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Editors’ Note

The year 2019 marks the 500th anniversary of the Leipzig Debate (or Leipzig Disputation). In Leipzig at the Pleissenburg Castle, Luther's colleague Andreas Bodenstein von Karlstadt debated John Eck from June 27 to July 3 on grace, free will, and justification. From July 4 to 8, Luther took Karlstadt's place and debated with Eck especially on the question of whether the pope was established by God as head of the Church. Our first two articles commemorate this debate. They were presented originally at the Symposium on the Lutheran Confessions at CTSFW, which was held Jan. 16–18, 2019. They remind us of what was at stake, and what we still joyfully affirm: Christ as the head of the Church, and God's Word as the sole infallible authority.

After Canons, Councils, and Popes: The Implications of Luther's Leipzig Debate for Lutheran Ecclesiology

Richard J. Serina Jr.

A common criticism of Luther's Reformation is that it set off a host of competing interpretations of Scripture, now represented by some 30,000 existing denominations.¹ As the critics allege, Luther's rejection of church authority in favor of Scripture ultimately splintered Western Christianity and evolved into a massive sea of conflicting churches and doctrines, all claiming to be based on the Bible.² In the wake of Luther and his Reformation, Protestants could no longer default to popes or councils or church tradition, as it is found in canon law, the early fathers, or the medieval doctors. All they had left was Scripture with little mechanism for reconciling conflicting interpretations of Scripture. This criticism has more truth to it than some might be willing to admit. That is the problem facing Lutheran Protestants who trace their origins to the Reformation, and its source may very well be the events that happened in Leipzig during the summer of 1519. At Leipzig, Luther concluded that since every source of authority outside of Holy Scripture is human, fallible, and therefore subject to correction, Scripture and Scripture alone is the single trustworthy source of church doctrine and the basis for church authority. Luther may not have said this in so many words, but it was the implication of his arguments against the Ingolstadt theologian John Eck, and it was recognized for what it was by supporter and opponent alike. It has also left subsequent Lutherans with a perennial dilemma: If Scripture is the only trustworthy source of church doctrine and basis for church authority, then how *are* we to decide between two conflicting interpretations of Scripture? If we no longer have popes, councils, or canon law to help make that judgment, where do we turn?

That is the legacy of the Leipzig Debate for the Lutheran view of church authority. Historians have described the Leipzig Debate as an "emancipation" for Luther, a "revolutionary crusade" against the church of his day, an attack on the very "Catholic concept of the church," and an assertion of "independence"

¹ These numbers are notoriously difficult to estimate, but see *World Christian Encyclopedia*, ed. David B. Barrett et al., 2 vols., 2nd ed. (New York: Oxford University Press, 2001), 1:16.

² One can cite a variety of such critics, from Roman Catholic apologists to ecumenists. For one recent example, see Brad Gregory, *The Unintended Reformation: How a Religious Revolution Secularized Society* (Cambridge, MA: Belknap, 2012), especially 365–387. Gregory's goal is much broader than this criticism, but it plays a part in his well-crafted argument.

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from “church authority over the individual Christian.”³ Even the usually tempered, ecumenically sensitive Jaroslav Pelikan wrote that Leipzig “made both Luther and his opponents begin to recognize the extent of the alienation between him and the Roman Church” and “more than either the 95 *Theses* of two years earlier or even his excommunication of two years later, initiated Luther’s Reformation.”⁴ But what was so historically significant about Luther’s conclusions at Leipzig in their context? What made his view of church authority such a departure from medieval precedent? When looking at a historical event like this, it is easy to read back subsequent or current controversies onto it and find a significance that was not there at the time. That is especially the case for the Leipzig Debate. The conclusions Luther reaches regarding the authority or infallibility of pope, council, and canon law were in and of themselves not as significant in their own day as we might think. His positions were not mainstream or popular, let alone accepted, but nothing he said about those sources of authority was unprecedented or novel. What in fact *was* so significant about the Leipzig Debate at the time and in its context? This essay will show just where the implications of Luther’s argument at Leipzig did ultimately depart from the traditional medieval view of church authority and the significance that departure has for a Lutheran approach to church authority today.⁵

³ Leopold von Ranke, *History of the Reformation in Germany*, trans. Sarah Austin, 2nd ed. (London: Longman, Green, Brown, and Longmans, 1845), 454; Philip Schaff, *History of the Christian Church*, 7 vols. (New York: Charles Scribner’s, 1889–1910), 7:182; Joseph Lortz, *The Reformation in Germany*, trans. Ronald Walls, 2 vols. (London: Darton, Longman & Todd, 1968), 1:250–253; and Robert Herndon Fife, *The Revolt of Martin Luther* (New York: Columbia UP, 1957), 394.

⁴ Jaroslav Pelikan, *Obedient Rebels: Catholic Substance and Protestant Principle in Luther’s Reformation* (New York: Harper & Row, 1964), 54.

⁵ There is ample literature on the Leipzig Debate, but it is mostly in German. The best source in English remains W. H. T. Dau, *The Leipzig Debate in 1519: Leaves from the Story of Luther’s Life* (St. Louis: Concordia Publishing House, 1919). A new volume hoping to surpass it is Mickey Mattox, Richard J. Serina Jr., and Jonathan Mumme, eds., *Luther at Leipzig: Martin Luther, the Leipzig Debate, and the Sixteenth-Century Reformations* (Leiden: Brill, 2019). There is also an extended treatment of the debate in Leif Grane, *Martinus Noster: Luther in the German Reform Movement, 1518–1521* (Mainz: Verlag Philipp von Zabern, 1994). For the best of the German studies, see Markus Hein and Armin Kohnle, eds., *Die Leipziger Disputation 1519: 1. Leipziger Arbeitsgespräch zur Reformation* (Leipzig: Leipziger Verlagsanstalt, 2011); Anselm Schubert, “Libertas Disputandi: Luther und die Leipziger Disputation als akademisches Streitgespräch,” *Zeitschrift für Theologie und Kirche* 105 (2008): 411–442; Kurt-Victor Selge, “Die Leipziger Disputation zwischen Luther und Eck,” *Zeitschrift für Kirchengeschichte* 86 (1975): 26–40; and Kurt-Victor Selge, “Der Weg zur Leipziger Disputation,” in *Bleibendes im Wandel der Kirchengeschichte*, ed. Bernd Moeller (Tübingen: J. C. B. Mohr, 1973), 168–210.

