

[The 95 Theses or]

Disputation for Clarifying the Power of Indulgences¹

1517

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INTRODUCTION

The *95 Theses* of Martin Luther may constitute one of the best known and yet least understood of his writings. Given the terseness of individual theses, the technical nature of many of the arguments, and the debates over the history of the document, this is hardly surprising. For a twenty-first-century reader to understand them more fully, one must consider certain theological, historical, and literary aspects of the document.

Theological Background

Already St. Jerome (c. 347–420) had argued that after the shipwreck of sin, Christians had at their disposal two planks: first, baptism, which forgave the guilt and punishment for all sin; and then, for mortal sins committed after baptism, penance. Medieval theology defined a mortal sin as a grave act of commission or omission involving willful disregard for God's clear commands.² Such a sin put a person in a state of mortal sin (that is, dead to God and liable to punishment in hell) and included two consequences: guilt and

1. This title (Latin: *Disputatio . . . pro declaratione virtutis indulgentiarum*) is taken from the 1517 reprint of Luther's theses, which in all other printings bore no title at all.

2. Venial sins, which involved minor infractions, ignorance of the consequences, or lack of intention, were forgiven anytime one prayed the Fifth Petition of the Lord's Prayer.

3. The others being baptism, the Lord's Supper, confirmation, ordination, marriage, and last rites (extreme unction). In *The Babylonian Captivity of the Church* (1520; LW 36:3–126), Luther reduced the number to three (baptism, Lord's Supper, and, as a daily use of baptism, confession and absolution [= penance]).

4. This contrasted with attrition, defined as a sorrow for sin out of fear of punishment.

punishment (Latin: *culpa et poena*).^a According to Peter Lombard (c. 1096–1164), the early Scholastic theologian from Paris whose *Sentences* (collected statements of the church fathers interspersed with his brief comments) became the basic theological textbook at universities for the next four hundred years, penance was one of the seven sacraments of the church.³ The sacrament of penance consisted of three parts: contrition, confession, and satisfaction. While baptism contained stronger grace and remitted the guilt and punishment for all sin, it could only be performed once. As a result, the sacrament of penance, to which one had continual access because it was repeatable, became in the Middle Ages the crucial means of moving the sinner from a state of sin into a state of grace. While repeatable, the grace of this sacrament differed in that, although it fully removed the guilt of sin, it only reduced the penalty or punishment (Latin: *poena*) from an eternal punishment to a temporal one.

Contrition, or sorrow for sin out of love of God,⁴ was the first part of the process. By the late Middle Ages, some teachers, including Gabriel Biel (c. 1420–1495) a professor in Tübingen and author of several textbooks that Luther used while in Erfurt, insisted that with such sorrow for sin a person already moved from a state of sin to a state of grace. Most other theologians, such as Thomas Aquinas (1225–1274), argued that the transfer took place during the second part of the sacrament, when one went to confession and, upon a thorough confession of all sins committed since the previous confession, heard the priest's absolution. (By contrast, for Biel the person went to the priest for confession for the same reason cleansed lepers in the Old Testament went to the Levitical priests—to guarantee that the contrition was genuine and, thus, that the leprosy of sin was gone.)^b Whenever it took place, the move from a state of sin to a state of grace was brought about by an infusion into the soul of a disposition of love (Latin: *habitus charitatis*), that is,

^a Luther uses this distinction in theses 5 and 6, for example.

^b See below, *Sermon on Penance*, p. 197 n. 29.

the grace that makes one acceptable to God (Latin: *gratia gratum faciens*). The guilt of sin was completely removed, and the punishment reduced from eternal to temporal.

The third part, satisfaction, took place after private confession, when the forgiven Christian, now in a state of grace, did good works to *satisfy* the temporal punishment remaining for his or her sin. In addition to the traditional good works of prayer, fasting, and almsgiving, other things like participating in a crusade for religious reasons, founding a monastery, contributing to the construction of churches, going on pilgrimages, and the like were also included. For each mortal sin, penitential books used by the priests specified certain penalties. Because most persons committed so many mortal sins over their lifetimes as to accumulate more works of satisfaction than could be done while alive, and because the Bible insisted that only the pure in heart would “see God” (that is, participate in the heavenly, beatific vision), God mercifully established a place of purgation (Latin: *purgatorium*) where the remaining temporal punishments could be satisfied under the overarching assumption that, for the sake of divine righteousness, punishment had to be exacted for every sin. There was some debate over whether the soul in purgatory could then make progress or whether the suffering there was experienced only passively. While the suffering in purgatory was far worse than human suffering on earth, there was only one exit, so to speak, namely, heaven (see theses 16–19). When the power of indulgences came to include purgatory, a few theologians also raised questions over the mode of papal authority over such souls, since the souls had passed from this life (see theses 25–26).

Indulgences came into play precisely in this third part of the sacrament of penance, in that the church could be “indulgent” and reduce or eliminate the temporal penalty demanded for particular mortal sins far beyond the value of an individual work. Certain actions, including donations of money, insofar as they were connected to honoring Christ, Mary, or other saints, could result in obtaining such an indulgence. There were basically two kinds of indulgences, both under the ultimate authority of the pope as Peter’s



Portrait by Raphael (1483–1520) of Pope Leo X and his cousins, cardinals Giulio de' Medici and Luigi de' Rossi.

successor (based on Matt. 16:19), who granted to local bishops authority over the first kind. This kind was a partial indulgence, wherein the church lessened by a fixed amount the temporal penalty for sin for anyone who performed a certain act of piety. The viewing of relics (such as those assembled by Luther's prince, Elector Frederick III of Saxony [1463–1525] and displayed twice a year in the Castle Church in Wittenberg), making a pilgrimage to a saint's shrine, being in attendance at the annual celebration of a church's dedication, and many other activities had indulgences attached to them.

