-lutherische Kirche in Bayern," 251.

*Melanchthon's Sacramental Presence*

Whether intentional or not, in accusing Harless of adopting an understanding of the consecration according to Melanchthon's interpretation, in abandonment of Luther's teaching on the *verba testamenti*, Döllinger had identified a long-standing controversy within the Lutheran Church regarding the relationship of the presence of Christ in the Lord's Supper and the consecration. Early within Lutheran history, two schools of thought emerged over the bodily presence of Christ in the sacrament.<sup>48</sup> The first identified the words of institution as consecratory, that the words of Christ, proclaimed in the recitation of the institution narrative in the Divine Service, effect the sacramental presence of Christ. The second school of interpretation deemphasized the consecratory efficacy of the words of institution, relocating them to a broader understanding of the sacramental "action" or "use" comprised of blessing (with the words of institution), distribution, reception. Within this theological framework, the bodily presence of Christ in the sacrament is dependent upon the entire sacramental action; no element of the institution (blessing, distribution, or reception) may be omitted. Pertinent to the subject at hand, the absence of one of the sacramental actions—especially the reception—

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<sup>48</sup> While over fifty years old, Edward Peters's doctoral dissertation still represents the most thorough study of the origins and trajectories of these two different interpretative schools within Lutheranism. Beginning with Luther and Melanchthon, Peters follows the paths of these different approaches to the Sacrament of the Altar through the rest of the sixteenth century and up through the seventeenth century. Peters demonstrates that already with Luther and Melanchthon, an implicit disagreement developed in their respective understandings of what constituted the sacramental action and on the relationship between the bodily presence of Christ and the sacramental action. Following this theological rationale, the Melanchthonian school determined that the presence of Christ was contingent upon the entirety of the sacramental action. Although Luther himself had argued that the entire sacramental action was necessary, the Melanchthonian school of interpretation rejected belief in the bodily presence of Christ before the reception of the elements. Prior to the completion of the sacramental action, there was no presence of Christ, and Christ's presence terminates at the completion of the action. For the adherents of this position, after the distribution of the elements any elements that remained were no longer the body and blood of Christ. Some even held that it would be permissible to take the former elements home to consume as common bread and wine. The authors of the Formula of Concord dually affirmed the consecratory efficacy of the words of institution, while situating the *verba domini* within the whole sacramental action, and concluded that "nothing has the character of a sacrament outside of the use" (FC SD VII 86). This prohibited the separation of the consecrated elements apart from the Divine Service, thus condemning the Roman Catholic practices of sacramental processions and the adoration of the sacrament outside of the context of the Divine Service. Peters further demonstrates that despite the position of the Formula of Concord, already by the end of the sixteenth century, the Melanchthonian school of interpretation not only persisted, but eventually became standard. See Edward Frederick Peters, "The Origin and Meaning of the Axiom: 'Nothing Has the Character of a Sacrament outside of the Use,' in Sixteenth-Century and Seventeenth-Century Lutheran Theology" (ThD diss., Concordia Seminary, St. Louis, 1968).

would undermine the integrity of the sacrament, thereby negating the bodily presence of Christ. The bodily presence of Christ is not present in the elements of bread and wine until the final action (the reception); and upon completion of the sacramental action, the bodily presence of Christ ceases, even in any elements that had been consecrated for the purpose of distribution and reception, if they were not distributed. Due to the understanding of the relationship between the bodily presence of Christ to the entire sacramental action, particularly the act of the reception of the sacramental elements, this second manner of interpretation—the so-called Melanchthonian school—came to be identified for circumscribing the presence of Christ to the moment of distribution and reception; hence the moniker “receptionism.”