I. Church Authority in the Leipzig Debate

It is important to remember that Luther never set out to debate the authority of pope, council, or canon law. Nothing prior to the *Ninety-Five Theses* had dealt with church authority, and nothing during the indulgence controversy directly addressed it. The topic came to the forefront only when Luther's early opponents raised it. While Luther argued that indulgences lacked scriptural warrant, his opponents responded that indulgences were instituted on papal authority, and to question indulgences was to question the pope himself.⁶ John Eck joined the chorus against Luther in 1518. He had been influenced by humanism, much like Luther, and he even established a friendly correspondence with Luther in 1517 before the controversy over indulgences. As Luther's profile grew, so did the stakes of debating with him. Soon, that private correspondence with Eck turned public and contentious, and the stage was set for a university debate.⁷

The original plan at Leipzig called for a disputation between Eck and Luther's colleague, Andreas Bodenstein von Karlstadt, who had also struck up a war in print with Eck. There were to be a number of debated topics, but the most pivotal was the topic of the primacy of the pope—whether the pope as bishop of Rome had jurisdiction over all other bishops in the church. Eck published a set of theses dealing with the topics of indulgences, purgatory, sin, and grace, but he included one thesis taking aim at a side comment of Luther's about the papacy. In this thesis, Eck maintained that Roman primacy was not a human invention, but had been established by divine right.⁸ Luther responded with a set of counter-theses alleging that canon law alone had established the primacy of the pope.⁹ After much delay establishing venue, format, and participants for the disputation, Luther was granted

⁶ This was the case especially for the Dominican theologians John Tetzel, Sylvester Prierias, and Cardinal Cajetan. David V. N. Bagchi, *Luther's Earliest Opponents: Catholic Controversialists, 1518–1525* (Minneapolis: Fortress Press, 1991), 17–65.

⁷ On this backstory, see Martin Brecht, *Martin Luther: His Road to the Reformation, 1483–1521*, trans. James L. Schaaf (Minneapolis: Fortress, 1985), 1:299–309, as well as Johann Peter Wurm, “Johannes Eck und die Disputation von Leipzig 1519: Vorgeschichte und unmittelbare Folgen,” in *Die Leipziger Disputation 1519*, 95–106.

⁸ For Eck's theses, see Dau, *Leipzig Debate*, 58–60.

⁹ Luther's theses are found in *Disputatio et excusatio F. Martini Luther adversus criminationes D. Iohannis Eccii* in Martin Luther, *D. Martin Luthers Werke: Kritische Gesamtausgabe*, 73 vols. (Weimar: H. Böhlau, 1883–2009), vol. 2, pp. 160–161 (hereafter WA) and Martin Luther, “The Leipzig Debate” (1519): vol. 31, pp. 317–318, in *Luther's Works, American Edition*, vols. 1–30, ed. Jaroslav Pelikan (St. Louis: Concordia Publishing House, 1955–76); vols. 31–55, ed. Helmut Lehmann (Philadelphia/Minneapolis: Muhlenberg/Fortress, 1957–86); vols. 56–82, ed. Christopher Boyd Brown and Benjamin T. G. Mayes (St. Louis: Concordia Publishing House, 2009–), hereafter AE. All translations of the debate by Carl D. Roth and Richard J. Serina Jr., taken from a translation of select sections published in Mattox, Serina, and Mumme, *Luther at Leipzig*, 321–343.

permission to debate, and the primacy of Rome made its way onto the debate agenda. During a break in the proceedings, Luther preached a sermon on the Feast of Saints Peter and Paul—on the passage of Matthew 16, no less—that stoked the controversy.¹⁰ Eck referred to the sermon as “Bohemian,” in reference to the condemned teachings of the fifteenth-century Czech reformer Jan Hus. Eck and Karlstadt took to the stage first for several days, then on July 4 Luther joined in the festivities. The Augustinian friar from Wittenberg took the obligatory vow of a disputant to uphold the teachings of the church, went to the podium, and jumped into a debate over the papacy with Eck.

Eck came out swinging. He immediately questioned Luther’s statement that the primacy of the pope was an invention of canon law.¹¹ Luther reiterated his position that primacy was not stated by Scripture, but was established by human right or human arrangement, and therefore not binding doctrine.¹² The two went back and forth over a series of passages from Scripture and canon law, then Luther contested primacy on the basis of the Greek church: the Greeks did not accept primacy, yet they were Christians, so the doctrine should not be considered necessary for salvation, as the 1302 bull *Unam Sanctam* of Boniface VIII had declared.¹³ Eck accused Luther of making a Bohemian argument, again in reference to the condemned errors of Jan Hus.¹⁴ Luther did not deny the Bohemian charge, however, but defended Hus. Many of his articles were “most Christian and evangelical,” Luther said.¹⁵

The question of Hus proved to be a turning point in the debate. Hus was excommunicated and burned at the stake by the Council of Constance in 1415 for, among other things, holding the teachings of the English theologian John Wycliffe, who was also condemned posthumously at Constance. By speaking positively about Hus, Luther was not only subtly advocating for those views, but also questioning the authority of a council.¹⁶ This caused Duke George of Saxony, the

¹⁰ WA 2:244–249. On the sermon, see Brecht, *Martin Luther*, 1:317–319.

¹¹ WA 59:435.

¹² WA 59:439.

¹³ WA 59:448.

¹⁴ WA 59:461.

¹⁵ WA 59:466; Roth and Serina, *Luther at Leipzig*, 323, “It is also certain that among the articles of John Hus or the Bohemians there are many things that are clearly most Christian and evangelical, which the universal church cannot condemn, such as this and the like: there is only one universal church. This, you see, has been unjustly condemned by those most impious flatterers, even though the whole church confesses, ‘I believe in the Holy Spirit, the holy catholic church, the communion of saints.’ This most celebrated article of faith they number among the articles of John Hus.”