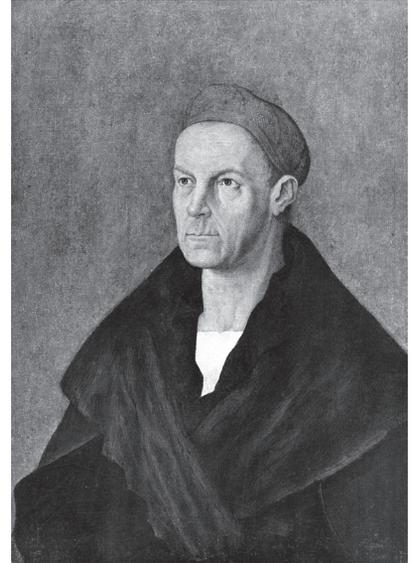
The other kind of indulgence was a full, or plenary indulgence, attached especially to the apostles and their holy sites, and offering the remission of all one's temporal punishment for all sins committed up until the time the indulgence was received. It was under the exclusive aegis of the pope. Pope Urban II (c. 1042–1099) offered the first such indulgence in 1095 for those who participated in the Cru-

sades for religious reasons (namely, to wrest the holy sites in Jerusalem from the control of the "infidel"). In 1300 Pope Boniface VIII (c. 1235–1303) offered a "Jubilee Indulgence" for those who made a pilgrimage to the shrines of the apostles in Rome. Although these were originally to be offered every century, this indulgence soon became available every twenty-five years. In time, other such plenary indulgences came to be offered not just for religious acts but also for the financial support of such acts. In 1476 Pope Sixtus IV (1414–1484) first allowed indulgences to be applied to souls in purgatory.

Indeed, the practice often outran the theological arguments, so that the source of such churchly indulgence—given the widespread belief that for the sake of divine justice satisfaction for every sin must be made—finally came to rest in a “treasury of merits” accumulated by Christ and saints. The pope, by virtue of having been given the keys to heaven by Christ (Matt. 16:19), could open this “treasury” to the faithful purchaser of an indulgence. Pope Clement VI (1291–1352) formally attached this treasury to indulgences.^c

The History of the 95 Theses

By the late Middle Ages, indulgences had become a central part of piety for many people in the Western church. It was also a useful means of financial support for a cash-strapped papacy, so that indulgence preaching was labeled a *sacrum negotium* (holy business). When Leo X (1475–1521) proclaimed a plenary “Peter’s Indulgence” in 1515, the stated reason was to raise money to rebuild the Basilica of Sts. Peter and Paul in Rome—the Renaissance result of which may still be seen today. It is true that half of the money raised was to go to the Augsburg banking family, the Fuggers, in order to pay a debt owed by the archbishop of Mainz, Albrecht von Brandenburg (1490–1545), who had used the loan to pay Rome for the right to hold multiple sees (including archbishop of Magdeburg and administrator of the diocese of Halberstadt) upon his accession to the see in Mainz.⁵ But this would have been considered serving the same religious purpose, namely, to support the building of St. Peter’s, and thus should not be construed as the unscrupulous act of a secularized religious leader who had no conscience and was only interested in servicing a debt. The religious benefits



Jacob Fugger, head of the Augsburg banking family.

5. Canon (ecclesiastical) law forbade the holding of multiple offices (in this case, three bishoprics), for which an exemption needed to be purchased.

^c Already in his *Commentary on the Sentences* IV, d. 20, q. 1, a. 3, qc. 1 co (also found in the supplement to the *Summa Theologica* q. 25, art. 1, compiled by Rainaldo da Piperno [d. 1290]), Thomas Aquinas provided theological grounding for the doctrine.



A 1717 depiction of Johann Tetzel (1465–1519) giving a blessing. Pope Leo X and indulgences appear above him on either side; his hand is on the money chest, and the papal bull authorizing indulgence sales is in the lower righthand corner.

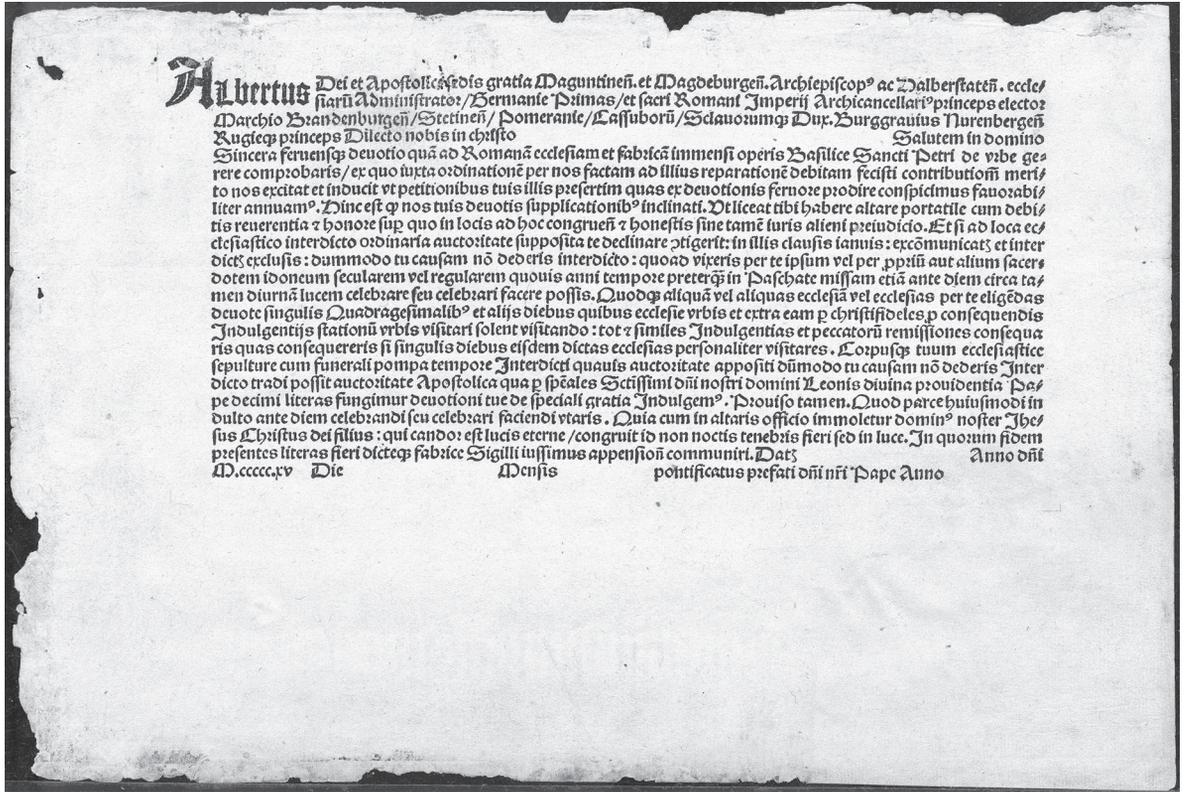
attached to the indulgence were surely also part of Albrecht's concern. In any case, at the time of writing the *95 Theses*, Luther knew nothing of such backroom dealings. His concerns as expressed in the *95 Theses* and his letter to Albrecht were purely theological and pastoral.