According to Edward Peters, by the seventeenth century the Melanchthonian understanding of the sacramental action, including the consecration and the bodily presence of Christ in the Lord’s Supper, had largely overtaken the view of the consecration and the bodily presence held by Luther, Chemnitz, and the Formula of Concord.<sup>49</sup> In this era, the Formula of Concord’s language of sacramental use was frequently interpreted in such a way as to identify the bodily presence of Christ with the completion of the act—consecration, distribution, and reception—with great significance placed upon the reception, since it completed the sacramental action, resulting in the bodily presence of Christ, whose presence was coextensive with the act of reception.<sup>50</sup>

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<sup>49</sup> See Roland Ziegler, *Das Eucharistiegebet in Theologie und Liturgie der lutherischen Kirchen seit der Reformation: Die Deutung des Herrenmahles zwischen Promissio und Eucharistie* (Göttingen: Edition Ruprecht, 2013), 80–103; Dorothea Wendebourg, *Essen zum Gedächtnis: Der Gedächtnisbefehl in den Abendmahlstheologien der Reformation* (Tübingen: Mohr Siebeck, 2009), 139–243; Hermann Sasse, “The Lutheran Understanding of the Consecration (1952),” *We Confess Anthology*, trans. Norman Nagel (St. Louis: Concordia Publishing House, 1999), 113–138; Bjarne W. Teigen, “The Nihil Rule Revisited,” *Lutheran Quarterly* 8, no. 3 (Autumn 1994): 269–285; Teigen, *The Lord’s Supper in the Theology of Martin Chemnitz* (Brewster, MA: Trinity Lutheran Press, 1986).

One example of a seventeenth-century Lutheran presentation of this Melanchthonian understanding of the Lord’s Supper is found in the collections of sermons on the Augsburg Confession by the Leipzig pastor, professor, and superintendent August Pfeiffer (1640–1698). In his sermon on the Lord’s Supper, Pfeiffer preached that in place of a “*transubstantio* or a transformation” there is a “*communicatio*, a fellowship” of the blessed bread and wine by “means of communication of the body and blood” of Christ. The fellowship “happens in the *moment* that [the blessed bread and wine] are eaten and drunk by the *communicanten*.” If the pastor were to drop a host or spill wine on the ground before the time of consumption “that would occur not to the body and blood of Christ, but rather only to the bread and wine.” See August Pfeiffer, *Der wolbewährte Evangelische Aug-Apfel/ Oder Schriftmässige Erklärung aller Articul Der Augspurgischen Confession, Als des Evangelischen Glaubens-Bekänntnisses* (Leipzig: Johann Herbord Kloß, 1685), 580.

<sup>50</sup> It is important to note that in this understanding of the Lord’s Supper, where the action of reception assumes a causal role in effecting the bodily presence of Christ, similar causality is not

By the nineteenth century, one sees that this Melanchthonian interpretation of the Lord's Supper even persisted among representatives of the confessional Lutheran revival in Germany. In his *Katechetisches*, an explanation of Luther's Small Catechism, Wilhelm Löhe (1808–1872), Harless's fellow Bavarian and confessional Lutheran, explained that one could not follow the Roman Catholic practice of withdrawing the distribution of the chalice from the laity out of fear of spilling the chalice. Löhe held that this fear was baseless,

Because the Almighty Lord unites His blood with the wine which is *drunk*, but not with the drop of wine that is spilled. *This* error of the Romans occurs when one believes that in the Lord's Supper there is merely blood and only an empty form of wine, so that what is spilled must be blood.<sup>51</sup>

It appears that Löhe believed that since Lutherans rejected belief in an immutable transformation of the substances of bread and wine into the body and blood of Christ, the bodily presence of Christ only occurred in the specific elements that were received and consumed. Since a conversion of substances did not transpire, this meant that any elements outside of the act of reception—whether they were dropped or spilt, or the *reliquae*—only remained bread and wine.