¹⁶ The memory of Hus and debates over his views remained a live topic into the sixteenth century. On this, see Thomas Fudge, *The Memory and Motivation of Jan Hus, Medieval Priest and Martyr* (Turnhout: Brepols, 2013), and Phillip N. Haberkern, *Patron Saint and Prophet: Jan Hus in the Bohemian and German Reformations* (New York: Oxford University Press, 2016).

patron and host of the debate, to blurt out in disgust, “The pest take the man!”¹⁷ Eck disputed Luther’s claim. If the Council of Constance condemned Hus for his teachings, then it could not have been in error because councils were infallible.¹⁸ Luther twice interrupted Eck to insist that he was not questioning the infallibility of councils—he did not doubt the conclusions those councils reached regarding the faith, but rather was admitting the possibility that they could be wrong in some of their opinions.¹⁹ Nevertheless, for Luther a council decision is not on par with Scripture, but is a “creature of the Word,” and therefore prone to error.²⁰ Popes and councils are human, fallible, and subject to correction by Holy Scripture.²¹ A flabbergasted Eck would go on to accuse Luther of setting himself up as the authoritative interpreter of Scripture over pope, council, and the tradition.²²

The debate came to a head on the afternoon of July 7, 1519. Following a lunch recess, Luther and Eck were set to conclude their disputation on the controversial topic of primacy before moving on to other subjects, as the debate rules had dictated. Luther proceeded to double down on his contentious point regarding the authority of church councils: “I agree with the Lord Doctor that the statutes of the councils in those things which concern the faith should be esteemed in every way. This alone I reserve for myself, which also must be reserved, that a council has erred and is able to err at any time, especially in those things which do not concern the faith. Nor does a council have authority to establish new articles of faith, otherwise we would finally have as many articles as there are human opinions.”²³ In an apparent display of one-upmanship, Eck addressed the crowd and responded in disgust:

That the reverend father mixes the article of Jan Hus concerning ecclesiastical obedience with the other article concerning the works of man’s progress by the authority of Gregory of Rimini, who is defended in all the universities, I have heard a defense to this point in no university (although I have been to very many)—nevertheless, he asks me to prove that a council is not able to err. I do

¹⁷ That is to say, “a plague be upon him.” This can be found in “Das Leipziger Colloquium, beschreiben von M. Sebeastian Fröschel, der es selbst mit angehört hat,” in *Dr. Martin Luthers Sämtlichen Schriften*, 24 vols., ed. G. Walch (St. Louis: Concordia Publishing House, 1880), 15:1207.

¹⁸ WA 59:468, 472.

¹⁹ WA 59:472.

²⁰ WA 59:480; Roth and Serina, *Luther at Leipzig*, 336. “Moreover, that he argues from the example of Augustine, that if any falsehood is admitted in a council, the entire authority of the council will be weakened, is an unfortunate comparison. Augustine is arguing about the Divine Scripture, which is the infallible word of God; but a council is a creature of that very word. Therefore, injury happens to the word of God through this comparison, since one can concede that a council is able to err, as Panormitanus notes, in the chapter *Significasti*.”

²¹ WA 59:480.

²² WA 59:494.

²³ WA 59:500; Roth and Serina, *Luther at Leipzig*, 342.

not know what he wants with that petition, whether he secretly wants to consider the praiseworthy and glorious Constance council suspect. I say this to you, Reverend Father, if you believe a council legitimately convoked has or can err, you are to me as a heathen and a publican. Let us not plead the case of what may be heretical in our presence.²⁴

And with that, the proverbial line in the sand was drawn. Luther's position on church councils implied that all human sources of church authority—church father, medieval doctor, canon law, pope, even councils—were inherently fallible. For Eck, this made him a “heathen” and a “publican” who did not deserve to debate publicly.

The rest of the debate devolved into a rather uneventful postlude. Luther and Eck disputed over purgatory and indulgences for several more days, even finding points of agreement. Karlstadt replaced Luther at the podium on July 14. Luther left town for Wittenberg the same day. Both parties immediately declared themselves victorious. A publicity war ensued championing each of them.²⁵ The official record of the debate, transcribed by four notaries, was sent to universities in Erfurt and Paris to render their judgment. Erfurt declined, while Paris waited until 1521—after the Diet of Worms, in fact—to declare Luther heretical.²⁶ Report of the debate reached Rome and led to resumed heresy proceedings against Luther. Eck made his way to Rome and helped draft the bull threatening Luther with excommunication. The bull itself specifically reflected the Leipzig Debate when it noted Luther's rejection of councils and of the condemnation of Hus at Constance.²⁷ Leipzig and the arguments Luther made there had changed the trajectory of the Reformation. No longer did the decisive question deal with indulgences or purgatory, grace or the law, faith or works, as it had in Wittenberg the previous two years. After avoiding the topic of church authority as best he could, now Luther had brought it front and center, and the sides would never be the same again.

II. Luther and Medieval Church Authority at Leipzig

Returning to the larger question: What was so historically significant about Luther's position on church authority at Leipzig? Why did it create the rift it did? Here it may be best to start with what was *not* so historically significant

²⁴ WA 59:511; Roth and Serina, *Luther at Leipzig*, 343.

²⁵ Brecht, *Martin Luther*, 1:322–348.

²⁶ *Determinatio Theologice facultatis Parisiensis, super Doctrina LVTHERIANA Hac tenues per eam visa* (Cologne: Quentel, 1521).

²⁷ Note especially condemned articles 29 and 30, in Kurt Aland and Carl Mirbt, eds., *Quellen zur Geschichte des Papsttums und des römischen Katholizismus*, 6 vols. (Tübingen: Mohr Siebeck, 1967), 1:504–513.

about Luther's position at Leipzig when the historical context is taken into account. This will require some attention to the relationship between Luther's view of church authority at Leipzig and corresponding medieval views of church authority.²⁸ It will be clear that Luther's positions on church authority at Leipzig were not entirely novel, but had at least some precedent in the immediate centuries preceding him.