Albrecht first turned to the Franciscans to proclaim this indulgence but finally settled on the well-known Dominican, Johann Tetzel (1465–1519), an indulgence commissioner who then worked with other functionaries in selling the individual letters. In preparation for preaching of this indulgence, Albrecht's court theologians prepared a booklet, the *Instructio Summaria* [*Summary Instruction*], which described the limits and benefits of this indulgence for potential preachers.⁶ Some of Luther's objections in the *95 Theses* arose from this source. Tetzel's preaching, some of which likely overstepped the boundaries of the *Summary Instruction*, began in earnest in early 1517. According to contemporary accounts and pictures, he would have been met at a town's gates by all the important government and church offi-

cial, who would have processed to the town's main church, where the papal coat of arms and the papal bull^d decreeing this indulgence would be prominently displayed, while all the organs and bells in the town's churches sounded. All other preaching would be halted so that the citizenry had opportunity to give full attention to Tetzel and the indulgences he had to offer.

6. This included threats to any who impeded preaching this indulgence, the invalidation of previous indulgences, the necessity for building St. Peter's in Rome, the promise of complete remission of all temporal penalties here and in purgatory, the sliding scale of payment depending on one's station

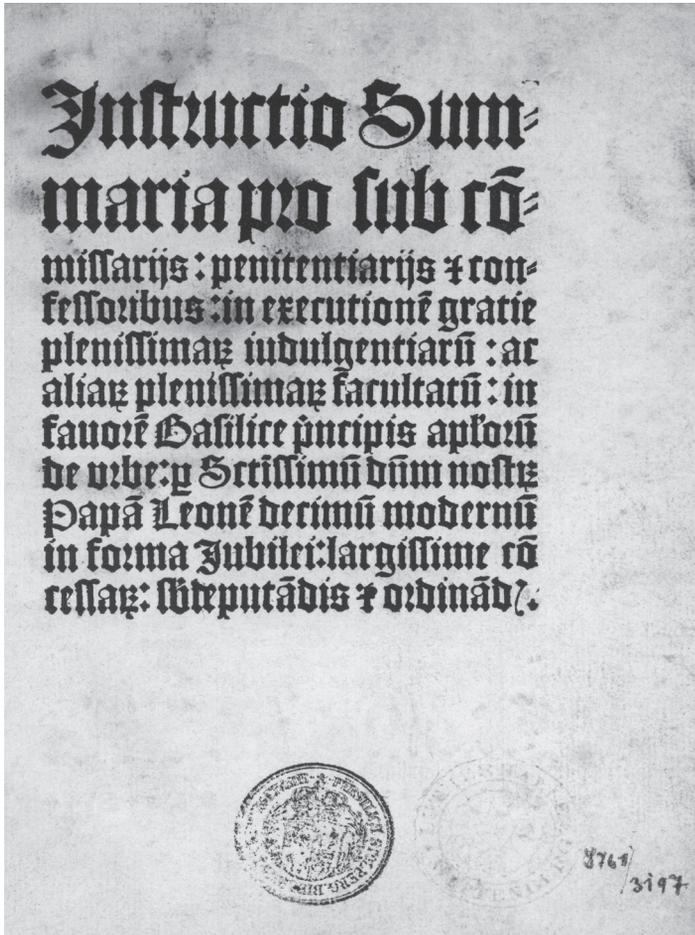
^d A technical term for an official papal bulletin or message.



Indulgence for priests and other clergy, issued at the insistence of Johann Tetzel, to support the rebuilding of St. Peter's Basilica in Rome and to repay the loan with which Albert of Brandenburg obtained his office for the pallium, which was the sign of his office.

Electoral Frederick banned Tetzel from electoral Saxony because he wanted to protect the indulgences of over 100,000 years that were available to the viewer of his collection of relics and because he also feared the drain of gold from his lands. Therefore, Tetzel set up shop around the edges of electoral Saxony, preaching in towns not controlled by Saxon's elector: Eisleben, Halle, Zerbst, and finally Jüterbog (like Halle, a town directly under the control of Albrecht). Wittenberg's citizens, however, could undertake the daylong journey to

in life, a confessional letter instructing the confessor to forgive all sins (which could be used twice—including at the time of death), participation of oneself and one's dead relatives in the "goods" of the church (especially its prayers and other good works), and remission of penalties for souls in purgatory.



The *Summary Instruction* prepared for preachers of the so-called Peter's Indulgence by the court theologians to Archbishop Albrecht of Mainz.

purchase this religiously valuable blessing. Those who purchased such certificates began describing Tetzl's preaching and showing their certificates of indulgence to their priests at home, including to Martin Luther, Augustinian friar and preacher at St. Mary's, the city church in Wittenberg.

Although many focus Luther's discomfort with indulgences on Tetzl and the "Peter's Indulgence," we can see in Luther's own surviving sermons from early 1517 that he had serious theological questions regarding indulgences from the very moment Tetzl showed up on Saxony's doorstep. For example, Luther delivered a sermon probably on 16 or 17 January 1517, at the anniversary of the Castle Church's dedication and just as Tetzl was beginning to preach in Eisleben.^e Martin Luther was thus preaching a dedication indulgence on which occasion Frederick the Wise may have even been in the congregation (given Luther's later recollections about the elector's anger at his questioning indulgences).⁷ Not only did Luther warn about confusing the dedication of churches with the dedication of one's heart

7. See LW 41:232. Luther directed his comments not at the prince's relics but at the entire "foundation," which was connected to the church's dedication. These were not Luther's only critical comments about indulgences from sermons delivered during this time.