Or consider another representative of this period of confessional awakening, the Marburg professor August Vilmar (1800–1868). In his posthumously published *Lehrbuch der Pastoraltheologie*, Vilmar taught that the words of institution recited during the Divine Service “do something to the bread and wine”; they are not merely a “designation” or “setting apart” of the elements, let alone is their recitation seen as historical or instructional. Rather, when the pastor speaks Christ's words, “Christ, through the words of institution—spoken through the pastor, not as a man, but as the instrument of Christ—repeats what He did at the first Supper: making bread and

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attributed to the faith of the recipient. Faithful reception is essential in order to receive the sacramental benefits (such as forgiveness of sins), but not in effecting the presence of Christ. Lutheran theologians who held this interpretation of the sacramental action continued to insist upon the *manducatio impiorum*. Reformed theologians, who rejected belief in the bodily presence of Christ but insisted that outside of its use there is no sacrament, denounced the *manducatio impiorum*, arguing that apart from faithful reception there is no sacrament. See Peters, “Origin and Meaning,” 451–455.

<sup>51</sup> Wilhelm Löhe, “Katechetisches: Fragen und Antworten zu den Sechs Hauptstücken des Kleinen Katechismus Dr. M. Luthers (1845),” in *Gesammelte Werke* (Neuendettelsau: Freimund-Verlag, 1958), 3.2:420–495; 490. “877. Warum kann das aber nicht sein? Weil der allmächtige Herr sein Blut mit dem Weine, der **getrunken** wird, vereinigt, nicht aber mit dem Tropfen Weins, der verschüttet wird. **Der** Irrtum der Römischen muß kommen, wenn man glaubt, daß im Abendmahl bloß Blut sei und nur leere Weinsgestalt daneben, so daß, was verschüttet wird, Blut sein müsse” (emphasis original).

wine to be the bearers of His body and blood.”<sup>52</sup> But in addressing any potential *reliquae*, Vilmar taught that the remaining consecrated elements are no longer the body and blood of Christ: the elements that have been consecrated “cease” (*fällt*) to be consecrated “when the consumption of that which was needing to be consumed and the drinking of that which was needing to be drunk is not completed” and the consecrated elements “return to their natural state.” In fact, Vilmar went as far as to suggest that the remaining Communion hosts could be “crumbled” into soup for the poor and that some of the wine could be given to nourish the sick.<sup>53</sup> In discussing the collection of crumbs that fell from the consumed Communion hosts or wine spilt from the chalice, although reverently handled (collected with a corporal and burned, or soaked up with coal), Vilmar only referred to them as crumbs and wine. In light of his position on the *reliquae*, it is clear that Vilmar considered these elements only to be bread and wine. Although they were consecrated and intended for reception, these fragments fell outside of the sacramental act, and therefore, like the remaining consecrated bread and wine, ceased to be the body and blood of Christ. Therefore, in summary, while Vilmar could hold that the consecration itself effected the sacramental presence of the body and blood of Christ in the bread and wine, this presence was circumscribed by the sacramental act. The words of institution did not impart a consecration that extended beyond the distribution of the elements.

Was Döllinger’s accusation correct? Had he rightfully identified Harless as a representative of a Melancthonian interpretation of the bodily presence of Christ? Was Harless a receptionist? This question cannot be definitively answered at this time. The sentence that Döllinger dissected is itself ambiguous, neither unequivocally confirming nor disproving Döllinger’s accusation, since both interpretations held that Jesus is present in the reception of the sacrament. In other

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<sup>52</sup> August Vilmar, *Lehrbuch der Pastoraltheologie* (Gütersloh: C. Bertelsman, 1872), 120. “Es wird etwas an dem Brode und Wein gethan (nicht bloß *in abstracto* ‘die Elemente zu etwas bestimmt, getermt’). Die Lehre der lutherischen Kirche ist entschieden von Anfang an gewesen und geblieben bis auf den heutigen Tag: **es müssen die Einsetzungsworte wiederholt werden, welche der Herr Christus gesprochen hat: durch die, selbstverständliche nicht von dem Pastor als Mensch, sondern als Organ Christi ausgesprochenen Einsetzungsworte wiederholt Christus das, was er bei dem ersten Abendmal gethan hat: macht Brod und Wein zu Trägern seines Leibes und Blutes**” (emphasis original). Also see Peters, “The Sacraments and Sacramental Actions in the Works of August Friedrich Christian Vilmar,” (STM thesis, Concordia Seminary, St. Louis, 1958), 51–71.

