

The Ninety-Five Theses as a Literary and Theological Event

By Timothy J. Wengert

Already at the 100th anniversary of the Reformation in 1617, the 95 *Theses* had become a cipher, waiting to be filled with whatever power the culture saw fit to imbue them. Luther, quill in hand, is depicted as scratching out the *Theses* on Wittenberg's church door with the nib while the feathers knock the papal tiara from Leo X's head in Rome, all according to a dream of Frederick the Wise.¹ Later, as the Enlightenment grabbed human imagination, Luther became the first to light the lamp of free, untrammelled reason in a darkened age. Then, when Harvard University professor George Bancroft, the Heidelberg-trained nineteenth-century historian of the American Revolution, began his ten-volume treatment of that War, where else could that harbinger of Romanticism begin than with Luther and the theses that prefigured »the shot which rang out around the world?«² The cipher also had its mirror image, as Roman Catholic theologians marked this posting as the defiant act of a heretic or the machinations of a sick mind.³

When Erwin Iserloh called into question the posting of the *Theses*, some of his cultured despisers certainly suspected a Roman plot to strip the Reformation of its power.⁴ Moreover, *Der Spiegel's* provocative article

1 E.g. M. LUTHER, A Sermon on Indulgences and Grace by the Worthy Doctor Martin Luther, Augustinian Friar in Wittenberg (in: The Annotated Luther, vol. 1: The Roots of Reform, ed. by T.J. WENGERT, 2015, ch. 3, 3 (henceforth: AL 1,3).

2 Cf. G. BANCROFT, History of the United States of America: From the Discovery of the American Continent, 10 vols., 1854–1878.

3 E.g. H. DENIFLE, Luther und Luthertum in der ersten Entwicklung. Quellenmäßig dargestellt, 1904, or H. GRISAR, Luther, 3 Bde., 1911–1912.

4 Cf. E. ISERLOH, Luther zwischen Reform und Reformation (KLK 23/24), 1967.

from 1966, with the caption »Reformator ohne Hammer?«, certainly did not help the important scholarly debate, which began then and continues in our day.⁵ The fact that Luther would more likely have attached the *Theses* with wax or paste and not nails just shows how little legends depend upon history, »wie es eigentlich geschehen ist.«⁶

Putting aside the question of the posting for the moment, let us instead focus on the actual 95 *Theses* and look at them first in the context of Luther's immediate career and second in terms of their literary form, in order finally to glean from the *Theses* the contours of Luther's theology and his 500-year-old proposal regarding the practice of selling indulgences. When one does that, not only is the question of their posting—a certain set of bronze doors to the contrary notwithstanding—a matter of secondary importance, but also their true remarkable contribution to Christian theology comes into sharp focus.

I Luther's History with the Sale of Indulgences

It would be tempting to begin with Luther's comments about indulgences in the lecture hall or from the pulpit. But there is a remarkable incident in Luther's pre-monastic life that may offer some perspective on his later behavior. In 1476, Pope Sixtus IV authorized the preaching of an indulgence in Saintes, France, calling upon the chief indulgence commissioner of the diocese, Raimund Peraudi, to carry it out.⁷ This indulgence is best known for Sixtus's decree expanding the scope of indulgences from the living to the souls in purgatory. This remarkable shift, which had immediate con-

5 Cf. Luthers Thesen. Reformator ohne Hammer (Der Spiegel 1, 1966).

6 V. LEPPIN, Die Monumentalisierung Luthers. Warum vom Thesenanschlag erzählt wurde – und was davon zu erzählen ist (in: Luthers Thesenanschlag – Faktum oder Fiktion [Schriften der Stiftung Luthergedenkstätten in Sachsen-Anhalt, 9], hg. v. J. OTT / M. TREU, 2008, 69–92). In his account, Philipp Melanchthon used the verb »afficere« and subsequently Johann Mathesius used »anschlagen«, neither of which requires hammer and nails but simply means »to affix«.

7 For the role of Peraudi, see B. HAMM, Ablass und Reformation. Erstaunliche Kohärenzen, 2016 and Martin Luther's 95 Theses with Introduction, Commentary and Study Guide, ed. by T.J. WENGERT, 2015, XX–XXIV. (For all of the translations of the 95 *Theses*, see this work.)

sequences for late-medieval spirituality, as Berndt Hamm has shown, took place only seven years before Luther's birth. While biographers of Luther and students of the 95 *Theses* often refer to this decree, none of them has noticed, to my knowledge, that this same preacher, by then papal legate in charge of indulgences throughout the Holy Roman Empire, propagated a similar, plenary indulgence north of the Alps and in October 1502 was in Erfurt. While Luther never made reference to hearing Peraudi or purchasing an indulgence at that time—scarcely affordable to a young student in the arts faculty—yet it is an astounding historical irony that the preacher who first proclaimed an indulgence for souls in purgatory should have been preaching a plenary, jubilee indulgence, or at least directing the preaching, in the very city where the young man, who would later bring an end to such sales in the Latin West, was living.

Thus, when we hear Luther commenting on indulgences of various kinds in his lectures and sermons before writing the 95 *Theses*, we can safely say that he was not merely reacting to the rumored excesses of Johann Tetzel but that he was acting out of experience. Indeed, his world was filled with indulgences and ways to obtain them. Whether one journeyed to Rome and prayed at its churches or viewed the burgeoning collection of Frederick the Wise's relics, indulgences were a fixture in religious life—a form of the church's grace for souls oppressed by the weight of sin and its punishment.

We could next move to Luther's comments on indulgences from his early lectures.⁸ Here, however, we face two historical problems. For one thing, we do not always know from the manuscript evidence what Luther actually said in lectures, as opposed to what he wrote on paper. For another, although the lectures of a professor were clearly not private, their impact on the public was somewhat limited. Comments in the classroom did not necessarily lead directly to strife in the church. Though we may agree that theses for debate had at some level to be approved by the ordinary bishop, lectures clearly fell into a quite different category, and professors had a

8 Cf. D. BAGCHI, *Luther's Ninety-Five Theses and the Contemporary Criticism of Indulgences* (in: *Promissory Notes on the Treasury of Merits: Indulgences in Late Medieval Europe* [Brill's Companions to the Christian Tradition, 5], ed. by R.N. SWANSON, 2006, 331–355).

certain latitude in exploring theological issues granted to them by virtue of their being doctors or licentiates of theology.