^e The text of the sermon is in WA 1:95–99 and WA 4:670–74. For arguments about dating and a translation of the relevant passages, see Timothy J. Wengert, "Martin Luther's Preaching an Indulgence in January 1517," *Lutheran Quarterly* 29, no. 1 (2015): 62–75.

to God, but also, near the end of the sermon, he observed: “Indulgences . . . may only be useful or exist . . . to support the truth of contrition; they take away nothing other than the personal imposition of satisfaction. And it must be feared that frequently they work against interior penitence. For interior penitence is true contrition, true confession, and true satisfaction in the spirit.” He then reflected on his own preaching: “You see, therefore, just how dangerous a thing the preaching of indulgences is, which teaches by cutting short grace, that is, it teaches avoiding satisfaction and punishment.”^f These arguments will also appear in the *Theses* themselves.

On top of his own uncertainty, Luther encountered uncertainty and complaints about indulgences from laypersons and rumors about exaggerations in Tetzels indulgence preaching (perhaps in the confessional from his parishioners).^g Then, having obtained a copy of the *Summary Instruction*, he began serious investigation concerning the nature of indulgences in the summer of 1517, researching the books of canon law⁸ and asking experts for their assistance. His approach to the problem betrayed a method of investigation, shared with other humanist scholars of the day, which insisted that to understand a topic fully, one had to return *ad fontes* (to the sources), where the earliest sources were more reliable than later ones.^h What this study revealed to Luther was that the ancient church had understood the satisfaction owed for temporal punishment of sin quite differently than the church of his day. In Luther’s studied opinion, the pope had authority to grant indulgences but could offer them

8. A collection of binding church decrees from councils and popes assembled by Gratian (active c. 1150) beginning in the twelfth century and commented upon by professors of church law in the centuries following.

^f WA 1:96, 9–10, 27–28; 98, 37–99, 2; 99, 20–22.

^g See LW 51:26–31, a sermon preached on 24 February 1517 at the city church. For an analysis of earlier criticism of indulgences, see Wilhelm Ernst Winterhager, “Ablaßkritik als Indikator historischen Wandels vor 1517: Ein Beitrag zu Voraussetzungen und Einordnung der Reformation,” *Archive for Reformation History* 90 (1999): 6–71.

^h That Luther was doing this consciously becomes clear in his letter to Bishop Jerome from 13 or 20 February 1518 (WA Br 1:135–41, esp. 138, 17–23).

only for ecclesiastical punishment established in canon law, which had nothing to do with divine punishment.

As for the publication history of the *95 Theses* themselves, scholars are divided on exactly what happened in late October and early November 1517.ⁱ This much is certain. On 31 October 1517, Martin Luther wrote a letter to Archbishop Albrecht in which he warned the young prelate about the dangers of unchecked preaching of indulgences (given how uncertain the theology was) and, to prove his point, attached to the letter a copy of the *95 Theses*.^j The original letter in Luther's hand still exists in the royal archives in Stockholm, Sweden. At approximately the same time, he also wrote a letter to his immediate bishop, Jerome Schultz (c. 1460–1522) of Brandenburg, with whom he also corresponded in late February 1518.^k This bishop apparently simply warned Luther to be careful about the new ideas contained in the *Theses*. It is also certain that on 11 November 1517 Luther sent a copy of the *Theses* to his friend in Erfurt, Johannes Lang (c. 1487–1548), asking for his opinion.^l

But, despite what movies about Luther and countless pictures have portrayed, did Luther actually post the theses on the door of the Castle Church on 31 October 1517? Here scholars have been divided since the 1960s, when several first called into question some details of the story.^m For one thing, the first time anyone directly stated in print that Luther posted the *Theses* came in June 1546, shortly after Luther's death, in a preface to the second volume of his Latin works, written by Philip Melanchthon (1497–1560), who

ⁱ See Volker Leppin and Timothy J. Wengert, "A Critical Analysis of the Sources for the Posting of the *95 Theses*," *Lutheran Quarterly* (forthcoming).

^j See below, p. 55. He also attached a copy of what is now called the *Tract on Indulgences* (WA Br 12:2–9; WA 1:65–69).

^k WA Br 1:135–41. Bishop Jerome also gave Luther permission to publish his defense of the *95 Theses*, the *Explanations* (LW 31:77–252).

^l WA Br 1:121–23.

^m For recent contributions to the debate, see Joachim Ott and Martin Treu, eds., *Luthers Thesenanschlag—Faktum oder Fiktion* (Leipzig: Evangelische Verlagsanstalt, 2008).

first arrived in Wittenberg in August 1518 and thus was not an eyewitness to the event.⁹ The historical details that Melanchthon provided throughout the preface are at best mixed, where some “factual errors” are included with descriptions of events that historians have since discovered to be completely accurate. Melanchthon and Luther had countless conversations not recorded elsewhere, so that Melanchthon could well have simply been reporting what Luther had told him, namely, that on 31 October 1517, Luther posted a copy of the *95 Theses* on the Castle Church door.”

Melanchthon could, however, simply have *assumed* that Luther acted in line with university statutes and posted these theses the way he had posted others for regular disputations.^o The door of the Castle Church functioned as a kind of University of Wittenberg bulletin board; it was such an important source of information that printers in the 1540s and beyond began publishing collections of the notices and poems that regularly appeared there. Moreover, in the early statutes of the university, notices for disputations along with their theses were to be posted on all of the church doors in the city—a small detail that may either substantiate Melanchthon’s story or, since Melanchthon mentioned only the Castle Church, call it into question. A handwritten note recorded before Luther’s death in a book owned by Georg Rörer (1492–1557), Luther’s faithful scribe who preserved many of his later lectures and sermons, mentions how the *Theses* were published on all the church doors. In any case, Melanchthon could hardly have anticipated the future use of his offhand remark, which turned the posting into an icon. Instead, he was simply mentioning what Luther had told him or describing the normal turn of events: Luther wrote and posted the theses because of Tetzel’s preaching.

9. One of Melanchthon’s students, Georg Major (1502–1574), was indeed a choir boy in the Castle Church at the time and also referred in later letters to the posting, but the language in these letters is too closely related to Melanchthon’s own account to provide indisputable proof for the posting. Some criticism of Melanchthon arises from long-held views of his reliability as a Lutheran theologian, an issue that the most recent scholarship has rejected. Besides Major, Johann Agricola (1494–1566) and Nicholas von Amsdorf (1483–1565) also lived in Wittenberg in 1517. Neither is known to have objected.