First, Luther's criticism of canon law as a legitimate theological authority was not historically significant from the perspective of the Middle Ages. Luther made this point in his controversial Proposition 13 against Eck's original theses: "That the Roman church is superior to all others is proved by the most trivial (*frigidissimis*) decrees of the Roman pontiffs which have appeared the last four hundred years. Against them stand the history of eleven hundred years, the text of divine Scripture, and the decree of the Council of Nicaea, the most sacred of all councils."²⁹ By "most trivial decrees," he has in mind canon law, which included the authoritative collection of regulations from ancient church councils and synods, brought together and synthesized by a twelfth-century monk and teacher named Gratian of Bologna, as well as several centuries' worth of subsequent papal bulls and council decrees.³⁰ For Luther, these were merely human, manmade laws, or what medievals called "positive law." They were not to be equated with Holy Scripture, or what medievals called "divine law."³¹ The primacy of the bishop of Rome as head of the universal church had been established by human right or manmade, positive law, not by divine right or Holy Scripture, and therefore was not binding and could be rejected.

While this opinion was controversial and far from accepted, it was not in and of itself a complete departure from precedent. The medieval church never accorded canon law the same authority as Scripture. Canon law was always provisional and subject to revision. Much like the practice of law today, canon lawyers sought to identify and rectify conflicting laws, and to apply them to pressing theological,

²⁸ A caveat: describing the "Middle Ages" or anything medieval comes with a risk of overgeneralization. The "medieval church" included nearly a millennium's worth of Christians across Europe, so there was a great deal of change and variety. There was no single medieval church, but many medieval *churches*; there was no single medieval theology, but many medieval *theologies*; there was no single medieval ecclesiology or view of church authority, but many medieval *ecclesiologies* and views of church authority. On this point, see Gary Macy, "Was There a 'The Church' in the Middle Ages?" on *Unity and Diversity in the Church*, ed. R. N. Swanson (Oxford: Blackwell, 1996), 107–116.

²⁹ "Romanam Ecclesiam esse omnibus aliis superiorem, probatur ex frigidissimis Romanorum Pontificum decretes intra CCCC annos natis, contra quae sunt historiae approbatae MC annorum, textus scripturae divinae et decretum Niceni Concilii omnium sacratissimi." WA 2:161; AE 31:318.

³⁰ On the origins of the *Decretum*, see Anders Winroth, *The Making of Gratian's Decretum* (Cambridge: Cambridge University Press, 2000).

³¹ See, for example, Aquinas, *Summa Theologica* II-I, q. 91.

ecclesiastical, and academic issues of the day.³² Moreover, throughout the late Middle Ages, theologians like Luther found reasons to criticize canon law and to reject its authority. Theology and canon law, theologians and canon lawyers had long been at odds. Theologians criticized canon law for placing its discipline on par with theology and the Holy Scriptures, or even for calling itself a “sacred science”—a title reserved for the study of theology alone.³³ The fact that Luther denied canon law’s prerogative to establish the divine right of the papacy as head of the universal church apart from Holy Scripture, while controversial, was not in itself novel. He was doing what any good medieval theologian and doctor of Scripture might do. He believed canon law was human, manmade, positive law, and therefore subordinate to the divine law of Holy Scripture. Canon law could not establish doctrine or have the final say over matters of theology, especially where its opinion was found nowhere in Scripture, as was the case for papal primacy to Luther’s mind. This view of canon law was not unprecedented or historically significant in the context of the medieval church.

A second conclusion Luther reached at Leipzig that, upon further consideration, was not as historically significant as one might think was his claim that councils could err. While this argument may have been the most pivotal at Leipzig, Luther had developed it with much qualification. He explained that many of Jan Hus’s views were “most Christian and evangelical,” and that the Council of Constance had not condemned those “Christian and evangelical” teachings. But if it had, then it was entirely possible for the council to be in error. At the same time, both at Leipzig and in his *Explanations* of the indulgence theses, Luther claimed that while it was possible for a council to err, councils could not err in matters of faith, that is, those things related to salvation.³⁴ What he had in mind are particularly the trinitarian and christological affirmations of the first four councils, which even medieval canon law set apart from later councils.³⁵ Luther did not reject councils

³² Stephan Kuttner, *Harmony from Dissonance: An Interpretation of Medieval Canon Law* (Latrobe, PA: Archabbey, 1960).

³³ For examples, see Walter Ullmann, *Medieval Papalism: The Political Theories of the Medieval Canonists* (London: Methuen, 1949), 38–49; Brian Tierney, “‘Sola Scriptura’ and the Canonists,” *Studia Gratiana* 11 (1967): 345–366; G. H. M. Posthumous Meyjes, “Exponents of Sovereignty: Canonists as Seen by Theologians in the Late Middle Ages,” in *The Church and Sovereignty, c. 590–1918: Essays in Honor of Michael Wilks*, ed. Diana Wood (Oxford: Basil Blackwell, 1991), 299–312; and Takashi Shogimen, “The Relationship between Theology and Canon Law: Another Context of Political Thought in the Early Fourteenth Century,” *Journal of the History of Ideas* 60 (1999): 417–431.

³⁴ See, for example, WA 59:479, 547, 567, as well as his *Resolutiones* at AE 31:157, 172.

³⁵ Hermann Josef Sieben, *Die Konzilsidee des lateinischen Mittelalters (847–1378)* (Paderborn: Ferdinand Schöningh, 1984), especially 188–231.

per se, but rather believed they were not beyond accountability to Scripture and could not carry more weight than Scripture.

Again, this was not a marked departure from medieval precedent. Many believed that councils were fallible and thus subject to correction. For instance, the fourteenth-century Franciscan thinker William of Ockham argued that a council could be wrong, and when it was it fell to the laity—indeed, to *any* believing Christian—to correct it.³⁶ An important fifteenth-century bishop and canon lawyer, Panormitanus, wrote in his commentary on canon law that a single Christian who is right outweighs an entire council, and Luther cited this opinion time and again during these debates.³⁷ The fifteenth-century German cardinal Nicholas of Cusa had been a member of the conciliar movement, which sought to place limits on papal authority and force popes to assist in church reform. However, he left the conciliar cause and supported the papacy instead when the council he was a part of—the Council of Basel—degenerated into partisan bickering.³⁸ He reasoned that councils were more likely than popes to be wrong precisely because there were so many conflicting voices at a council.³⁹ If a pope is sinful and therefore subject to error, then a council is an aggregate of many sinful members and therefore just as subject to error, if not more so.⁴⁰ The fact that Luther believed councils could be and had been wrong was not in itself unprecedented or overly significant. It created a stir at Leipzig and it may not have been popular, but it had standing in the medieval church.