Thus, although Luther's lectures occasionally took aim at indulgences,⁹ it is from the pulpit that Luther first began to express to a broader public his doubts about contemporary indulgence practices. Here we immediately run into a problem of sources. The dating of a group of sermons in WA 1, which were first published in the eighteenth century, has given scholars headaches for over a century. We now know, for example, that a text labeled »a sermon« in WA 1 and dated July 1516 was actually a short essay on indulgences that Luther appended, along with the 95 *Theses*, to his letter to Archbishop Albrecht. Once we eliminate the other candidate for a 1516 sermon, it becomes clear, as we shall see, that Luther's first public statements from Wittenberg's pulpits commenced early in 1517 and coincided with the onset of Tetzel's preaching.

The editor for WA 1, following the lead of an eighteenth-century scholar, Valentin Ernst Löscher, dated this second sermon, labeled »On the Eve of the Dedication,« to 31 October 1516.¹⁰ Here the editors were basing their dating on the mistaken notion that the dedication of the Castle Church took place on 1 November, All Saints' Day, since it housed the »All Saints' Foundation.« However, in the 1970s, Norbert Flörken rediscovered the fact that Peraudi, as a papal legate, performed the actual dedication on 17 January 1503. Flörken, however, thought Luther did not have permission to preach at the Castle Church and thus argued that this sermon was preached at the anniversary of the dedication of St. Mary's, 31 May.¹¹ Martin Brecht, while rightly rejecting Flörken's late date on the basis of a comment in Johann Agricola's 1518 publication of Luther's earlier sermons on the Ten Commandments, argued that Luther must have preached at the dedication

9 For a handy list, see BAGCHI, Luther's Ninety-Five Theses (see n. 8), 353–355.

10 For this paragraph, see T.J. WENGERT, Martin Luther's Preaching an Indulgence in January 1517 (LuthQ 29, 2015, 62–75). The sermon comes down to us in two versions: WA 1; 94–99.711 with WA 9; 765 f and WA 4; 670–674 with WA 9; 795.

11 N. FLÖRKEN, Ein Beitrag zur Datierung von Luthers *Sermo de indulgentiis pridie Dedicationis* (ZKG 82, 1971, 344–350), 347: »Damit sagt Luther doch, daß er eigentlich in der Pfarrkirche gegen den Ablass gepredigt habe und daß diesen Predigten bereits eine Kritik an einem Ablassverkauf vorausgegangen sei, der mit dem Reliquienschatz der Schloßkirche zusammenhing; diese Kritik gefiel Kurfürst Friedrich sicher nicht.«

of some other church in Wittenberg, an activity nowhere mentioned in the records.¹² As I have argued elsewhere, however, the dedication of the Castle Church in January 1517 matches precisely with Luther's original critique of indulgences and is substantiated by his later reminiscences of the events of 1517. Moreover, those reminiscences prove that Luther did indeed preach at the Castle Church in 1517, namely, by the invitation of the Saxon court.

In 1541, in *Wider Hans Worst*, Luther recounted some of the events of 1517. He stated: »Even before this, here at the Castle [Church] I had delivered such a sermon against indulgences that I thereby earned Duke Frederick's disfavor, for he was really fond of his Foundation.«¹³ Not only does this reference make clear that Luther could preach at the Castle Church, but, with the comment about the Elector Frederick's love of »his foundation,« it also fits far better as a recollection of the Elector's love for the entire All Saints' Foundation, not simply for his relics, as many have assumed. What we have here is Luther's recollection of an occasion at which he preached at the Castle Church and attacked the Foundation, which I believe was at the anniversary celebration of its dedication in January 1517.

To understand why this 1541 reminiscence referred to a sermon delivered on the anniversary of the dedication of the Castle Church, one has only to realize that when Peraudi dedicated it, he announced the papal approval for a special indulgence of 200 days for anyone who attended the celebration of the dedication's anniversary in the future. This means that on that occasion Luther himself was preaching an indulgence. To be sure, it was not a *plenary* indulgence, but in fact the theological mechanics for all indulgences were the same. The appointed gospel for such an anniversary was always the story of Zacchaeus, because of the line »I am going to your house today,« where »house« included in its spiritual meaning especially houses of worship.

12 Cf. M. BRECHT, *Martin Luther: His Road to Reformation 1483–1521*, trans. by James Schaaf, 1985, 185–190.

13 WA 51, 539,8–10: »Solche predigt hatte ich auch zuvor gethan hie auffm Schlosse, wider das Ablas, Und bey Hertzog Friderich damit schlechte gnade verdient, Denn er sein Stifft auch seer lieb hatte.« Compare this to LW 41,232, where the translation is ambiguous.

Luther made two excursuses in his sermon. In the first, he chided people for putting too much trust in dedications when their hearts were not dedicated to God. That alone would have been enough to anger the elector, who had built the church. In the second, however, he began to question indulgences. Although he had heard of the impending indulgence preaching of Tetzl, who in mid-January was beginning to preach the plenary, so-called »Peter's indulgence« in Eisleben,¹⁴ his hearers could hardly have missed the connection to the dedication of the Castle Church and the indulgence that that worship provided those who attended mass that day. What did Luther say?

In the first place, his grounding in Augustinian theology becomes apparent.

Unless cleansed by grace, every mortal has this vice [of self-love], and it endures from the beginning of the world to the end that each and every person seeks in all things—even in Christ—those things that are their own.¹⁵

Second, in light of this self-love, Luther attacked indulgence preachers, *not* because they tried to sell grace but because they fooled people into thinking that they could purchase a way out from under God's law and judgment.

The people are seduced¹⁶ through seducers and confabulators and preachers of indulgences and are driven toward security, laziness and listlessness and to forgetfulness of

14 Latin (WA 1; 98,18): *prae foribus*, literally, before the doors. FLÖRKEN, Beitrag (see n. 11) interprets this spatially, when in fact it is far more often used temporally, that is, that indulgence sales were about to happen, another indication of a January date for this sermon.