ⁿ In a lecture from the 1550s, Melanchthon mentioned that this happened at Vespers. See CR 25:777.

^o Some of these disputations are mentioned in the *Liber Decanorum: Das Dekanatsbuch der Theologische Fakultät zu Wittenberg*, ed. Johannes Ficker (Halle: Niemeyer, 1923), records kept by the deans of the theology faculty from the university’s founding in 1502.

Luther's later recollections of these times occasionally single out 31 October but make no mention of an actual posting of the *Theses*. In the November letter to Lang, Luther simply passed along the theses as to a friend (apologizing for not having sent them sooner), which reflects the fact that even in his introduction to the *95 Theses* he expected people from a distance to respond by letter—a somewhat unique request regarding theses for disputation. Scholars agree that no public disputation ever took place, as Luther later admitted, although the faculty of the University of Mainz, to which the archbishop gave responsibility to judge Luther's theses, assumed in their judgment of December 1517 that such a disputation must have taken place, as would normally have occurred in such cases.

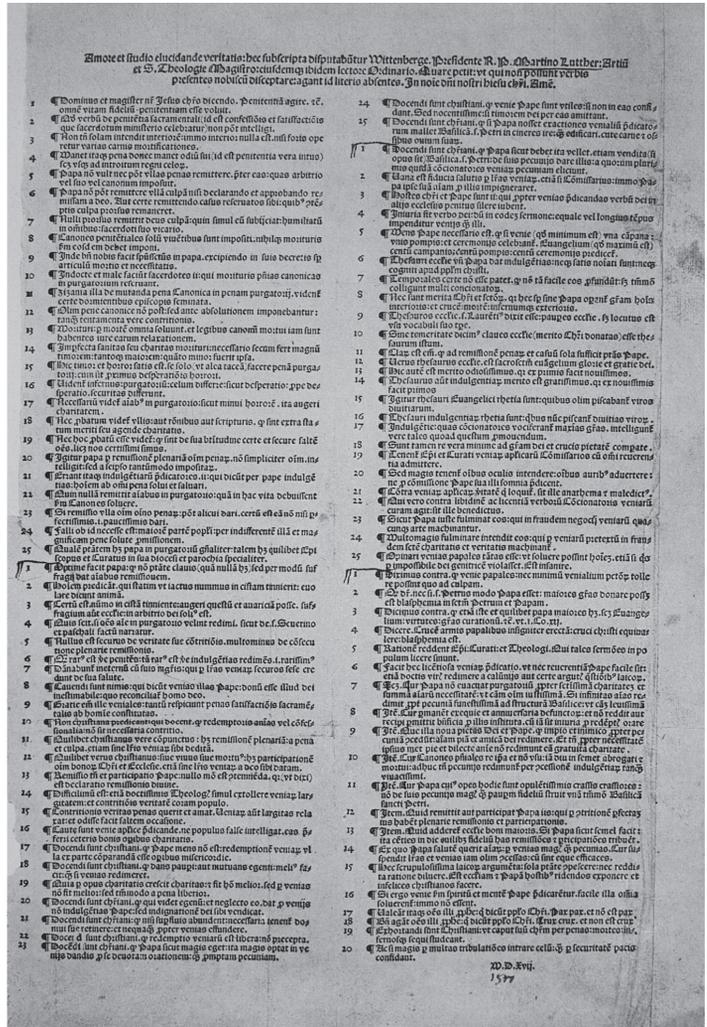
A related question regarding the posting is whether Luther had the theses printed. The only press in Wittenberg at the time was, after all, in the basement of the Augustinian friary where Luther lived and worked. That the printer Johann Grüenberg (d. c. 1525) had typeset Luther's *97 Theses against Scholastic Theology* from September 1517 indicates that printing such theses was a normal part of the press's work.¹⁰ But a scholar such as Luther was also accustomed to making multiple handwritten copies, which he could then have sent to the prelates and friends mentioned above and which he may have posted. The fact that no copy from Wittenberg's press has yet been discovered may mean that not Luther but his friends, who lived in the publishing centers of Leipzig and Nuremberg (from which we have extant printed copies), first had it printed in the well-known placard form.¹¹

The debate over these questions contributes very little to understanding the *Theses* themselves, especially since their most important recipient was Archbishop Albrecht, to whom the theses were sent on 31 October. It was Albrecht's subsequent actions—asking both his own theologians in Mainz and Rome for an opinion of the *Theses*—that turned a serious disputation into a legal case before the pope. One can also see why such matters may have some relevance, especially in clarifying Luther's motives for writing the

10. See LW 31:3–16. The Wittenberg printing was discovered in the Duke August Library in Wolfenbüttel, Germany. Whether Luther also had the *95 Theses* printed does not affect the arguments about posting one way or the other.

11. A third printing in booklet form and dated 1518 comes from Basel, probably the most famous printing center north of the Alps. In a letter to Christoph Scheurl (1481–1542) in Nuremberg, dated 5 March 1518 (WA Br 1:151–53), Luther thanked him for copies of the Latin and German text, where the former at least must have been printed copies. No copy of a German translation is extant.

Theses in the first place. First and foremost, if Luther did not post and, subsequently, did not print his theses, the famous image of an angry young man with hammer and nails in hand, striding to the Castle Church door and destroying the papacy and the unity of the church is shown for what it is (even if he did post them)—a legend. Yet, even if Luther did print and post the *Theses* for debate, he had no notion what the results of such a debate would be and certainly did not have in mind attacking the papacy or splitting the church—something he never claimed to have done in any case. Indeed, in letters from early 1518, Luther seemed rather surprised at how widely the *Theses* had been disseminated. Moreover, if Luther only “posted” the *Theses* in the mail as an attachment to letters addressed to his superiors, this would indicate rather than his clear adherence to the rules governing theological debate at the time, although it is not entirely clear that all theses had first to be approved by one’s ordinary bishop, as later was the case. In any event, the posting of theses was part of the normal life of every late medieval European university and not the defiant act of a dissatisfied monk. Thus, Luther wrote and distributed the 95 *Theses* as a matter of pastoral and theological concern, showing every respect for his ecclesiastical superiors by informing and warning them of the *Theses*’ content.



The single-sheet printing of the 95 *Theses* by Michael Lotter in Leipzig. Now in the National Library in Berlin.