Finally, Luther makes another point throughout the debate that at first glance may seem like a novelty: the fallibility of popes—that popes, too, could be wrong. Here Luther applies the same reasoning as for the councils: “The Roman pontiff and the councils are men, therefore, they should be tested and thus held in check.”⁴¹ Luther argues that even if he were to grant primacy, the pope is still a human and therefore capable of error. At this point, Luther had not publicly declared the papacy

³⁶ Ockham addresses this in various places, but for commentary see Antony Black, *Political Thought in Europe, 1250–1450* (Cambridge: Cambridge University Press, 1992), 71–78, and Arthur Stephen McGrade, *The Political Thought of William of Ockham: Personal and Institutional Principles* (Cambridge: Cambridge University Press, 1998), 48–63.

³⁷ “Hinc est quod concilium potest condemnare papam de haeresi . . . puto tamen quod si papa moveretur melioribus rationibus et autoritatibus quam concilium, quod standum esset sententiae suae, nam et concilium potest errare.” Knut Wolfgang Nörr, *Kirche und Konzil bei Nicolaus de Tudeschis (Panormitanus)* (Köln Graz: Böhlau Verlag, 1964), 104–106.

³⁸ Morimichi Watanabe, “Authority and Consent in Church Government: Panormitanus, Aeneas Sylvius, Cusanus,” *Journal of the History of Ideas* 33 (1970): 217–236.

³⁹ *Oratio coram Dieta Francfordensi* 41, in Nicholas of Cusa, *Writings on Church and Reform*, ed. and trans. Thomas M. Izbicki (Cambridge, MA: Harvard University Press, 2008), 223.

⁴⁰ *Dialogus concludens Amedistarum errorem ex gestis et doctrina concilii Basiliensis* 25, in Izbicki, *Writings on Church and Reform*, 315.

⁴¹ WA 59:480.

to be the antichrist, and he still hoped for his case to be heard and settled.⁴² Moreover, the modern doctrine of papal infallibility was not official church teaching at the time. The discussion of infallibility originated in the fourteenth century due to a debate between two branches of the Franciscan order.⁴³ The church did not officially accept it, however, and it continued to be a topic of conversation, as it was still in Luther's day.⁴⁴ It took until 1870 and the First Vatican Council for Rome to dogmatize the position that what popes declared in an official capacity on behalf of the church was infallible.⁴⁵

Here again Luther's position did not represent a departure from medieval precedent. It had long been thought that popes were capable of error and that there had to be safeguards to protect the church when popes did err. For instance, in the twelfth century canon law specifically stipulated that the church could depose a pope for heresy. One canon in particular said that the pope "is to be judged by no one unless he deviates from the faith"—and if a pope can deviate from the faith, then it stands to reason that he is fallible.⁴⁶ Later canon lawyers went on to argue that if popes did fall into heresy, then church councils could unseat them as popes.⁴⁷ At Leipzig, Luther frequently cited a famous statement by the canonist Panormitanus to make his point: "For in matters concerning the faith even the statement of one private person could be preferred to that of the pope, if the former were inspired by better reasons and authorities."⁴⁸ Again, this position was neither popular nor prominent, but it did have its proponents. They may not have held the particular view on biblical authority Luther would come to hold, nor did they reach the same

⁴² This came in a March 1519 letter to Georg Spalatin. WA Br 1:359.29-31; AE 48:114.

⁴³ David Burr, *The Spiritual Franciscans: From Protest to Persecution in the Century after Saint Francis* (University Park, PA: Pennsylvania State University Press, 2001), and Brian Tierney, *Origins of Papal Infallibility, 1150-1350: A Study on the Concepts of Infallibility, Sovereignty and Tradition in the Middle Ages* (Leiden: Brill, 1972).

⁴⁴ Ulrich Horst, *Papst, Konzil, Unfehlbarkeit: Die Ekklesiologie der Summenkommentare von Cajetan bis Billuart* (Mainz: Matthias-Grünwald-Verlag, 1978).

⁴⁵ For discussion of this, see Richard F. Costigan, S. J., *The Consensus of the Church and Papal Infallibility: A Study in the Background of Vatican I* (Washington, D.C.: Catholic University of America Press, 2005); Margaret O'Gara, *Triumph in Defeat: Infallibility, Vatican I, and the French Minority Bishops* (Washington, D.C.: Catholic University of America Press, 1988); and Hermann J. Pottmeyer, *Towards a Papacy in Communion: Perspectives from Vatican Councils I and II* (New York: Crossroad, 1998).

⁴⁶ *Decretum Gratiani* Dist. 40, c. 6, in *Corpus Iuris Canonici*, ed. Emil Friedberg, 2 vols. (Leipzig: Tauchnitz, 1879), 1:146: "Quia cunctos ipse iudicaturus a nemine est iudicandus, nisi deprehendatur a fide dei." ⁴⁷

Brian Tierney, *Foundations of the Conciliar Theory: The Contribution of the Medieval Canonists from Gratian to the Great Schism* (Cambridge: Cambridge University Press, 1955), 57-60.

⁴⁸ *Decretalium Gregorii IX*, liber I, tit. 6, c. 4 (Friedberg 2:49): "Nam in concernentibus fidem, etiam dictum unius privati esset praeferendum dicto papae, si ille moveretur melioribus rationibus novi et veteris testamentis quam papa."

conclusions as Luther did about the pope, but the Wittenberg reformer had plenty of precedent on his side when it came to questioning papal infallibility.

