

OF CONSTRAINED DEFENCE

DCCLXXXIV.

The question whether without offending God or our conscience, we may defend ourselves against the emperor, if he should seek to subjugate us, is rather one for lawyers, than for divines. If the emperor proceed to war upon us, he intends either to destroy our preaching, and our religion, or to invade and confound public policy and economy, that is to say, the temporal government and administration. In either case, its no longer as emperor of the Romans, legally elected we are to regard him but as a tyrant; its, therefore, futile to ask whether we may combat for the upright, pure doctrine, and for religion; `its for us a law and a duty to combat for wife, for children, servants, and subjects; we are bound to defend them against maleficent power.

If I live I will write an admonition to all the states of the Christian world, concerning our forced defense; and will show that every one is obliged to defend him and his against wrongful power. First, the emperor is the head of body politic in the temporal kingdom, of which body every subject and private person is a piece and member, to whom the right of enforced defense appertains, as to a temporal and civil person; for if he defend not himself, he is a slayer of his own body.

Secondly, the emperor is not the only monarch or lord in Germany; but the princes electors are, together with him, temporal members of the empire, each of whom is charged and bound to take care of it; the duty of every prince is to further the good thereof, and to resist such as would injure and prejudice it. This is especially the duty of the leading head, the emperor. `Its true, the princes electors, though of equal power with the emperor, are not of equal dignity and prerogative; but they and the other princes of the empire are bound to resist the emperor, in case he should undertake anything tending to the detriment of the empire, or which is against God and lawful right. Moreover if the emperor should proceed to depose any one of the princes electors, then he deposes them all, which neither should, nor can be committed.

Wherefore, before we formally answer this question, whether the emperor may depose the princes electors, or whether they may depose the emperor, we must first clearly thus distinguish: a Christian is composed of two kinds of persons, namely, a believing or a spiritual person, and a civil or temporal person. The believing or spiritual person ought to endure and suffer all things, it neither eats, nor drinks, nor engenders children, nor has share or part in temporal doings and matters. But the temporal and civil person is subject to the temporal rights and laws, and tied to obedience; it must maintain and defend itself, and what belongs to

it, as the laws command. For example, if, in my presence, some wretch should attempt to do violence to my wife or my daughter, then I should lay aside my spiritual person, and recur to the temporal; I should slay him on the spot, or call for help. For, in the absence of the magistrates, and when they cannot be had, the law of the nation is in force, and permits us to call upon our neighbour for help; Christ and the Gospel do not abolish temporal rights and ordinances, but confirm them.

The emperor is not an absolute monarch, governing alone, and at his pleasure, but the princes electors are in equal power with him; he has, therefore, neither power nor authority alone to make laws and ordinances, much less has he power, right, or authority to draw the sword for the subjugation of the subjects and members of the empire, without the sanction of the law, or the knowledge and consent of the whole empire. Therefore, the emperor Otho did wisely in ordaining seven princes electors, who, with the emperor, should rule and govern the empire; but for this, it would not so long have stood and endured.

Lastly, we should know that when the emperor proposes to make war upon us, he does it not of and for himself, but for the interest of the pope, to whom he is liegeman, and whose tyranny and abominable idolatry he thus undertakes to maintain; for the pope regards the Gospel not at all, and in raising war against the Gospel, by means of the emperor, intends only to defend and preserve his authority, power, and tyranny. We must not, then, remain silent and inactive. But here one may object and say: Although David had been by God chosen king, and anointed by Samuel, yet he would not resist the emperor, etc. Answer: David, at that time, had but the promise of his kingdom; he had it not in possession; he was not yet settled in his government. In our case, we are not against Saul, but against Absalom, against whom David made war, slaying the rebel by the hands of Joab.

I would willingly argue this matter at length, whether we may resist the emperor or no? though the juriconsults, with their notions of temporal and natural rights, pronounce in the affirmative, for us divines `its a question of grave difficulty, having regard to these passages: "Whosoever shall smite thee on thy right cheek, turn to him the other also." And: "Servants, be subject to your masters with all fear, not only to the good and gentle, but also the froward." We must beware how we act against God's Word, lest, afterwards, in our consciences, we be plagued and tormented. But still, we are certain of one thing, that these times are not the times of the martyrs, when Diocletian reigned and raged against the Christians; `its now another kind of kingdom and government. The emperor's authority and power, without the seven princes electors, is of no value. The lawyers write: the emperor has parted with the sword, and given it into our possession. He has over us but only *gladium petitorium*, he must seek it of us, when he proposes to punish, for of right he can do nothing alone. If his government were as that of Diocletian, we would readily yield unto him and suffer.

I hope the emperor will not make war upon us for the pope's sake; but should he play the part of an Arian, and openly fight against God's Word, not as a Christian, but as a heathen, we are not bound to submit and suffer. `Its from the pope's side I take the sword, not from the emperor's; and the pope, `its evident, ought to be neither master nor tyrant.

To sum up:--

First: the princes electors are not slaves.

Secondly: the emperor rules upon certain conditions.

Thirdly: He is sworn to the empire, to the princes electors, and other princes.

Fourthly: He has by oath bound himself unto them, to preserve the empire in its dignity, honour, royalty, and jurisdiction, and to defend every person in that which justly and rightly belongs to him; therefore, it is not to be tolerated that he should bring us into servitude and slavery.

Fifthly: We are entitled to the benefit of the laws.

Sixthly: He ought to yield to Christian laws and rights.

Seventhly: our princes by oath are bound to the empire, truly to maintain privileges and jurisdictions in public and temporal cases, and not to permit any of these to be taken away.

Eighthly: these cases are among equals, where one is neither more nor higher than another; therefore, if the emperor with tyranny deals with others; for thereby he lays aside the person of a governor and loses his right over the subjects, by the nature of relatives; for princes and subjects are equally bound the one to the other, and a prince is clearly obliged to perform what he has sworn and promised, according to the proverb: Faithful master, faithful man.

Ninthly: the laws are above a prince and a tyrant; for the laws and ordinances are not wavering, but always sure and constant, while a human creature is wavering and inconstant, for the most part following his lusts and pleasures, if by the laws he be not restrained.

If a robber on the highway should fall upon me, truly I would be judge and prince myself, and would use my sword, because nobody was with me able to defend me; and I should think I had accomplished a good work; but if one fell upon me as a preacher for the Gospel's sake, then with folded hands I would lift up mine eyes to heaven, and say: "My Lord Christ! here I am; I have confessed and preached thee; is now my time expired? so I commit my spirit into thy hands," and in that way would I die.

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