In some ways, the notoriety of the *95 Theses* has been exaggerated because of later events. Although we have three separate printings in Latin, the number of actual copies in circulation would have been relatively small. Although someone in Nuremberg translated the *Theses* into German, it is uncertain whether this translation was ever published (given that no printed copies of such a translation now exist). Moreover, in a letter to a colleague in Nuremberg, Luther voiced skepticism about whether laypersons would understand them—a skepticism that led him to publish the *Sermon on Indulgences and Grace*, designed to explain the matter in German to the laity.^p Not the *95 Theses* but this second publication, which appeared in early 1518, made Luther into a household name and best-selling author.

Literary Considerations

Luther clearly composed the *95 Theses* as theses for debate. Yet, when compared to other theses that he and other professors were composing at around the same time, the *95 Theses* contain some aspects that were decidedly not intended for classroom debate using logic and syllogisms. They have a far more rhetorical flare than one finds in other university theses, both before and after 1517. Indeed, it may help to consider this document as a mixture of logical argument and impassioned speech, as Luther addresses what he viewed as a looming pastoral and theological problem in the church. His defense of the *Theses* published in the summer of 1518 contains lengthy arguments gleaned from Scripture, the church fathers, papal decrees, and canon law, and thus takes the form of an academic debate.^q But the *Theses* themselves, the letter to Albrecht, and the *Sermon on Indulgences and Grace* aim at both the head and the heart of the reader

^p See below, pp. 60–65. See also Luther's response to Johann Eck, *Luther's Asterisks against the Obelisks of Eck* (1518; WA 1:311, 19–25, here 19–20): "For since I had not had them published in the people's language nor had I sent them out more widely than to those around us."

^q LW 31:77–252.

(although Luther would hardly have made the same distinction between the two that today's readers do).

As an example of a tightly constructed logical argument, there are the first four theses, which briefly outline Luther's assumptions about the nature of penitence.¹² Similarly, theses 5–20 provide a focused argument about the limits of papal authority in giving indulgence. Again, theses 56–68 address the single question of the nature of the “treasury of merits,” which, Luther argued, had not been well understood in the church. Yet, even these sections of the *95 Theses* contain certain rhetorical turns of phrase that are unusual and thus worth noting.

As a student at the University of Erfurt in the early 1500s, Luther would have learned the basics of constructing and ornamenting writings according to the rhetorical rules current in his day.^r One began with an *exordium*, designed to get the reader's attention and favor. Then a narration of the accepted facts or presuppositions followed. A succinct *description* of the subject under discussion (sometimes labeled the “state of the controversy” or simply “theme”) was followed by what was always the longest part of any speech or writing, the *confirmation*, which sought to prove the various parts of the author's argument. A so-called *confutation*, which anticipated opponents' objections and rebutted them, was followed by the *peroration*, a conclusion that either summarized the author's point or once again appealed to the reader's goodwill in taking the arguments to heart.¹³ One hint that Luther was also thinking rhetorically comes from the *Explanations of the 95 Theses*, where Luther labels theses 81–91 a confutation. The theses that follow (92–95) are clearly an open appeal to the readers and form an obvious peroration. They have such a high rhetorical tone that several of Luther's opponents ignored them altogether.

^r For Luther's use of rhetoric, see Birgit Stolt, *Martin Luthers Rhetorik des Herzens* (Tübingen: Mohr Siebeck, 2000); Neil R. Leroux, *Luther's Rhetoric: Strategies and Style from the Invocavit Sermons* (St. Louis: Concordia, 2002); Helmar Junghans, *Martin Luther und die Rhetorik* (Leipzig: Hirzel, 1998).

12. Throughout Luther's works, in both Latin and German, a single word (*poenitentia* and *Buße*), may be best rendered penance, penitence, or repentance, depending on the context.

13. The Latin terms, some already found in Cicero (106 BCE–43 BCE) and Quintilian (c. 35–c. 100), were *exordium*, *narratio*, *status controversiae*, *confirmatio*, *confutatio*, and *peroratio*.

Based on the presence of these more explicitly rhetorical parts, one can also notice a rhetorical structure in other sections of the *Theses*. The announcement of the debate, far from being an unimportant historical vestige, functions as a simple exordium, asking for the reader's attention and response for the sake of the truth and invoking Christ's blessing. The first four theses, as Luther later insists in his *Explanations*, were not up for debate but represented the underlying assumptions on which the entire writing rested, and thus functioned as a narration. The fifth thesis, by contrast, states precisely the heart of the debate: "The pope neither desires nor is able to remit any penalties except those imposed by his own authority or that of the canons." That Luther includes the word *desires* here is a further indication of the rhetorical, emotive side to these *Theses*. The determination of papal desires was hardly a matter of syllogisms and logical arguments. In the *Explanations*, Luther insists that this thesis is up for debate.

What follows in theses 6–80 is the heart of the piece, rhetorically speaking. Here Luther addresses the central topic of the limits of papal authority to remove the penalty (though not the guilt) of a person's sin (theses 6–20). Thesis 20, introduced by "therefore," summarizes the foregoing arguments in language echoing thesis 5. In thesis 21 he mentions for the first time the indulgence preachers and begins the first of three corollaries to his main point: 21–40 reject bad preaching and its false claims;¹⁴ theses 41–55 discuss how Christians ought to be taught given the tension between preaching indulgences and encouraging truly Christian works and the gospel;¹⁵ and theses 56–68 define the treasures of the church again over against the claims of indulgence preachers. A final section (69–80) outlines the proper response church leaders should take to restrain such preachers.

What Luther himself later labels the confutation (81–91) possesses its own rhetorical cleverness. Instead of providing objections to his *own* argument (that indulgences only lifted ecclesiastical penalties), Luther introduces the questions of an "informed layperson." Such objections to the reign-

14. This first corollary has three parts: preaching release from all penalties is wrong (21–24); the papal relation to the souls in purgatory (25–29); the relation of contrition to indulgence preaching (30–40).

