

## The Ninety-Five Theses

The *Ninety-Five 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. In addition to the overview of penance and indulgences in the volume introduction, a twenty-first-century reader needs to consider certain other historical and literary aspects of the document.

### Historical Considerations

By the Late Middle Ages indulgences had become a central part of piety for many people in the Western Church but were 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 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. Half of the money raised, however, was to go to the Augsburg banking family, the Fuggers, in order to pay a debt owed by Archbishop Albrecht of Brandenburg, as described in the introduction. The religious benefits attached to the indulgence were surely also part of Albrecht's concern. In any case, at the time of writing the *Ninety-Five Theses* Luther knew nothing of these financial dealings.

To proclaim this indulgence Albrecht settled upon the well-known Dominican preacher, Johann Tetzel (1465-1519), and he asked his court theologians to prepare a booklet, the *Summary Instruction*, which described the limits and benefits of this indulgence for potential preachers.<sup>1</sup> Some of Luther's objections in the *Ninety-Five Theses* arose from this source and from Tetzel's preaching, some of which likely overstepped the boundaries of the *Summary Instruction*. According to contemporary accounts and pictures, he would have been met at a town's gates by all the important government and church officials, who would have processed to the town's main church where the papal coat-of-arms and the papal bull<sup>2</sup> 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.

Although banned from electoral Saxony, Tetzel set up shop around the edges of electoral Saxony where Wittenberg's citizens could undertake the short journey to purchase this religiously valuable

1. 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 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.
2. A technical term for an official papal bulletin or message.

blessing. Those who purchased such certificates began showing them to their priests at home, including to Martin Luther, Augustinian friar and preacher at St. Mary's, the city church in Wittenberg, and describing Tetzel's preaching.

Besides his own uncertainty about indulgences, Luther encountered uncertainty and complaints about indulgences from laypersons and rumors about exaggerations in Tetzel's indulgence preaching.<sup>3</sup> 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 Law<sup>4</sup> and asking experts for their assistance. 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 and, in his opinion, that the pope had authority over and, thus, could offer indulgences *only* for ecclesiastical punishment established in canon law, which had nothing to do with divine punishment.

For the debate over the posting and distribution of the *Ninety-Five Theses*, see the volume introduction. In addition to sending copies to the archbishop of Mainz on 31 October 1517 and at nearly the same time to the bishop of Brandenburg, it is also certain that Luther sent copies of the *Theses* to his friends, including Johannes Lang (ca. 1487-1548), where in a letter dated 11 November 1517, Luther asked for Lang's feedback.<sup>5</sup> Luther's later recollections of these times occasionally single out 31 October. In the November letter to Lang, Luther simply passed along the theses as to a friend (apologizing for not having sent them sooner). This reflected the fact that, as he stated in his introduction to the *Ninety-Five Theses*, Luther expected people

3. See LW 51:26-31.

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

5. WA Br 1:121-23.

from a distance to respond by letter—a unique request regarding theses for debate. 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.

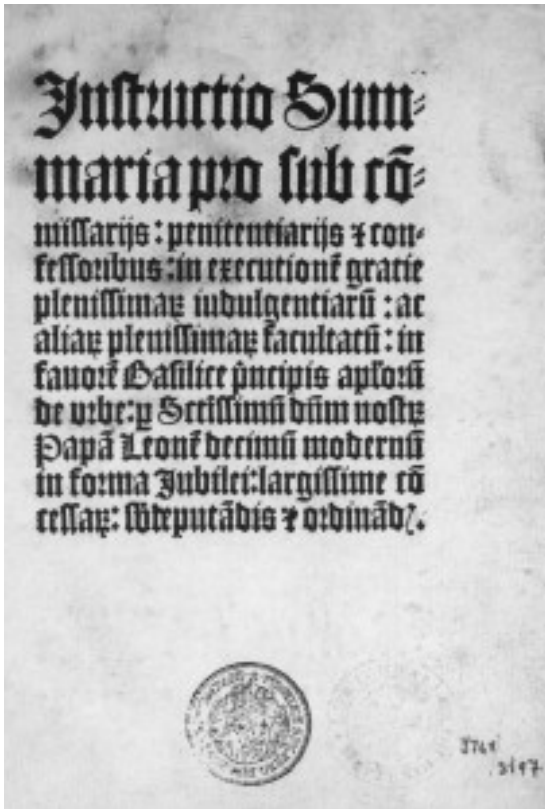


Fig. 1.1 Summary Instruction.

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 and certainly not 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. Luther wrote and distributed the 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.

### Literary Considerations

Luther clearly composed the *Ninety-Five Theses* as theses for debate. Yet, when compared to other theses that he and other professors were composing at around the same time, the *Ninety-Five Theses* contain some turns 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.<sup>6</sup> 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 (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.<sup>7</sup> Similarly, theses 5-20 provide a focused argument about the limits of papal authority in giving indulgence.