III. Luther and Scriptural Authority at Leipzig

If those positions were not departures from the medieval view of church authority, then what was? Luther's view of Scripture. It wasn't so much what Luther said explicitly at Leipzig, but what his position there implied: it implied that Holy Scripture must be the sole, unopposed authority in the church, even if that potentially rendered all other authorities in the church moot—whether that means pope, council, canon law, tradition, history, or reason. In the Middle Ages, Scripture was always considered the primary authority in the church.⁴⁹ Canon law itself stipulated that its laws could never contradict what Scripture said.⁵⁰ It also cited a dictum of Saint Augustine that no doctrine could be considered necessary for salvation if it was not in Scripture.⁵¹ Medieval doctors of theology were obligated to affirm the authority of Scripture over all other authorities. They reserved the right to dispute theological opinions on the basis of Scripture unless—or until—their views were deemed contrary to the faith.⁵² No less a medieval doctor than Thomas Aquinas himself argued that only the Scriptures were a necessary authority; he considered all other sources merely probable authorities and their opinions subject to error.⁵³ At Leipzig, Luther quoted another late medieval theologian, Jean Gerson, as saying that no authority should be permitted against the Scriptures and that doctrines contrary to the Scriptures must be rejected.⁵⁴ Even John Eck maintained that he did not intend to oppose councils to Scripture.⁵⁵

What Luther does at Leipzig, however, is different. He takes it a step further. By questioning the infallibility of other sources of church authority and insisting that Scripture alone is infallible, he is forced to concede that the only reliable authority in the church is Scripture precisely *because* it is infallible. This represented a stark departure from medieval views of church authority. In the Middle Ages, there

⁴⁹ The following discussion owes much to Ian Levy, "The Leipzig Disputation: Masters of the Sacred Page and the Authority of Scripture," in *Luther at Leipzig*, 115–144.

⁵⁰ *Decretum Gratiani*, causa 25, q. 1, c. 6 (Friedberg 1:1008).

⁵¹ *Decretum Gratiani*, dist. 9, c. 3–10 (Friedberg 1:17–18).

⁵² See Ian Levy, "Liberty of Conscience and Freedom of Religion in the Medieval Canonists and Theologians," in *Christianity and Freedom, Volume 1: Historical Perspectives*, eds. Timothy Samuel Shah and Allen D. Hertzke (Cambridge: Cambridge University Press, 2016), 149–175, and G. H. M. Posthumus Meyjes, "Quasi Stellae Fulgebunt: On the Position and Function of the Doctor of Divinity in Mediaeval Church and Society," in *In Divers Manners*, ed. D. W. D. Shaw (University of St. Andrews: St. Mary's College, 1990), 11–28.

⁵³ *Summa Theologica* I, q. 1, a. 8.

⁵⁴ WA 59:466.

⁵⁵ WA 59:490–491.

were generally speaking three broad categories of authority admissible for the theologian. The first was Scripture. The second was tradition, and that included everything from the decrees of councils, papal bulls, and canon law to church fathers and medieval doctors. The third category was reason, and this could include logic, dialectic, history, or any other discipline in medieval higher education. With Luther's stand at Leipzig, he separates Scripture from those other sources and functionally sets it in opposition to them. Now, Luther did not declare these other authorities impermissible in theological discussion, nor did he oppose Scripture to them explicitly, but the consequence of his argument is clear: *if* council, pope, and canon law are human, fallible, and subject to correction, and *if* Scripture is divine, infallible, and not subject to correction, then the only sure foundation for doctrinal claims and church authority is Scripture.

Luther did not plan to come to this conclusion when he stepped to the podium at Leipzig. He simply wanted Scripture to have the chief place and to ensure that opinions of canon law did not detract from other authorities, like Scripture, councils, and history.⁵⁶ Yet in the course of the debate, Eck pushed Luther to acknowledge the fallibility of councils, and by extension pope, canon law, or any other authority. This left Luther with only one source of authority—Scripture—resulting in an opposition between the trustworthiness of Scripture and the fallibility of those other sources. In the words of Bernhard Lohse, “With the intensifying of the conflict Luther was led to accent his ecclesiology in a way he did not intend. Continuing escalation of the debate forced him to a conclusion he would happily have avoided. The result was that specific possibilities that were previously open were now ruled out.”⁵⁷ The possibilities previously open but now ruled out included not just pope or canon law, but those same sources Luther appealed to prior to and even during the debate—councils, church fathers, and history. And this is why Luther's admission that councils could be wrong elicited such adverse reactions. He did not reject what councils taught, but rather rejected their authority *as councils*.⁵⁸ To the medieval mind, which sought synthesis and resolution, Luther placed Scripture not just over, but *over against* other authorities in the church, such as the Council of Constance when it condemned Hus.⁵⁹ This is what made Leipzig so

⁵⁶ WA 59:534–535.

⁵⁷ Bernhard Lohse, *Martin Luther's Theology: Its Historical and Systematic Development*, trans. Roy A. Harrisville (Edinburgh: T & T Clark, 1999), 118.

⁵⁸ Thus his 1539 *On Councils and the Church* tightly circumscribes what a council can and cannot do *qua* council. See AE 41:123–131.

⁵⁹ This impetus toward synthesis existed in theology and canon law alike. For instance, see Clare Monagle, *Orthodoxy and Controversy in Twelfth-Century Religious Discourse: Peter Lombard's Sentences and the Development of Theology* (Turnhout, Belgium: Brepols, 2013), and Atria A. Larson, *The Master of Penance: Gratian and the Development of Penitential Thought and Law in the Twelfth Century* (Washington, D.C.: Catholic University of America Press, 2014).

significant. This is what caused Duke George to blurt out, “The pest take the man!” This is why Eck called Luther “a heathen and a publican.” This is what led to the resumption of Luther’s trial and the heresy charges against him. This is what caused many to abandon Luther and others to fall in line behind him.