15. This corollary explores proper preaching and employs the rhetorically charged phrase "Christians are to be taught." After introducing the theme (40), a first section deals with wealth, almsgiving, and the problem of false trust (42–52), and a second, smaller section contrasts indulgences to the gospel (53–55).

ing view of indulgences had (in Luther's mind) no answers except by returning to Luther's simple solution (thesis 91), which (like thesis 5) is connected to "the spirit and intention of the pope." Many of these objections may be found in the writings of others before 1517. Luther's conclusion, or peroration (92–95), contains some of the most rhetorically charged language of the entire piece, associating the sharp condemnation of the prophet Jeremiah with the indulgence preachers, who falsely imagine they are offering peace, and contrasting it to the proper preaching of the cross. The final two theses match the argument at the very beginning of the tract, that the entire life of the Christian is one of penitence.

Themes

Because of the form of Luther's argument, using tightly worded theses to express his point, and because of the foreign nature of the debate itself, it is often hard to understand the *Theses* and the effect they had on their first readers. Paying attention to the structure of the *Theses* helps to identify several different important points. First and foremost, Luther had indulgence preachers in mind while writing, as the cover letter to Archbishop Albrecht also makes clear. References to their abuses appear throughout the *Theses*. At the same time, Luther's research into the nature of indulgences had driven him to the conclusion that their original usage had become obscured by later practices, especially by the confusion of penalties imposed by the church for the sake of discipline with punishments ordained by God (thesis 5). But his research also led him to Erasmus's commentary on the New Testament, where the Dutch humanist argues against using Matt. 4:17 as a proof text for the sacrament of penance, given that the Greek word *metanoia* should not be translated (as had Jerome in the Latin Vulgate) "Do penance" (*poenitentiam agite*). Luther thus argues, in line with his developing theology, that the entire life of the Christian is one of penitence (theses 1–4).

On this basis, he also argues that the present practice surrounding indulgences, which gave the pope authority

over God's punishment of sinners on earth and in purgatory, actually harmed the Christian life of dying to sin and rising to faith in God's promises. (See thesis 5 and the proofs in 6–7 on the removal of guilt and 8–20 on the nature of punishment in this life and in purgatory.) He then attacks what he sees as the exaggerated claims of the indulgence preachers, who promised forgiveness to those who purchased the letters for themselves and, for those who purchased them for their deceased loved ones, release from purgatory (thesis 21ff.). After providing the content of proper preaching (theses 41–51, with their refrain, "Christians are to be taught"), which includes a plea to give to the poor, Luther summarizes what he sees as other exaggerations by these preachers (theses 52–55) and then examines a related problem of the "treasury of the church," from which, it had been claimed, the pope could apply the merits of Christ and the saints to sinners by means of indulgences. Having rejected other definitions, Luther insists that this treasury was none other than the gospel itself (theses 56–67) and concludes with a plea to bishops and others to rein in these preachers (theses 68–80). After listing the sharp objections of the laity, Luther ends with an emotion-laden conclusion, contrasting the false peace offered Christians through indulgences to the cross of Christ and, hence, the Christian life of continual penitence.

Reactions

The *95 Theses* elicited immediate reactions from several groups and individuals. First, Luther's friends in Nuremberg and elsewhere saw to its wider distribution through printings spread throughout the Holy Roman Empire. Individuals, especially people associated with Renaissance humanism, regarded this as a further step in the renewal of good theology on the basis of ancient sources.⁵ Those in

⁵ See the classic arguments by Lewis Spitz, *The Protestant Reformation: 1517–1559* (New York: Harper & Row, 1985), 88–101.



*natus in pago Eck. 13. Nov. 1486. Obiit 10 Febr. 1543. aet. 57.
 Procancelarius Acad. Ingolstadt.*

Johann Eck (1486–1543).

Wittenberg also supported Luther's position, and Luther's colleague Andreas Bodenstein from Karlstadt (1486–1541), soon entered the lists in attacking Johann Eck (1486–1543).¹⁶

But Luther's appeal to Archbishop Albrecht resulted in the cardinal sending the *Theses* to his own theological faculty in Mainz and to the papal court for judgment. Near the end of 1517, the former published a mild rejection of Luther's

16. Johann Eck, whose family name was Maier, was born in the town of Eck in southwestern Germany. After schooling at the universities of Heidelberg, Tübingen, and Freiburg im Breisgau, he became professor of theology at the University of Ingolstadt. He was one of Wittenberg's most intractable opponents, debating Luther in Leipzig in 1519, writing countless refutations of Evangelical positions, opposing Lutherans at the Diet of Augsburg in 1530, and holding conversations with Philipp Melanchthon in Worms and Regensburg in 1540–41.

claims. The much harsher response from Rome, which was entrusted to Sylvester Prierias (c. 1456–1527), the papal court theologian, was published by the summer of 1518.^t Meanwhile, in January 1518 Johann Tetzel received his doctorate at the University of Frankfurt/Oder defending theses composed by Konrad Wimpina (1465–1531), all of which attacked Luther's theses. A few months later, in March or April, Tetzel published another fifty theses, each one using Luther's own pointed phrase ("Christians must be taught") to refute him.^u Luther responded in part to Tetzel in his German *Sermon on Indulgences and Grace*, going into even more detail in his *Explanations*.^v Meanwhile, Johann Eck, from the University of Ingolstadt, had also gotten ahold of a copy of the *95 Theses* and wrote a response that he shared only in manuscript form with some friends. When Luther received a copy of these *Obelisks* (so-called because Eck had marked each objection to Luther's theses with an obelisk [†]), he felt betrayed, since just the year before he had attempted to begin a correspondence with Eck. He published a response, called the *Asterisks*, in which he answered line for line Eck's objections, using an asterisk (*) to mark his own arguments. By October 1518, when Luther traveled to Augsburg for an interview with Cardinal Cajetan, the arguments had begun to move beyond the original issue of indulgences and their preaching and on to other topics, especially the authority of the pope, which all of Luther's opponents believed Luther's *Theses* had attacked as well.^w Nevertheless, several later judgments by the Universities of Louvain and Paris, and an extensive refutation by the French theologian Jacobus Latomus (c. 1475–1544) also formed part of the initial reaction

^t Luther replied in his *Response to the Dialogue of Sylvester Prierias concerning the Power of the Pope* (1518), in WA 1:644–86, with 9:782–86.

^u Both are contained in Peter Fabisch and Erwin Iserloh, eds., *Dokumente zur Causa Lutheri (1517–1521)*, vol. 1: *Das Gutachten des Prierias und weitere Schriften gegen Luthers Ablassthesen (1517–1518)* (Münster: Aschendorff, 1988), 310–37 (*Frankfurter Thesen*), and 363–75 (*Fünfundzig Positiones*).