<sup>53</sup> Vilmar, *Lehrbuch der Pastoraltheologie*, 124–125. In addressing what to do with the *reliquae*, Vilmar commented that it is not proper for the church wardens (*Kirchenältesten*) or the treasurers (*Kassenmeister*) to consume the remaining wine either at the altar or the parsonage. Rather, if the wine has not been placed “in tin” (*in Zinn*)—perhaps either referring to consecrated wine, or wine placed in a tin or pewter flagon—it is to be set aside to be used for the Communion of the sick. Wine that was “in tin” should be given to the sick for their nourishment.

writings where Harless addressed the Lord's Supper, determining his position proves equally difficult. The only work where Harless comes close to discussing the topic is the essay "Die Bedeutung des heiligen Abendmahls für das Heilsbedürfnis der Christen" ("The Significance of the Holy Supper for Christians' Necessity of Salvation"). Although this work chiefly engaged the relationship between John 6 and the Lord's Supper, at one point in contrasting the relationship between a sacramental and spiritual eating of Christ, Harless, invoking FC SD VII 86, asserted that the most essential mark of differentiation is,

[T]hat the Lord makes the presence, the administration, and the reception of His body and blood in the sacrament *not dependent on the faith in the word of promise by the one receiving [the sacrament]; but rather [He makes it dependent] upon the power of the words of institution spoken over bread and wine, the earthly bearers of his presence, [and] without any other and further mediation, He offers His body and blood for oral partaking and enjoyment.* Whether you believe or not, in and with the completion of the sacramental action, and with the reception of the bread and wine, the Lord administers His body and blood. Here, neither your faith nor the Holy Spirit, but rather the immediate reception of the body and blood is the mediation of fellowship with Christ. For what is dependent upon the faith of the one receiving the Lord's Supper is not the reception of the body and blood of the Lord, but rather the blessing of this reception in the faithful appropriation of Christ, who gave His body and shed His blood for the forgiveness of our sins.<sup>54</sup>

Harless follows the Formula in holding that the words of institution are the cornerstone for the Lord's Supper. The entire sacramental action—including the bodily presence and the distribution—is dependent upon the power of Christ's

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<sup>54</sup> Harless, "Die Bedeutung des heiligen Abendmahls für das Heilsbedürfnis der Christen," in *Die kirchlich-religiöse Bedeutung der reinen Lehre von den Gnadenmitteln: Mit besonderer Beziehung auf das heilige Abendmahl: Drei Abhandlungen von Dr. A. von Harless u. Dr. Th. Harnack* (Erlangen: Andreas Deichert, 1869), 84. "Das allerwesentlichste Unterscheidungszeichen besteht vielmehr darin, daß der Herr die Gegenwärtigkeit, das Darreichen und Empfangen seines Leibes und Blutes im Sakrament *nicht von Glauben des Empfängers an sein Verheißungswort, sondern von der Kraft seines über Brod und Wein, den irdischen Trägern seiner Gegenwärtigkeit, gesprochenen Stiftungswortes abhängig macht, und ohne alle andere und weitere Vermittlung seinen Leib und sein Blut in mündlicher Nießung darreicht.* Ob du glaubst oder nicht—in und mit dem Vollzug der sakramentlichen Handlung und in und mit dem Empfang von Brod und Wein reicht der Herr seinen Leib und Blut dar. Und nicht dein Glaube und nicht der hl. Geist, sondern der unmittelbare Empfang von Leib und Blut ist hier die Vermittlung der Gemeinschaft mit Christo. Denn was von Glauben des Abendmahlsempfängers abhängig ist, das ist nicht der Empfang des Leibes und Blutes des Herrn, sondern der Segen dieses Empfanges in der gläubigen Aneignung Christi, der zur Vergebung unserer Sünden für uns seinen Leib gegeben und sein Blut vergossen hat" (emphasis original).

words. But while elevating the *verba domini*, Harless refused to isolate them from the whole sacramental action. As seen in his discussion with Döllinger, the entire institution is necessary for the Lord's Supper, not simply the words of institution. It seems that Harless considered the words of institution to be the primary cause of the bodily presence, but this must occur alongside of the distribution and reception. The causal efficacy of the words of institution have been established within the whole sacramental action. The respective parts of the sacramental action may not be held apart from each other.