The consequences would be felt for the remainder of the Reformation. In September 1519, right after the Leipzig Debate, Philip Melanchthon presented a set of theses for debate at the graduation disputation for his degree as bachelor of Bible. Those theses directly reflected Luther’s conclusions at Leipzig and stated unequivocally that Scripture was the sole authoritative source for theology.⁶⁰ It also led in some measure to Luther’s famous stand at Worms, where he claimed his conscience was held captive to the Word of God unless proven wrong by Scripture or sound reason—but not pope, council, canon, doctor, or father. It led to subsequent divisions and misunderstanding among Protestants, as spiritualists like Thomas Müntzer and Karlstadt and sacramentarians like Zwingli and Oecolampadius appealed to Luther’s interpretive method, yet rejected traditional doctrines that Luther affirmed in favor of their own interpretations of Scripture.⁶¹ It led even to Luther’s argument in *On Councils and the Church*, where he accepted the first four ecumenical councils and their statements about the Trinity and Christology not on their own merits as ecumenical councils, but because he deemed their interpretations of Scripture correct.⁶² Beginning with Leipzig, Scripture became the singular, unopposed, sufficient basis for the exercise of authority with respect to doctrinal decisions. All other authorities were thus inherently fallible, subject to error, and—with Ockham’s razor duly sharpened—dispensable.

The conclusion Luther reached was not just significant for his break with the medieval understanding of church authority; it also created a longstanding problem for subsequent Lutherans. Following Luther, the evangelical theologian must substantiate every point from Scripture, and where there is no text of Scripture, there can be no Lutheran doctrine. Luther unquestionably lands on the side of the angels with his affirmation of the sufficiency of Scripture against Eck at Leipzig. But he has also created a perpetual difficulty within Lutheranism: what option do we have when two purportedly Lutheran interpretations of Scripture are irreconcilable? If Scripture alone is the sufficient basis for doctrine and church authority, then where

⁶⁰ On this, see Volker Leppin, “Die Genese des reformatorischen Schriftprinzips: Beobachtungen zu Luthers Auseinandersetzung mit Johannes Eck bis zur Leipziger Disputation,” in *Reformatrische Theologie und Autoritäten: Studien zur Genese des Schriftprinzips beim jungen Luther*, ed. Volker Leppin (Tübingen: Mohr Siebeck, 2015), 97–139.

⁶¹ This point is now made forcefully in the important new work by Amy Nelson Burnett, *Debating the Sacraments: Print and Authority in the Early Reformation* (Oxford: Oxford University Press, 2019).

⁶² AE 41:121–122.

are we left when interpretations of Scripture conflict with one another and we cannot reconcile them? Who decides which interpretation of Scripture is correct? If we cannot default to popes or councils or canons, to tradition or church father or medieval doctor, then how do we decide between them? This is the challenge Luther's conclusion at Leipzig has left for subsequent Lutherans.

IV. Lutherans and Church Authority after Leipzig

Two brief qualifications are in order. First, the medieval church had its own difficulties resolving conflicting theological views. The church mostly left it to university faculties or religious orders to settle their differences, and only seldom to popes and bishops.⁶³ There was a great deal of ambiguity, debate, and diversity in the Middle Ages, and in fact that was one of the problems for Luther and his colleagues. There was *too much* diversity and *too much* uncertainty for their liking. Or, in the words of Notre Dame medievalist John Van Engen, too many "options" for the reformers: "What these Reformers found no longer sustainable or indeed desirable was the fifteenth-century church's carnival of religious options, multiple, competing, contested, coexistent, negotiated, overlapping, local, personally appropriated."⁶⁴ Luther and the reformers wanted something more certain than the medieval church could give them. Second, the pope is no panacea for this problem of resolving theological conflict. Very few popes were ever theologians. The two most recent popes, John Paul II and Benedict XVI, were exceptions to the rule. They were genuine scholars prior to their pontificates, and they made substantial theological statements as popes. But that was not the case during the Middle Ages, nor has it been the case since. Most popes were Italian statesmen and bureaucrats, because the office of the papacy required that: someone who could handle the complex political and economic machinery of Rome and the Papal States, someone who could arbitrate disputes between kings and princes and dukes, someone who could manage a diverse, international church.⁶⁵ But that sort of person was seldom a serious theologian capable of engaging theological disputes between scholars. And

⁶³ For examples, see Louis B. Pascoe, *Church and Reform: Bishops, Theologians, and Canon Lawyers in the Thought of Pierre d'Ailly, 1351–1420* (Leiden: Brill, 2005), 165–181; Alan E. Bernstein, *Pierre D'Ailly and the Blanchard Affair: University and Chancellor of Paris at the Beginning of the Great Schism* (Leiden: Brill, 1978), 1–19; and Roger Gryson, "The Authority of the Teacher in the Ancient and Medieval Church," *Journal of Ecumenical Studies* 19 (1982): 176–187.

⁶⁴ John Van Engen, "Multiple Options: The World of the Fifteenth-Century Church," *Church History* 77 (2008): 284.

⁶⁵ See especially Paolo Prodi, *The Papal Prince: One Body and Two Souls: The Papal Monarchy and Early Modern Europe*, trans. Susan Haskins (Cambridge: Cambridge University Press, 1987), esp. 1–16, 79–101.

that may account for Luther's own disappointment in Leo X, for whom he had high hopes.⁶⁶

Those qualifications aside, however, the outcome of the Leipzig Debate created a vacuum of church authority, and Lutherans are still dealing with the repercussions. In the years immediately following the Reformation, the monarchies of northern Europe filled that vacuum. For several centuries, kings and princes in Germany and many Scandinavian countries took up the mantle of church leadership. They oversaw and funded theological faculties and provided bishops and superintendents. They authorized church orders (*Kirchenordnungen*) and church laws (*Kirchenrechten*) that regulated everything from worship to marriage and education.⁶⁷ They ensured that the Augsburg Confession had legal and political standing and that theological controversies did not divide Lutheran state churches. They stood behind the adoption of theological statements, like John Frederick of Saxony promulgated Melancthon's Treatise on the Power and Primacy of the Pope or August of Saxony promulgated the Book of Concord.⁶⁸ That framework more or less worked for Lutherans over several hundred years. It worked at least until a monarch decided to force the joint worship of Lutherans and the Reformed, as Friedrich Wilhelm III of Prussia did in and after 1817.⁶⁹

That leads to this country and to the immigration of confessional Lutherans from across northern Europe in the nineteenth century. They organized themselves in various ways from episcopal structures to representative democratic structures like the Missouri Synod's, and everything in between. So it was that Walther addressed the 1848 convention after the formation of the denomination and declared that the Synod would accept a democratic process of governance. He mentioned the success of the Swedes with their episcopal polity and the state church

⁶⁶ AE 31:155.