6. LW 31: 77-252.

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

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 *Ninety-Five 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.<sup>8</sup> 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 good will in taking the arguments to heart.<sup>9</sup> One hint that Luther was also thinking rhetorically comes from the *Explanations of the Ninety-Five 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 ignore them altogether.

Based upon the presence of these more explicitly rhetorical parts, one can also detect the rhetorical structure of other sections of the

8. 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).

9. The Latin terms, some already found in Cicero and Quintilian, were *exordium*, *narratio*, *status controversiae*, *confirmatio*, *confutatio*, and *peroratio*.

*Theses*. The announcement of the debate functions as an **exordium**, asks for the reader's attention and response for the sake of the truth and invokes 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 controversy**: "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 line with the centrality of this thesis, the *Explanations* insisted that this was the first debatable thesis.

What follows in theses 6–80 contains the proof or **confirmation**, rhetorically speaking, for thesis 5. 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 five. In thesis 21 he mentions for the first time the indulgence preachers and begins the first of three corollaries to his main point: theses 21–40 reject bad preaching and its false claims;<sup>10</sup> theses 41–55 discuss how Christians ought to be taught given the tension between preaching indulgences and encouraging truly Christian works and the gospel;<sup>11</sup> and theses 56–68 define the treasures of the church again over against the claims of indulgence

10. 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).

11. 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).

preachers. A final section (69–80) outlines the proper response church leaders should take to restrain such preachers.

What Luther later labels the **confutation** (81–91) possesses its own rhetorical cleverness, in that, instead of providing objections to his *own* argument that favored narrowing indulgences to the lifting of ecclesiastical penalties, Luther introduces the character of a sharp layperson, whose objections to the reigning view of indulgences have (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, applying the condemnation of the prophet Jeremiah to 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 that they had on those 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 made 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 meaning had become obscured



by later practices, especially by the confusion of penalties imposed by the church for the sake of discipline with punishments meted out by God (thesis 5). But his research had also led him to Erasmus's commentary on the New Testament, and so Luther argued that the entire life of the Christian is one of penitence (theses 1-4).

On this basis, he also argued that the present practice surrounding indulgences, which gave the pope authority over God's punishment of sinners on earth and in purgatory, actually harms the Christian in preventing the move from the death of the sinner to life 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). On this basis, 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 release from purgatory for those who purchased them for their deceased loved ones (theses 21ff.). After providing the content of proper preaching (theses 41-51, with their refrain, "Christians are to be taught"), Luther summarizes what he saw 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 to sinners the merits of Christ and the saints through indulgences. Having rejected other definitions, Luther insists that this treasury was none other than the gospel itself (theses 56-67), and he 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 *Ninety-Five Theses* elicited immediate reaction from several

different groups and individuals. First, Luther's friends in Nuremberg and elsewhere saw to its wider distribution throughout the Holy Roman Empire by printing the document. 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.<sup>12</sup> Those in Wittenberg also supported Luther's position, especially Luther's colleague Andreas Bodenstein from Karlstadt (1486–1541), who soon entered the lists in attacking Johann Eck.

But Luther's appeal to Archbishop Albrecht resulted in the cardinal sending the theses to his own theological faculty in Mainz for their judgment and to the papal court. Near the end of 1517, the former published a rejection of Luther's claims. The response from Rome, which was entrusted to Sylvester Prierias, the papal court theologian, was published by the summer of 1518.<sup>13</sup> Meanwhile, in January 1518 Johann Tetzel received his doctorate at the University of Frankfurt/Oder defending theses composed by Conrad Wimpina, 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").<sup>14</sup> Luther responded in part to Tetzel in his German *Sermon on Indulgences and Grace*, going into even more detail in his *Explanations*.<sup>15</sup> Meanwhile, Johann Eck from the University of Ingolstadt had also gotten hold of a copy of the *95 Theses* and wrote a response that he shared in manuscript form with some friends. When Luther received a copy of these *Obelisks*

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

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

14. 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 363–375 (*Fünfzig Positiones*).

15. See below, pp. 41–48, and, for the *Explanations*, LW 31:77–252.

(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 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 had attacked as well.<sup>16</sup> 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 to the *Theses*.<sup>17</sup> By the time Johann 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.

Whatever Luther may have expected to result from the *Theses* had taken an unexpected (and, perhaps, unwanted) turn, one that was light years from the original debate. Nevertheless, when Johann 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 *Ninety-Five Theses* and its defense.<sup>18</sup> 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 or only praised Luther for his courage to stand up to the

16. For the interview with Cajetan, see, *The Annotated Luther, vol. 1: The Roots of Reform*, ed. Timothy J. Wengert (Minneapolis: Fortress, 2015), 121-65.

17. See Luther's response, *Against Latomus* (1521), in LW 32:133-260.

18. See Luther's *Defense and Explanation of All the Articles* (1521) in LW 32:3-99.

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authorities of the day, still others found his thought quite convincing. These included Martin Bucer [1591-1551], the future reformer of Strasbourg, and Johannes Brenz, reformer of Schwäbisch Hall and later of Württemberg.



Fig. 1.2 Image of 95 Theses.