The question of Harless's alleged receptionism remains unclear. It is possible to interpret Harless in agreement with Luther and FC SD VII. Namely, the words of institution are the agents by which the body and blood of Christ are brought about, but they are not to be severed from the entire use of the sacrament. To divorce the consecration and bodily presence of Christ from the administration and reception of the sacramental elements would result in a violation of Christ's institution. However, one may certainly interpret Harless's statements as reflective of a receptionist point of view. The bodily presence of Christ is not brought about until the sacramental action is completed in the reception. Consistent with this interpretation, Harless would probably agree with Löhe and Vilmar regarding the status of spilt Communion elements and the *reliquae*. In light of the fact that Harless did not expressly denounce Döllinger's interpretation of his words, and given the position reflected in his contemporaries, it appears probable that Harless's theology of the Lord's Supper followed a receptionist understanding of the relationship between the bodily presence of Christ and the reception of the sacramental elements.

#### *Adiaphora Revisited*

At various points throughout their exchange, Harless and Döllinger each utilized the category of adiaphora in order to validate their position. Döllinger also mocked the distinction, lambasting it as capricious, while Harless argued that Döllinger had either failed to understand the complexity of the teaching of indifferent things, or simply affected ignorance. In addition to these reasons, the context that produced the order makes the Kneeling Controversy an interesting historical case study to set alongside the sixteenth-century Adiaphoristic Controversy that resulted from the Augsburg and Leipzig Interims. A brief comparison of both controversies provides interesting points of dissimilarity and similarity that help elucidate the nature of adiaphora.<sup>55</sup>

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<sup>55</sup> For more information about the interim and Adiaphoristic Controversies, see Wade Johnston, *The Devil behind the Surplice: Matthias Flacius and John Hooper on Adiaphora* (Eugene: Pickwick Publications, 2018); Irene Dingel, Johannes Hund, Jan Martin Lies, and Hans-Otto Schneider, *Reaktionen auf das Augsburger Interim: Der interimistische Streit (1548–1549)*

There are numerous differences between the two controversies, but perhaps the most important differences concern the respective subjects and intentions of the initial orders that elicited the controversies. The Augsburg Interim was addressed to the various territories that constituted the Holy Roman Empire, more specifically the territories that had initiated evangelical reforms within their lands, those recently routed by Charles's imperial forces. Although it was only a stopgap anticipating the more comprehensive work of the Council of Trent, its intention was to restore the political and ecclesial unity of the empire under emperor and pope. Ludwig's kneeling order lacked the scope, force, and intention of the interim. It was restricted to the Bavarian armies. Similarly, Ludwig's order was not intended for the dissolution of Bavarian Protestantism. While opponents declared that the order undermined the integrity of Protestantism and violated its constitutional right of self-governance over inner ecclesial affairs—as guaranteed by the “Edict over Inner Ecclesial Matters”<sup>56</sup>—it is hard to substantiate an argument that the order constituted a direct assault against the integrity and autonomy of the Bavarian Protestant Church. Although the order was a coercive imposition upon Protestant soldiers, one cannot easily make the case that Ludwig's order was an affront to Protestant worship itself, let alone a persecution of the Bavarian Protestant population. It neither dictated the character of Protestant worship nor the governance of Protestant churches.<sup>57</sup> In contrast, the Augsburg Interim concerned itself with clear and distinct proscriptions of Evangelical teaching and practice, combined with prescriptive measures deemed offensive from an Evangelical perspective. It was similarly argued that the conciliatory efforts that the Leipzig Proposal proffered were no less threatening to Evangelical Christianity.<sup>58</sup> Therefore, within the territories of the Holy Roman Empire that had adopted the Reformation, the imposition of the disputed adiaphora were a direct affront to Evangelical theology, practice, and conduct of the Christian life. At best, from the perspective of the authors of the Leipzig Interim, the acceptance of the adiaphora was intended to