15 WA 1; 98,12–14: »Hoc autem vitium [amoris sui] est in quolibet homine nisi per gratiam sanetur, et fuit ab initio mundi eritque usque in finem, quia quaerit in omnibus, etiam in Christo, quae sua sunt.« Luther at this point was interpreting the last line of the gospel, »The Son of Man has come to seek and to save the lost.« He pointedly remarks that Jesus did not come to glorify those already righteous and saved. WA 1; 98,10f: »Voluit ipse eos offendi non ut caderent, sed ut se ipsos agnoscerent, quoniam pleni errant gloria et amore sui.« (»Therefore, he wants them to be offended not so that they fall but so that they know themselves, since they were full of glory and love of self.«)

16 For »are seduced« WA 1; 98,15f reads: »[...] in istud vitium ducitur, qui debuit potius reduci.« (»are led toward this vice rather than away from it«). The »preachers of indulgences« are first mentioned in the next sentence.

God and his cross, although our life is still a perpetual battle in which there must never be snoring.¹⁷

This basic criticism built the backbone of Luther's arguments against the indulgence preachers in the 95 *Theses*.

Third, in January 1517 Luther was already aware of the papal decree promulgating the Peter's indulgence. »The opinion of the Pope is true and correct.« He even admitted: »the words of the trumpeters [of indulgences] are true in some sense.«¹⁸ He then suggested replacing the threefold division of the Sacrament of Penance as contrition, confession and satisfaction, with a two-fold, Augustinian division of sign and reality.

To the reality belongs the interior and only true penance of the heart, concerning which Christ says [in Matthew 4:17], »Do penance« and Peter in Acts 3[:19], »Repent and be converted.« To the sign belongs the external penance, which is frequently performed (even when that interior penance is often fictive), and it has two parts, confession and satisfaction.¹⁹

Another surprise comes with his comment about public and private confession. While Luther was certain about the origin of public confession (found in Jas 5:16), he was uncertain where Scripture spoke of private confession and publicly asked the »noble jurists« for help in determining where Scripture approved it.²⁰ Moreover, Luther knew of lifelong »satisfaction« for sin, of which John the Baptist spoke in Luke 3:8 but was also uncertain of the satisfaction linked to private confession.

17 WA 4, 674,6–9: »[...] ubi populus per seductores et fabulatores, indulgentiarumque praedicatores seducitur et ad securitatem, supinitatem et oscitantiam, Dei crucisque eius oblivionem adigitur, cum tame vita nostra perpetua sit militia, qua stertendum nunquam erit.«

18 WA 1, 98,19–21: »[...] Primum protestor, quod intentio Papae est recta et vera, saltem ea quae iacet in literis, syllabis. Secundo forte et verba eorum, qui buccinant, sunt vera in aliquot sensu [...].«

19 WA 1, 98,23–28: »Melius autem sic: Duplex est poenitentia, scilicet signi et rei. Rei est illa interior cordis et sola vera poenitentia, de qua Christus dicit: poenitentiam agite, et Petrus Act. 3.: poenitemini et convertimini. Signi est illa exterior, quae frequenter est facta, cum illa interior sit ficta saepe, et haec habet duas illas partes, Confesionem et satisfactionem.«

20 WA 1, 98,31–33: »Idcirco Dominis Iuristis eam commendo, ut ipsi probent, ubi de iure divino probentur satisfactio et Confessio, ut nunc sunt in usu.«

Near the end of his sermon, Luther expressed his chief concern: indulgences only seemed connected to the ecclesiastical satisfaction imposed in private confession. Thus, »it must be feared that frequently indulgences work against interior penance« and thus against grace.

For interior penance is true contrition, true confession, true satisfaction in the spirit, when the ones who are truly most purely penitent are displeased with themselves in everything they do, and when they are efficaciously converted to God and purely recognize their guilt and trust God in the heart. Then, through detesting themselves inwardly, they impose pain and punishment on themselves. Therefore, this very thing satisfies God. [...] Such a one does not seek indulgences and remission of punishments but rather exaction and imposition of punishments. [...] Consequently, [contrition] has been undermined by teaching the contrary, namely, the fleeing from punishment and satisfaction [through indulgences] [...]. [True contrition] does not ask for indulgences but for crosses [...] You see, therefore, how dangerous a thing the preaching of indulgences is, which teaches a mutilated grace, namely, to flee satisfaction and punishment.²¹

Many of these themes, first raised tentatively here, would echo in the 95 *Theses*, including, as Luther also stated in this sermon, how difficult preaching indulgences and contrition properly was—something that Luther was experiencing from the Castle Church pulpit in January 1517! No wonder thesis 39 reads: »It is extremely difficult, even for the most learned theologians, to lift up before the people the liberality of indulgences and the truth about contrition at one and the same time.«²² This, as much as Tetzels outrageous exaggerations, was the spark for Luther's study of the Sacrament of Penance and indulgences that then ensued over the next nine months. One might even suggest that Frederick the Wise's irritation with Luther, which the young professor must have heard about at the time, also played

21 WA 1; 99,1–5.7f: »Nam poenitentia interior est vera contritio, vera confessio, vera satisfactio in spiritu. Quando poenitens vere purissime sibi displicet in omnibus quae fecit, et efficaciter convertuntur ad Deum pureque agnoscunt culpam et Deo confitentur in corde. Deinde per sui detestationem intus sese mordet et punit: ideo ibidem Deo satisfacit. [...] Non quaerit indulgentiae et remissiones poenarum, sed exactions poenarum.« WA 4; 674,29f: »Proinde indulgentiae sunt praecisae contraria docendo, scilicet fugam poenae et satisfactionis.« WA 1; 98,11 f.20f: »Ideo non petit indulgentias sed cruces, [...]. Videte itaque, quam periculosa res sit indulgentiarum praedicatio, quae praecisa gratia docet, scilicet fugere satisfactionem et poenam [...].«

22 WA 1; 235,14f: »Difficillimum est etiam doctissimis Theologis simul ixtollere veniarum largitatem et contritionis veritatem coram populo.«

a role—an irritation not directed at an attack on relics, which was the furthest thing from Luther's mind, but aimed rather at the 200-day indulgence Luther was supposed to be proclaiming. It was no accident that when he defended Theses 39–40 in the *Resolutiones* (»Explanations«), published in 1518, he actually mentioned indulgences attached to the anniversaries of church dedications.²³

But this sermon also provided a view of what was and remained Luther's main concern. The problem was not that an indulgence bought God's salvation but rather that it removed God's judgment. The problem with indulgences for Luther was *not* that they pretended heaven was for sale but rather that they claimed a way to avoid God's proper punishment of the old, self-absorbed creature. That is (to use later terminology), indulgence preaching failed to preach the law *not* the gospel. Of course, as events unfolded and much to Luther's surprise, the gospel itself also came under attack through the late-medieval theology and piety connected to indulgences and Sacrament of Penance.