⁶⁷ Discussion of this can be found in Wilhelm Maurer, *Die Kirche und ihr Recht: Gesammelten Aufsätze zum evangelisch Kirchenrecht* (Tübingen: J. C. B. Mohr, 1976), and John R. Witte, *Law and Protestantism: The Legal Teachings of the Lutheran Reformation* (Cambridge: Cambridge University Press, 2002).

⁶⁸ On the role of early modern monarchies in stabilizing Europe after the Reformation, see Theodore K. Rabb, *The Struggle for Stability in Early Modern Europe* (Oxford: Oxford University Press, 1975). On how the monarchies did this religiously, the most accessible literature on confessionalization in English includes Ronnie Po-Chia Hsia, *Social Discipline in the Reformation: Central Europe 1550–1750* (London: Routledge, 1989); Gerhard Oestreich, *Neostoicism and the Early Modern State* (Cambridge: Cambridge University Press, 1982); and Heinz Schilling, "The Reformation and the Rise of the Early Modern State," in *Luther and the Modern State in Germany*, ed. James D. Tracy (Kirksville, MO: Sixteenth Century Publishers, 1986), 21–30.

⁶⁹ Walter H. Conser Jr., *Church and Confession: Conservative Theologians in Germany, England, and America, 1815–1866* (Macon, GA: Mercer University Press, 1984), 13–54, and Nicholas Hope, *German and Scandinavian Protestantism, 1700–1918* (Oxford: Clarendon Press, 1999), 336–348.

of their German forebears, then went on to say that the Synod would take a different approach. After all, he reasoned, they were in America, and Americans would never accept such authoritarian structures:

Perhaps there are times and conditions when it is profitable for the church to place supreme deciding and regulating power into the hands of representatives. Who, for instance, would deny that at one time the consistories of our German fatherland were an inestimable blessing, especially when the prophecy of Isaiah was being fulfilled in the German Lutheran Church: "And kings shall be thy nursing fathers, and their queens thy nursing mothers" (Is. 49:23)? Which person acquainted a bit with history would deny that the Swedish church grew splendidly under its episcopal constitution, especially so long as men like Laurentius Petri, the famous Swedish translator of the Bible and student of Luther, bore the episcopal dignity, and so long as men like the two Gustavuses wore the royal crown of Sweden?

Walther goes on:

If, however, we glance at the conditions in which the church finds herself here, we can hardly consider any other constitution as the most salutary except one under which the congregations are free to govern themselves. . . . In a republic, as the United States of America is, where the feeling of being free and independent of man is nourished so strongly from childhood, the inevitable result [of another constitution] would be that any restriction beyond the limits drawn by God himself would be empty shells, and our apparent growth would often be nothing but a process of becoming stiff and dying in a great mass of lifeless forms.⁷⁰

Now, Walther never imagined voting on church doctrine or interpretations of Scripture, and the Constitution and Bylaws of Synod assert that its scriptural and confessional basis may not be repealed. Yet this raises another inherently sticky question: If a representative democratic convention adopted this confessional position, can such a convention not also one day reopen that question and potentially make a different determination? Lutherans no longer have popes, councils, or canons—or even kings, princes, or bishops—to reconcile their disagreements; instead, they have denominational conventions and electronic ballots.

And that's the dilemma Lutherans face today: How should we proceed when we find ourselves at odds over differing interpretations of Scripture? And what happens when the Synod in convention rules against our preferred interpretation? This is

⁷⁰ Carl S. Meyer, ed., *Moving Frontiers: Readings in the History of The Lutheran Church—Missouri Synod* (St. Louis: Concordia Publishing House, 1964), 174–175.

what Leipzig has left us. For five centuries, it has invigorated the Lutheran study of Scripture precisely because Scripture is the final authority in the church. For five centuries, however, Lutherans have relied on a variety of ecclesiastical structures, from absolute monarchies to historic episcopates, even representative democracy, to choose between rival Lutheran interpretations of Scripture. And we are still left with the same nagging ecclesiological question: Who decides? When there are conflicting interpretations of Scripture, when we have done the historical and grammatical and lexical analysis, and we still come to differing conclusions, who decides between those two options?

More to the point, what happens when the decision doesn't go *my* way? When the Missouri Synod, using whatever mechanism, does decide on an interpretation of Scripture, and when I do not agree with that interpretation, what am *I* to do? One option is to leave. We have the religious liberty to join another denomination or start a new one. That has long been a live option in American Lutheranism. There is another option: to pull the political levers and manipulate the political system until we have the votes and our opinion wins the day. That is also a live option. But there is another, better option: we can continue engaging one another in the hopes of persuading those with whom we disagree. After all, isn't that what we want—to agree? We can seek to engage and persuade one another with new and better arguments. We can seek to frame the debate in new and different ways. We can seek to change one another's minds. This is really no different than something else Walther said in his 1848 address. He said that apart from the Word of God we only have the power of convicting, or persuasion.⁷¹ And if we cannot agree on the Word of God, then all we really have left is the ability to persuade others of the right interpretation of that Word. That remains as true for Lutherans now as it was in 1848 for Walther, and as it was in 1519 at Leipzig for Luther. If there is any hope of reconciling our exegetical, theological, or ecclesiastical disagreements, it will not happen through the creation of another micro-synod or through political machinations. Instead, it will come through continued dialogue and debate—dialogue and debate undertaken in the confidence that, as Luther said in a letter shortly following his disputation with Eck in 1519, “Truth will prevail.”⁷²

⁷¹ *Moving Frontiers*, 170.

⁷² “Veritas vincet.” Luther, letter to Joh. Lang (September 3, 1519), WA Br 1:505.13, no. 196.