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(Göttingen: Vandenhoeck & Ruprecht, 2015); Irene Dingel, Jan Martin Lies, and Hans-Otto Schneider, *Der adiaphoristische Streit (1548–1560)* (Göttingen: Vandenhoeck & Ruprecht, 2012).

<sup>56</sup> “Edikt über die inneren Kirchlichen Angelegenheiten der Protestantischen Gesamt-Gemeinde in dem Königreiche,” in *Staat und Kirche*, 650–653.

<sup>57</sup> However, when considered alongside subsequent orders from the Bavarian Ministry of the Interior, one is able to see why Bavarian Protestants complained that the state was enacting legislation to circumscribe Protestantism within the state. See above, n. 3.

<sup>58</sup> See “The Augsburg Interim” and “The Leipzig Interim,” in *Sources and Contexts of the Book of Concord*, ed. Robert Kolb and James A. Nestingen (Minneapolis: Fortress Press, 2001), 144–182, 183–196. See also Oliver K. Olson, *Matthias Flacius and the Survival of Luther's Reform*, 2nd ed. (Minneapolis: Lutheran Press, 2011).

conciliate the emperor; at worst, from the perspective of the Augsburg Interim, the adiaphora signalled the dissolution of evangelical Lutheranism and the restoration of the Roman Church.<sup>59</sup>

Despite these significant differences, the Kneeling Controversy provides numerous observations that are illustrative for reinforcing the definition of adiaphora as understood during the Adiaphoristic Controversy and later adopted by the Formula of Concord. These observations seem especially necessary in a day when the word *adiaphora* is frequently invoked in any discussion of ceremony and ritual, with little to no regard for the historical circumstances that gave rise to this teaching.<sup>60</sup>

In his writings against the Adiaphorists, Flacius distinguished between “true” and “false” adiaphora, a distinction taken up in FC SD X.<sup>61</sup> This distinction proves helpful in considering the Kneeling Controversy. According to Flacius, a true adiaphoron refers to a ceremony or practice, neither commanded nor forbidden by God, that the church freely chooses for herself. True adiaphora may not be imposed upon the church against her freedom. According to the understanding of adiaphora defined by Flacius and the sixteenth-century Gnesio-Lutherans and enshrined in FC X, only the church has the right to freely impose upon herself ceremonies that are indifferent in themselves. When the church’s freedom is compromised, even if the ceremony or custom is truly indifferent, or even if it would promote good order, it cannot be considered a true adiaphoron. The wearing of a surplice, the use of candles, fasting, and kneeling were things truly indifferent in themselves. In fact, their use could even promote good order, instruct in reverence, and edify the congregation. As Flacius himself commented,

[E]ven though one should at this time envisage such [true] adiaphora as are not only in and of themselves entirely free on account of their nature, but also

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<sup>59</sup> The preface to the Augsburg Interim is explicit in its purpose to remove all discord—created by the Evangelicals—and that except in the matters of clerical marriage and Communion under both kinds, the proposal “does not vary from our true Catholic religion and ecclesiastical doctrines, statutes, and ordinances.” See “The Augsburg Interim,” 146–148.

<sup>60</sup> A recent example that illustrates such a candid decontextualized understanding of adiaphora were the 2009 “Theses on Worship” that were approved by the Council of Presidents of the LCMS. While the word *adiaphora* only appears twice, the entire document is informed by a conception of adiaphora wholly unaware of its particular historical circumstances, which are essential for a proper understanding and application of the teaching of FC X. See “Theses on Worship Produced by the LCMS on Council of Presidents,” <https://michigandistrict.org/resources/theses-on-worship/>. For a critical response to these theses, see Holger Sonntag, *The Unchanging Forms of the Gospel: A Response to Eight Theses on Worship* (Minneapolis: Lutheran Press, 2010).