II The Source-Critical Context of the 95 Theses

Between January and October 1517, then, Luther began to study the Sacrament of Penance and indulgences more carefully, relying in part on the advice and counsel of canon lawyers, as he became much more familiar with the decrees in Gratian and beyond on the subject. At nearly the same time, he also must have read the pertinent comments in Erasmus of Rotterdam's 1516 *Annotations on the New Testament*, where the humanist noted that *μετανοεῖτε* should not be translated *poenitentiam agite* (»Do penance«) but instead dealt with a change of heart. Erasmus had noted that later theologians had confused Matt 3:2 (and Matt 4:17) with the Sacrament of Penance and misconstrued comments of Augustine, who was talking not about private satisfaction but public acts of remorse. His comments passed directly into the defense of theses 1–4 in the *Resolutiones*.²⁴

23 Cf. WA 1; 597,1–598,17.

24 ERASMUS wrote in his *Annotationes in Novum Instrumentum*, 1516, 241 (IDEM., *Opera omnia*, vol. 6/5: *Annotationes in Novum Testamentum* [Pars prima], ed. by P.F. HOVINGH, 2000): »Poenitentiam agite. *metanoeite*. Quod plerumque uertit. Poenitentiam

During the spring and summer, Luther also poured over canon law, its commentators and the recent tracts of theologians—including, I believe, the famous Erfurt teacher and Augustinian, Johann von Paltz,²⁵ and Luther's later nemesis, Johann Eck. He may even have consulted Andreas Bodenstein from Karlstadt. He was surely aware of Johann von Staupitz's own criticisms of indulgences. What did Luther conclude from all of this? From canon law he found substantiation for Erasmus's views. The practice of satisfaction in the early church related exclusively to ecclesiastical not divine punishments for sins. Hence, indulgences also related to the church's gracious lessening of such external punishment, indulging the penitent because of age, illness and, generally speaking, the approach of death. Thus, not only Erasmus's insights into the meaning of *μετάνοια* but also the earliest witnesses in canon law itself limited indulgences to ecclesiastical discipline and not to the punishment meted out by God upon the sinner.

A note needs to be made at this juncture about the character of Luther's argumentation. Here the insights of Helmar Junghans, Maria Grossmann and others need to be taken far more seriously in Luther research than here-

agite, quod poenitete siue poenitemini parum latinum uideretur, quamquam & sic uertit alicubi. At nostrum uulgus putat esse poenitentiam agere, praescripta poena quapiam luere commissa, quod apud Christianos. qui publice peccassent, eiecti e consortio, pro-palam affligerentur. Eaque satisfactio siue poena, poenitentia uocari coepta. Qua quidem ex re, non mediocris error Theologis quibusdam, qui quod Augustinus de poenitentia, hoc est, publica satisfactione scripsit, ad animi dolorem, quam contritionem uocant, detorquent. Alioqui *metanoia* dicta est, a *metanoein*, hoc est, a posterius intelligendo, ubi quis lapsus, re peracta, tum demum animaduertit erratum suum. Quae iuxta pro-uerbium Homericum prudentia stultorum est, ut & metameleia, quum socordes in re per agenda, sero incipimus esse attenti, iam admoniti nostris malis. Meo iudicio com-mode uerti poterat, Resipiscite, siue ad mentem redite.« (»But our crowd considers ›do penance‹ to mean paying some prescribed penalty imposed [on them], because concern-ing Christians who publicly sinned, they were rejected from fellowship and publicly afflicted. And that satisfaction or punishment began to be called penance. Indeed, from this fact there was a not small error by some theologians who twisted what Augustine wrote about penance (that is, public satisfaction) into a sorrow of the soul, which they call contrition. However, *metanoia* is derived from *metanoein* [...]. In my judgment, it could be translated properly: ›Recover your senses‹ or ›Return to a [right] mind.‹») For the *Resolutiones*, see WA I; 530–534.

²⁵ For Paltz's role, see HAMM, Ablass (see n. 7), passim.

tofore.²⁶ Luther did not simply have contacts with humanists; Luther was a humanist—not in the sense that especially older German scholarship used to define it, namely, as an Erasmian prototype of the Enlightenment—but as someone committed to *bonae litterae* and especially to the cry *ad fontes*.²⁷ Luther approached the question of indulgences *not* from the perspective of late-medieval scholasticism but rather with a clear sense of historical development, where the older sources dealing with any issue were considered far more reliable and trustworthy than later sources. He trusted the exegetical work of Erasmus and his own close reading of the legal sources in canon law far more than the accreted tradition with its later distortions. When, for example, one places Paltz's defense of indulgences of 1503 alongside Luther's defense of the 95 *Theses* or alongside the 95 *Theses* themselves, the differences could not be more obvious.²⁸ Paltz argues from and cites medieval authorities, especially Augustinus Triumphans. Luther in contrast tries to find out how indulgences originated and argues against later accretions.

Along with his reading of these sources, we also have indications that Luther was using more recent sources. In a letter from Christoph Scheurl, dated 1 April 1517, we learn that Wittenberg's law professor—who now spent most of his time in Nuremberg—had just sent Luther copies of the recently published tracts of Johann Eck, a rising theological star north of the Alps with whom Luther was eager to begin a correspondence.²⁹ Eck's work, however, gave Luther, whose Nominalist teachers had made him wary of untrammelled papal authority, quite a shock. One of the issues with which

26 Cf. M. GROSSMANN, *Humanism in Wittenberg 1485–1517* (BHRef 11), 1975; H. JUNG-HANS, *Der junge Luther und die Humanisten* (AKG[W] 8), 1984. For more recent confirmation, see T.P. DOST, *Renaissance Humanism in Support of the Gospel in Luther's Early Correspondence: Taking All Things Captive*, 2001, and C.P.E. SPRINGER, *Cicero in Heaven: The Roman Rhetor and Luther's Reformation* (SASRH), 2017.

27 E.g. BRECHT, *Martin Luther* (see n. 12), 161–167, mistakenly imagines that criticism of Erasmus means a break with humanism.