^v See below, pp. 60–65, and, for the *Explanations*, LW 31:77–252.

^w For the interview with Cajetan, see below, pp. 128–65.

to the *Theses*.^x By the time Eck squared off with Karlstadt and Luther for the Leipzig Debates in the summer of 1519, the central issue in Luther's case had become the authority of the papacy and church councils in relation to the word of God.

Despite what Luther may have expected to result from the *Theses*, things had taken an unexpected (and, perhaps, unwanted) turn, one that was light-years from the original debate. Nevertheless, when Eck arrived in Rome in 1520, bent on writing a papal bull of excommunication for Luther, at least some of the "heretical" doctrines came from the 95 *Theses* and its defense.^y At the same time, Luther continued to find a variety of supporters throughout the Holy Roman Empire. While Erasmus of Rotterdam (1466–1536) and others remained somewhat distant and finally antagonistic and some only praised Luther for his courage to stand up to the authorities of the day, still others found his thought quite convincing. Thus, when in the spring of 1518 he appeared before a meeting of representatives of the German Augustinian chapter houses and held the Heidelberg Disputation, several, including the future reformers of Strasbourg, Martin Bucer (1491–1551), and of Schwäbisch Hall and later Württemberg, Johannes Brenz (1499–1570), marked this encounter as the beginning of their support for Luther and his theology.^z



x See Hannegreth Grundmann, *Gratia Christi: Die theologische Begründung des Ablasses durch Jacobus Latomus in der Kontroverse mit Martin Luther* (Berlin: LIT, 2012) and Luther's response, *Against Latomus* (1521), in LW 32:133–260.

y See Luther's *Defense and Explanation of All the Articles Condemned by the Most Recent Bull of Leo X* (1521) in LW 32:3–99.

z For the *Heidelberg Disputation*, see below, pp. 80–120.

17. This translation is based upon that of Charles M. Jacobs, revised by Harold J. Grimm in LW 31:17–33, as well as upon WA 1:233–38, with reference to the helpful notes in MLStA 1:171–85. The title is taken from the 1518 Basel reprint.

18. There is no evidence that such a public debate took place in Wittenberg. Their publication and subsequent distribution led to vigorous reactions. This functions as a kind of exordium to the entire document. See the introduction, p. 28.

19. Luther is quoting the standard Vulgate rendering of Matt. 4:17 (*Poenitentiam agite*, translated “Repent!” in most English versions). In Latin and German, however, the phrase may be rendered “Do penance,” “Be penitent,” or “Repent.” These first four theses represent the basic narration of what Luther considered generally accepted facts.

20. As the *Explanations of the 95 Theses* (1518), LW 31:83f., made clear, Luther was relying here on Erasmus’s annotations to the Greek text, first published in 1516, which pointed out that the Greek verb *metanoieite* did not mean “do penance” but “come to one’s senses” and thus did not refer to the sacrament of penance.

21. For the parts of the sacrament of penance (contrition, confession, and satisfaction) and the distinction between guilt and punishment, see the introduction, p. 14f. Luther touched on contrition in thesis 3 and punishment (*poena*) in thesis 4.

[THE NINETY-FIVE THESES OR]
DISPUTATION FOR
CLARIFYING THE POWER
OF INDULGENCES¹⁷

OUT OF LOVE AND ZEAL for bringing the truth to light, what is written below will be debated in Wittenberg with the Reverend Father Martin Luther,^a Master of Arts and Sacred Theology and regularly appointed lecturer on these subjects at that place, presiding. Therefore, he requests that those who cannot be present to discuss orally with us will in their absence do so by letter.¹⁸ In the name of our Lord Jesus Christ. Amen.

1. Our Lord and Master Jesus Christ, in saying “Do penance . . . ,”¹⁹ wanted the entire life of the faithful to be one of penitence.
2. This phrase cannot be understood as referring to sacramental Penance,²⁰ that is, confession and satisfaction as administered by the clergy.²¹

^a Or, in two printings, Lutther. Around this time, he began spelling his name “Luther” in his letters, in part as a play on the Greek word *eleutherius* (“the free one”). See WA Br 1:122 (letter to Johannes Lang [c. 1487–1548], dated 11 November 1517) and LW 48:55 (letter to Georg Spalatin [1484–1545], dated 18 January 1518).

3. Yet it does not mean solely inner penitence—indeed such inner penitence is nothing unless it outwardly produces various mortifications of the flesh.²²
4. And thus,²³ penalty^b remains as long as hatred of self^c (that is, true inner penitence) remains, namely, until our entrance into the kingdom of heaven.^d
5. The pope neither desires nor is able to remit^e any penalties except those imposed by his own discretion or that of the canons.²⁴
6. The pope cannot remit any guilt except by declaring and confirming its remission by God or, of course, by remitting guilt in [legal] cases reserved to himself.²⁵ In showing contempt regarding such cases, the guilt would certainly remain.

b Latin: *poena*, the root of *poeni-tentia*. The linguistic and theological connection between penalty and penance is hard to capture in English.

c See John 12:25.

d See Matt. 7:21-23. That is, until after death.

e That is, set aside or forgive.

22. Inward penitence is contrition. External putting to death of the flesh was part of satisfaction. For the medieval debate over when God's grace was infused in the penitent (at the moment of contrition or in confessional), see the introduction, p. 14.

23. Latin: *itaque*. These theses consisted in a series of logical arguments, so that this concludes the underlying narrative for the actual disputation.

24. Thesis 5 states Luther's central premise. Old church law had specified that penalties (*poena*) for sin be imposed before absolution was administered (see thesis 12) and were part of church discipline. Hence, Luther argues that the church could show leniency, or indulgence, only in regard to these ecclesiastical penalties, not God's punishment. See the introduction, p. 21f. The phrase "by his discretion or that of the canons" was a technical term describing how a priest in the confessional would first see if the sin in question had a penalty prescribed in the penitential canons and, if not, could use his discretion.

25. In terms of divine grace and the removal of guilt (*culpa*), priests simply announced God's forgiveness. Regarding especially heinous sins, ecclesiastical absolution was restricted to the papal see.