<sup>61</sup> FC SD X frequently mentions “true” (*rechte/vera*) and “not true adiaphora.” See FC SD X 7–8.

would be Christian and useful, still one should not at this time introduce [them] into the church, since they bring with them such great, horrible harm.<sup>62</sup>

Good and desirable ceremonies are to be spurned if imposed upon the church. Both circumstances reveal that an essential character of true adiaphora is the church's ability to freely adopt for herself ceremonies and practices that are neither commanded nor forbidden by God, and that promote good order and the edification of the faithful. Forced imposition at the hands of the state results in a change of character. In these circumstances, one is no longer free to consider indifferent ceremonies as true adiaphora.

Flacius also held that it is essential that true adiaphora serve for the edification of the faithful. Ceremonies and ritual are to instruct and support the faithful in the Christian faith. However, the promotion of good order itself is not a sufficient justification for the establishment of true adiaphora. First, it must be something that the church freely decided upon for herself. Good order cannot be a coercive measure enacted upon the church. Finally, but no less important, is that each potential adiaphoron must be considered in light of its immediate context and circumstance. Although a particular ceremony or ritual could be truly indifferent, and even be long attested to throughout earlier ecclesiastical history, more recent perversion would render it no longer indifferent.<sup>63</sup> For Flacius, "the circumstances surrounding" any potential adiaphoron play a definitive role in distinguishing between true and false adiaphora.<sup>64</sup>

Döllinger's alleged confusion over the manner of evaluating adiaphora makes sense if he was either unaware or unable to differentiate true and false adiaphora. Absent this distinction, Protestant objections might appear capricious, engendered more by anti-Catholic sentiment than theological criticism. Indeed, within the context of a Protestant Divine Service, kneeling at the consecration and at the reception of the Lord's Supper was a true adiaphoron. As an act indifferent in itself, neither commanded nor forbidden by Scripture, the church may freely choose to impose upon herself this practice. The institution of kneeling would even serve to edify Christians regarding the nature of the Sacrament of the Altar and promote true

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<sup>62</sup> Matthias Flacius Illyricus, "A Book about True and False Adiaphora, wherein Almost the Entire Business of Adiaphora Is Explained, against the Pernicious Band of Adiaphorists," in *Adiaphora and Tyranny: Matthias Flacius Illyricus on Christian Resistance and Confession in the Adiaphoristic Controversy*, ed. Wade R. Johnston, trans. Herbert C. Kuske (Saginaw: Magdeburg Press, 2011), 165–299; 251.

<sup>63</sup> Flacius, "True and False Adiaphora," 211.

<sup>64</sup> See Wade R. Johnston, "These Adiaphoristic Devils: Matthias Flacius Illyricus *In Statu Confessionis*, 1548–1552" (MA thesis, Erasmus University Rotterdam, 2013), 57. See also, Johnston, *The Devil behind the Surplice*.

faith and reverence on the part of the receiving Christian. As a discipline, kneeling would promote good order, reverence, and piety. Within this environment, kneeling would exemplify the opinion of Flacius, “Whatever proceeds in an orderly fashion in the church also proceeds properly, and whatever proceeds in an orderly and proper fashion in the church serves for edification. Indeed the entire benefit and ultimate purpose of ceremonies can be comprehended under edification.”<sup>65</sup>