28 Cf. JOHANN VON PALTZ, *Werke*, Bd. 2: *Supplementum Coelifodinae* (SuR 3), hg. v. B. HAMM u. a., 1983.

29 Cf. WAB 1; 91 f, Nr. 36. The disputation in question was Johann Eck, *Disputatio Viennae Pannoniae habita*, 27 January 1517, E 2^r (BSB: http://reader.digitale-sammlungen.de/de/fs1/object/display/bsb10992421_00037.html, VD16 E 314). For the following reconstruction, see V. LEPPIN, *Der Einfluss Johannes Ecks auf den jungen Luther* (in: *Luther* 86, 2015, 135–147).

Luther was wrestling dealt with the problem of how the pope could exercise any authority over the souls in purgatory, a claim made for indulgences at least since 1476 and emphasized by Peraudi and Paltz in their defense of the Jubilee indulgence discussed above. Luther's solution was based upon discussion found already in Bonaventure, namely, that the pope had control only *per modum suffragii*, in an intercessory mode. But Johann Eck, defender of papal authority already before his famous debates in Leipzig in 1519, had specifically argued that papal power over souls in purgatory was not simply *per modum suffragii* but *authoritative*, derived from his plenitude of power as Christ's vicar on earth.³⁰ Thus, when in thesis 26 Luther stated »The pope does best in that he grants remission to souls [in purgatory] not by ›the power of the keys,‹ which he does not possess [here], but ›by way of intercession,‹« he was directly disagreeing with Eck (and, by extension, Gabriel Biel) and instead agreeing with the older tradition. That is to say, in the battle with Eck, at least, the first shot was fired *not* by Eck in his *Obelisks* but by Luther in the *Theses* themselves.

Luther also was familiar with the work of Johann von Paltz, written at the time of Peraudi's preaching tour of 1503. There, Paltz had mentioned in the *Supplementum* to his *Coelifodina* that certain saints had not wanted to leave purgatory after having satisfied all temporal punishment. Sure enough, Luther listed the same two saints in thesis 29, where, unfortunately, the printer misspelled one name, so that he is often mistakenly identified as Paschalius. »Who knows whether all the souls in purgatory want to be redeemed, given what is recounted about St. Severinus and St. Paschasius?«³¹ The person doing the recounting was Paltz, who was still teaching in Erfurt at the very time Luther was a student there and who, for a brief time before his death, lived with Luther in the Augustinian cloister.³²

30 Paltz, by contrast, had argued that *per suffragia* and *per modum suffragii* were two different things, where the latter implied wide-ranging papal authority. This allowed him to harmonize comments of Bonaventure and others to the relatively new doctrine of indulgences for the souls in purgatory.

31 WA I; 234,33 f: »Quis scit, si omnes anime in purgatorio velint redimi, sicut de s. Severino et Paschali factum narratur.«

32 Cf. JOHANN VON PALTZ, *Supplementum Coelifodinae*, 1504, E 6^r (BSB, http://reader.digitale-sammlungen.de/de/fs1/object/display/bsb10990727_00065.html, VD16 J256), cf. note 28.

These examples do not in any way lessen the importance of Luther's study of canon law and especially the commentator Panormitanus. As his later encounter with Cajetan demonstrated, Luther even knew the *Extravagantes* and, thus, Sixtus IV's decree about indulgences and purgatory from 1476 and Clement VI's decree about the treasury of merits from 1343. In fact, he knew the latter well enough to correct Cajetan's misreading of the text—something that came as quite a surprise to the proud Italian scholar! His use of Panormitanus has been well documented and showed Luther's determination to find commentators of Canon Law who could undermine the scholastic view of the church's history as cumulative wisdom and instead could view the oldest sources to be the purest.

III *The Rhetorical Shape of the 95 Theses*

The influence of Renaissance humanism was not simply felt in Luther's single-minded quest *ad fontes* but also in a completely neglected side of the *Theses*, their rhetorical shape.³³ As with *Freedom of a Christian*, the rhetorical structure of which Birgit Stolt analyzed some fifty years ago, the 95 *Theses* evince a rhetorical structure. Thus, it is no accident that when Luther defended the *Theses* in his *Ad dialogum Silvestri Prieratis de potestate papae responsio* (1518), he labeled the series of questions posed by a sharp layperson (theses 81–91) with the technical term, *confutatio*, that is, a final section of a speech dealing with opponents' objections.³⁴ Luther, however, instead of listing objections to his own argument, listed a sharp layperson's objections to the position of the indulgence preachers—showing at the end that when one instead employed his arguments all of these objections were easily set aside. Of course, Luther was relying in part on objections to indulgences already found in *Gravamina* presented at imperial diets as well as on other published objections, including those refuted by

33 For these arguments, see loc. cit., 5–8. The rhetorical handbook of Johannes Sulpitius provides a good model for the kind of rhetorical training Luther was likely to have received. Cf. JOHANNES SULTPITIUS, *De arte grammatica sive de octo partibus orationis*, Venice: Johannes de Tridino, 20 August 1500 (BSB: urn:nbn:de:bvb:12-bsb00060327-7 accessed 1 October 2011), g 3^r–h 5^r.

34 Cf. WA 1; 684,10. Luther also indicates that he viewed the opening words as a *praefatio* (WA 1; 528,24–26).

Paltz in the *Supplementum*. In any case, his desire to shield the pope from embarrassment was a real one.

The next clue to the rhetorical shape of the *Theses* comes in the final four, which even some of Luther's original opponents recognized as rhetorical in nature. In fact, they are examples of what in a speech or letter would be a peroration, not simply summarizing the arguments but pointing to their effect on the readers and imploring their sympathy. In the *Resolutiones* Luther made clear that these theses had already been proven in earlier statements. We also know from Luther's letter to Michael Dressel in 1516 just how important the juxtaposition of cross and peace were.³⁵ Yet this rhetorical flourish also indicates something else that is often forgotten: Luther wrote these theses especially for preachers! The 95 *Theses* were not powerful logic for scholastic theologians—no ivory tower theologian, Luther! They were pointed attacks on bad preaching, examples of what good preaching looked like and a concluding section urging bishops to restrain these preachers.

Luther's *Resolutiones* give us a hint at another important part of rhetorical organization for Renaissance writing. He pointedly remarked that the first four theses were not up for debate.³⁶ The reason is clear: these four form the equivalent of a *narratio*, which stated the indisputable facts of a case. It is first thesis 5 where the *status controversiae* becomes clear. Luther wanted to show these poor preachers that, based upon the irrefutable logic of Erasmus's *Annotationes in Novum Instrumentum*, Matt 4:17 could no longer be used to prove private confession as it was practiced in Luther's day and explained by scholastic theologians. Instead, the evidence from canon law—using the principle that older is always more reliable—was clear. The pope only had—and only wanted to have—control over ecclesiastical penalties and not over the God-ordained punishment (or discipline) of sin that continued to mortify the old creature.

35 Cf. WAB 1; 27,38–46. I am indebted to Pater Dr. Augustinus Sander for alerting me to this reference.

36 Cf. WA 1; 530,18; 531,23; 532,4; 533,37. First with thesis 5 does Luther begin the actual debate (WA 1; 534,22 f): »Hanc disputo et doceri humiliter peto, et ut in praefatione rogavi, ita adhuc rogo, manum porrigat qui potest et mea motiva attendat.«

Given this structure, to which Luther himself gave testimony, two other parts of speech in the 95 *Theses* also become clear. The introduction—something of a *novum* compared to other theses of this time—is no mere statement of where to show up for the debate! Instead, Luther constructed it much more along the lines of the *exordium*, the—to use Shakespeare's famous example in *Julius Caesar*—»friends, Romans and countrymen, lend me your ears« of the *Theses*. The opening ablatives, »amore et studio,« were hardly throw-away lines. Instead, they formed an appeal for the very *benevolentia* that Luther's rhetorically savvy audience would have recognized. And the invitation to respond by letter is exactly what one would expect from an *exordium*.³⁷

The other theses, from 6 to 80, constitute the *confirmatio*. Here Luther made a series of forays into the question of indulgences where, after the initial proof of thesis 5 in theses 6–20, almost all concentrate on the preaching office. Theses 21–40 begin the attack on the bad indulgence preachers. Theses 41–55 describe, by contrast, what preachers should be saying, including the admission, which Luther gained by his own experience described above, on just how hard it was even for good theologians to preach indulgences and true contrition. Then came in Theses 56–68 an important corollary regarding the nature of the treasury of merits. While this later got him into trouble with Cajetan, at the time it was a related theological issue that Luther felt he had to address. Finally (theses 69–80), Luther addressed the bishops and others in charge of allowing indulgence preachers into their territories. Here he again contrasted the clear command of the pope to allow indulgence preachers with his own discovery that bad preaching of indulgences undermined the very heart of the gospel.

37 In his preface to the *Resolutiones*, addressed to Leo X, Luther refers to the *Theses'* caption (or, *exordium*) in this very light. WA 1; 528,16–19: »Verum nihilominus crebrescebant fabulae per tabernas de avaritia sacerdotum detractationesque clavium Summique Pontificis, ut testis est vox totius huius terrae. Ego sane, ut fateor, pro zelo Christi, sicuti mihi videbar aut si ita placet pro iuvenili calore urebar.« (»But nevertheless tales spread through the taverns about the avarice of priests and the slanders of the keys of the Supreme Pontiff, so that [this] testimony has become a voice throughout the entire land. For the zeal of Christ, is what I confessed [in the *Theses*] and seemed reasonable to me, or, if you want, I was burning with the heat of youth [...].«) Here, instead of *studium*, Luther uses the stronger words *zelus* and *calore*.

IV The Central Thesis of the 95 Theses

The rhetorical complexity of the 95 *Theses* makes any analysis difficult—especially analyses that mistake their rhetorical appeal for a chain of logical arguments. »Out of love and zeal for the truth« at the one end of the *Theses* and »Cross, cross and there is no cross« at the other provide the emotional setting (or, as Birgit Stolt has so aptly called it, the *Gefühlswelt*) for these theses. Moreover, at every turn they are bent on challenging neither papal authority (Luther thought he and the pope would be in agreement) nor even scholastic theology per se (that he had done in the 97 *Theses* debated in September 1517) but terrible preaching and how it was blocking the work of the law and judgment for those who heard it. Luther's full-blown theology of justification by faith made almost no appearance here *not* because it did not yet exist in 1517 but because the *Theses*' point had to do more with the law than with the gospel. To short-circuit the law's judgment by offering people a method of buying their way out of it meant to offer peace where there was no peace. For Luther—in 1517 and throughout his life—the proper approach to the distinction between law and gospel (and, hence, to justification by faith alone) never meant avoiding the law's judgment but rather inflicting it upon the old creature full bore until, by faith alone, it dies (daily).

Once one recognizes the rhetorical moment of the 95 *Theses*, the central point of the document becomes much clearer. It comes in thesis 5, after Luther had established the basic, non-negotiable facts in theses 1–4. »The pope neither desires nor is able to remit any penalties except those imposed by his own authority or that of the canons.«³⁸ That this thesis was more than simply, say, a major premise in the syllogism became clear already in the surprising word »desires«. »The pope neither desires [...].« Luther asserted what no one can prove. The term »Papal desires« put Luther within the protection of Leo X's decree from 1516 and set up the argument against the indulgence preachers and their, to Luther, wild, anti-papal (!) claims.

Of course, Luther did not stop there but added what would quickly become the central point of disagreement with a host of curialists: »nor is [the pope] able.« Luther assumed, perhaps even naively, that papal authority had

38 WA 1; 233,18f: »Papa non vult nec potest ullas penas remittere preter eas, quas arbitrio vel suo vel canonum imposuit.«

limitations—in this case the limits of the papal office and canon law. He argued this point in the first major section of the *confirmatio* (theses 6–20) on the basis of his historical examination of the origins of the Sacrament of Penance and indulgences, always grounding his contentions on the first four theses (and, hence, Erasmus).

To understand how central thesis 5 is, not only do we find it repeated in thesis 20 but also appealed to, among other places, in thesis 91. As mentioned above, the *confutatio*, instead of anticipating questions regarding Luther's own arguments, posed questions to the indulgence sellers and their understanding of indulgences. Borrowing many (if not all) of his objections from contemporary complaints and even from Paltz's dismissal of such complaints, Luther allowed the »sharp layperson« to put the lie to the claims of these »hawkers« by posing questions unanswerable based on their approach to indulgences, but which Luther in contrast could answer with a single flick of his pen, so to speak, namely by referring readers back to thesis 5. If indulgences only referred to ecclesiastical penalties imposed by canon law or to punishments imposed by the pope, then all of these objections disappeared.