In light of Flacius’s categories of true and false adiaphora, one is able to see how Harless and his Bavarian contemporaries assessed the matter of the kneeling order and why Bavarian Protestants could not bend the knee. Just as the various ceremonies contained in the Augsburg Interim, the acts of kneeling that Ludwig’s order prescribed could not be considered merely “middle things.” The most obvious reason for this judgment was that Bavarian Protestants considered the kneeling order to be a violation of the church’s freedom to determine her own ritual. These debates about adiaphora were not simply intra-ecclesial affairs; rather, they concerned the relationship between church and state. The catalyst of both controversies was the state. The church found herself as the recipient of state-imposed legislation regarding ecclesial ceremonies. What Oliver Olson pithily observes about the sixteenth-century controversy was still applicable three hundred years later: “*The adiaphora controversy can be understood only if it is seen primarily as a quarrel about the relationship between church and state.*”<sup>66</sup>

Even though the controversial order concerned only the military, the Bavarian Protestant population interpreted it as a violation of the constitutionally established right protecting the church’s freedom regarding doctrine and practice, as well as an affront against the protection of the individual free exercise of religion. In its imposition by the state, it violated the church’s freedom to establish her own ceremonies. Moreover, kneeling at a Roman Catholic eucharistic service would not serve to edify the Christian congregation. It would create confusion and undermine the gospel and orthodox doctrine and practice. It would introduce scandal, first to the soldiers forced to participate in the prescribed acts, but also among fellow Protestants. Finally, it might also result in indifference to orthodox teaching and practice. Rather than promoting true unity, established in doctrine, it would establish a feigned unity in ceremony and ritual. Just as Flacius and the Gnesio-

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<sup>65</sup> Flacius, “True and False Adiaphora,” 190. Another pertinent statement from Flacius on the benefit and purpose of true adiaphora: “Finally, there should be in the churches and the divine service all seriousness, propriety, austerity, and nothing flippant, frivolous, sensuous, or lewd. On the contrary, everything should certainly proceed in such a way that one may thereby perceive a Christian heart and as if it were taking place in the presence of God and his holy angels” (199).

<sup>66</sup> Olson, *Matthias Flacius and the Survival of Luther’s Reform*, 156.

Lutherans had protested against the alleged adiaphora of the interims, this false adiaphoron would serve to promote Roman Catholicism and the papacy.

### Conclusion

The Kneeling Controversy is a fascinating study in nineteenth-century Lutheranism. Sacramentally, it is one step in extending Peters's conclusion about the seventeenth-century ascendancy of the one-time minority position, by illustrating the persistence of Melancthon's receptionist understanding of the bodily presence of Christ into the nineteenth century. The debate between Döllinger and Harless documents the resilience of the receptionist doctrine, and how it became a liability to nineteenth-century Bavarian Protestantism, as Döllinger argued that a receptionist interpretation of the Sacrament of the Altar demonstrated the theological rift between sixteenth- and nineteenth-century Lutheranism. Even a Roman Catholic church historian could recognize that the doctrine of receptionism was not representative of Luther's theology of the Lord's Supper—an observation lost on many generations of Lutherans.

Harless and the Kneeling Controversy also provide a much-needed perspective from which to consider the nature of adiaphora, perhaps even offering a necessary corrective to contemporary misinterpretation. For Harless and nineteenth-century Bavarian Protestants, simply because something was deemed "indifferent" did not entail that one was granted absolute freedom with respect to the "middle thing" in question. Adiaphora is not a synonym for *carte blanche*. Certainly, kneeling was an act that was inherently an adiaphoron; but by no means was kneeling merely indifferent or inconsequential. "Adiaphora" was not an incantation whose invocation immediately resulted in incontrovertible and unbridled freedom. Nor was the status of adiaphora an essential characteristic. Context and circumstance were not accidental in adjudicating whether something was truly indifferent. The performance of an indifferent thing, within different contexts, may result in equivocal confessions. The classification of adiaphoron was not an immutable judgment that deemed an act or rite essentially indifferent. It is essential to remember that the label "adiaphora" does not grant uncircumscribed license to be deployed at the whims of an individual or community. Within a society that values autonomy and negative freedom as inalienable rights, contemporary Lutherans have an uphill battle in order to reclaim the confessional meaning of adiaphora. Contextualizing adiaphora in Lutheran history may be the best method at recovery.