Thesis 20 (»Therefore, the pope understands by the phrase ›plenary remission of all penalties‹ not actually ›all penalties‹ but only ›penalties imposed by himself‹») provides the conclusion to the proof of thesis 5 and puts meat on its bones.³⁹ The sticking point for Luther's argument was the word »plenary«, which of course was in the papal decree itself. Thus, by insisting that the pope's power was limited to ecclesiastical penalties, Luther provided a gloss, as it were, for the word »plenary« and completely undermined the indulgence preachers' claims. (Incidentally, theses 34 and 61 also reiterate Luther's central point.)

But, as theses 6–19 show, Luther confirmed thesis 5 in a very sophisticated manner. First (theses 6–7), since the Sacrament of Penance removed the sinner's guilt, Luther granted to the pope—and to each and every priest—complete authority to announce forgiveness of sins. Thesis 7 contained a

39 Cf. WA 1; 234,15 f: »Igitur papa per remissionem plenariam omnium penarum non simpliciter omnium intelligit, sed a seipso tantummodo impositarum.«

slight nod to what would later become so important—the fact that God works through means, in this case the means of the priest's declaration.⁴⁰

Luther then contrasted this absolute authority to remove guilt to the removal of punishments in the penitential canons (theses 8–13), using their own exemption for the dying as proof that they concerned *not* divine punishments but ecclesiastical ones, where priestly or papal indulgence was fully expected. Any attempt to tie such penalties to purgatory—a place of divine punishment and purgation—was condemned, and the sleepy church leaders who allowed this to take place were upbraided. Death put an end to all churchly punishments. Moreover thesis 12 demonstrated that Luther had clearly done his canonical homework, bolstering his point with a further historical argument, that ecclesiastical punishments in the ancient church were imposed *before* absolution, as a visible sign of one's contrition.

Theses 14–19 provided a corollary argument by showing the quantitative difference between divine forms of punishment and ecclesiastical ones. Luther started with the fear of dying itself and contrasted it to love—still understood here as a *habitus* indwelling the soul. But for Luther there were clearly degrees of such fear—what he would later attribute to the work of the law—and reliance on the power of indulgences could eliminate no such fear at all. Thesis 15 (»This fear or horror is enough by itself alone [to say nothing of other things] to constitute the penalty of purgatory, since it is very near the horror of despair.«) was by far the most radical, and Luther devoted several pages in his *Resolutiones* to proving this thesis.⁴¹ It marked a clear division between ecclesiastical penalties and those divinely imposed upon the soul—an imposition that allowed Luther to link God's work on the dying person—which for him included every believer—with the souls in purgatory. Divine punishment worked no matter what, and no amount of—to use anachronistic phrases for it—»antinomian« indulgence

40 Only later, as O. Bayer demonstrated, did Luther shift his understanding of when forgiveness before God occurs from the priest's declaration of forgiveness based upon proper contrition which God had already accepted as meriting forgiveness (Gabriel Biel's position) to the actual act of forgiving sins in the confessional. Cf. O. BAYER, *Promissio. Geschichte der reformatorischen Wende in Luthers Theologie* (FKDG 24), 1971.

41 WA 1; 234,5 f: »Hic timor et horror satis est se solo (ut alia taceam) facere penam purgatorii, cum sit proximus desperationis horrore.« See the defense in the *Resolutiones* (WA 1; 555–558).

or »cheap grace« could get the sinner out from under it. But for Luther this position also implied an answer to what was a matter of debate among scholastic theologians: that purgatory was a place of growth in love, even if the soul itself did not necessarily know its own destiny (because if it did, it would suffer from a false sense of security and the punishments would not be able to accomplish their work of purgation).

What followed, then, was an application of these basic arguments about the nature of indulgences to the misinformed, manipulative arguments of the indulgence sellers (theses 21–40). Thesis 21 (»And so, those indulgence preachers err who say that through the pope's indulgences a person is released and saved from every penalty«) begins with the clear mark of a new argument, based upon the preceding: »and so« (»itaque«).⁴² Equally important, for the first time Luther expressly mentioned the indulgence preachers. His objection fits his own comments in January 1517: using indulgences to lift divine penalties disturbed the very movement of penance (and, thus, of justification) from contrition to absolution.

Two other theses deserve mention. As already indicated, thesis 26, entered into direct conflict with Johann Eck and his support of broad papal powers. Papal authority over purgatory came (as Bonaventure argued) only *per modum suffragii*, in the manner of a petitioner—a phrase that Eck had glossed in favor of unbounded papal power. Second, in thesis 39, Luther admits to his own inability to know how to preach both true contrition and indulgence, as he experienced in January 1517. Indeed, thesis 40 (»The ›truth about contrition‹ seeks and loves penalties [for sins]; the ›liberality of indulgences‹ relaxes penalties and at very least gives occasion for hating them.«) echoed almost word-for-word Luther's dilemma expressed in his sermon from January 1517.⁴³

Having dismissed the false claims of indulgence preachers, Luther now had to provide an alternative form of preaching this matter. Thus, theses 41–55 clarified true preaching. Because indulgences had to do with »law« and money, Luther's advice focused on true good works: almsgiving and

42 WA I; 234,17f: »Errant itaque indulgentiarum predicatorum ii, qui dicunt per pape indulgentias hominem ab omni pena solvi et salvari.«

43 WA I; 235,16f: »Contritionis veritas penas querit et amat, Veniarum autem largitas relaxat et odisse facit, saltem occasione.«

prayer. Here the rhetorical side of the theses became particularly apparent, with the reiteration of »Christians are to be taught« and with Luther again discussing the pope's desire, among other things (thesis 50), to burn down St. Peter's in Rome.⁴⁴ But the references to the saints who preferred to stay in purgatory (thesis 29) also showed Luther's rhetorical side and the way he used Paltz's argument for his own ends. Luther's commitment to poor relief also comes to expression here.

Thesis 52 mentions faith for the first time in the *Theses*. »It is vain to trust in salvation by means of indulgence letters, even if the [indulgence] agent—or even the pope himself—were to offer his own soul as security for them.«⁴⁵ Suddenly, another side of the problem emerges, one that connected indulgences not simply to the avoiding of divine punishment but to trusting something other than God's grace for salvation. The criticism that the false preaching of indulgences had undermined true penitence now turned for the first time toward believers themselves. Here misplaced trust—what Luther would later name the chief sin—became the issue. No wonder that the »Word« and »gospel« are first mentioned (though not defined) in the theses that follow.

The next group of theses introduces a corollary problem: the nature of the »treasures of the church.« Not only had the comments about almsgiving set up the discussion here, but also Luther now addressed the problem posed by the decree of Pope Clement VI in 1343. Yet, as the encounter with Cajetan would show, Luther had carefully read that decree and noticed that it did not explicitly define the treasures of the church in the way Cajetan (and others) imagined.⁴⁶ But Luther was also expanding on his rather cryptic comments about the gospel. Here, finally, we find a definition of the church's treasures that undermined false hope in indulgences and refocused proper preaching. Thesis 62 (»The true treasure of the church is the most

44 Johann Tetzel was clearly aware of their rhetorical power and thus wrote a set of theses in response, all of which began with Luther's phrase. See *Dokumente zur Causa Lutheri* (1517–1521), hg. v. P. FABISCH / E. ISELOH, Bd. 1: *Das Gutachten des Prierias und weitere Schriften gegen Luthers Ablassthesen* (1517–1518) (CCath 41), 1988, 363–375.

45 WA 1, 236,1f: »Vana est fiducia salutis per literas veniarum, etiam si Commissarius, immo Papa ipse suam animam pro illis impigneraret.«

46 Cf. WA 2; 6–26. See also M. LUTHER, *The Proceedings at Augsburg*, trans. by S. HEQUET (in: AL 1, 121–165).

holy gospel of the glory and grace of God.«) provides the first definition of the gospel along lines that most readers would have heard as standing within the grand Augustinian tradition.⁴⁷ In the coming years, however, it would be precisely this definition that Luther would expand upon until the contours of his own theology became clear.⁴⁸ The gospel not only talked *about* the glory and grace of God—everyone believed that—but it acted upon the individual to create faith in that very glory and grace. Incidentally, it would not be until 1521 that Luther would abandon the *habitus*-based definition of grace in favor of Erasmus's exegetical insight that in Greek the word χάρις, translated *gratia*, ought better be rendered *favor Dei* or, in later Lutheran writings, *misericordia Dei*.⁴⁹ But in the 95 *Theses* Luther made a small step forward both in that he had already started worrying about what or in whom believers trusted and in that he excluded any human works or ecclesiastical traditions from the meaning of gospel.

The final set of theses in what I have labeled the *confirmatio* was more accurately an appeal (*appellatio*) to church leaders to fulfill their office. It arose directly out of the *Theses'* chief argument. This same concern marked Luther's letter to Albrecht and certainly contributed to the young prelate's and his theologians' negative reaction to Luther's *Theses*. Luther took it upon himself to teach the church and its leaders! Just who did this obscure friar from a second-rate university think he was? Luther would be forced to answer this question in the coming years, but his letter to Albrecht demonstrated that he had already been thinking about the question of authority, and thus he called upon his office as teacher of the church for support. In part, Luther had to include this section, because Leo X's bull promulgating the ›Peter's indulgence‹ had clearly given wide latitude to the indulgence sellers and condemned those who impeded them. Luther's rhetorical ploy here rested on the notion, already encountered earlier, of *allowing* indulgence preaching but insisting that church leaders had to see to it that it

47 WA 1; 236,22f: »Verus thesaurus ecclesie est sacrosanctum euangelium glorie et gratie dei.«

48 See the arguments in BAYER, *Promissio* (see n. 40), with the helpful corrections by B. HAMM, *Der frühe Luther. Etappen reformatorischer Neuorientierung*, 2010, 164–181.

49 Cf. R. SCHÄFER, *Melanchthon's Interpretation of Romans 5:15: His Departure from the Augustinian Concept of Grace Compared to Luther's* (in: Philip Melanchthon [1497–1560] and the Commentary, ed. by M.P. GRAHAM / T.J. WENGERT, 1997, 79–104).

did not contradict the very gospel upon which the pope's true power and authority rested. Thus, thesis 78 reiterated Luther's appeal to the gospel and provided one of the few places where Luther used Scripture in the *Theses*, in this case to redefine papal authority. »On the contrary, we say that even the present pope, or any pope whatsoever, possesses greater graces—namely, the gospel, ›deeds of power, gifts of healing [...]‹—as in 1 Cor 12[:28].«⁵⁰ This, of course, hearkened back to thesis 6 and Luther's insistence that the pope's real authority came from the absolution itself. His quite real bad examples—even Johann Eck later admitted that the indulgence preachers had exaggerated the worth of their wares—were again so rhetorically charged as to refute the idea that these theses were simply scholastic debating points and so as to underscore the seriousness of Luther's appeal.

V »To Post or Not to Post«

When one recognizes the rhetorical power of the *Theses*, the question of their posting becomes, frankly, moot.⁵¹ Even though I am personally convinced that such a posting occurred, my defense of such an action would fully miss the point if one imagined that the posting itself knocked Leo's crown for a loop. Instead, one must concentrate on the form and content of the *Theses* themselves and their function within the theological debate in late-medieval universities. Then one quickly comes to the realization that, especially regarding their rhetorical form, Luther's 95 *Theses* are like none other—not even like theses he had written a month earlier or the ones he would compose in early 1518 for the *Heidelberg Disputation* (theses that were only seldom reprinted and had only limited direct influence over Luther's contemporaries). By contrast, the 95 *Theses* were shaped by »love and zeal for the truth.« They argued *with* the pope and *against* hundreds of years of a false understanding of ecclesiastical penalties and papal authority. They arose as much out of Luther's own experience of preaching an indulgence—and the

50 Cf. WA 1; 237,13f: »Dicimus contra, quod etiam iste et quilibet papa maiores habet, scilicet Euangelium, virtutes, gratias curationum &c. ut 1. Co. xij.«

51 For more on this academic minefield, see V. LEPPIN / T.J. WENGERT, Sources for and against the Posting of the Ninety-Five Theses (LuthQ 29, 2015, 373–398); OTT / TREU (Hg.), Luthers Thesenanschlag (see n. 6).

objections his preaching raised in the Saxon court—as from the abuses of Tetzl. But they also arose from a pastoral heart. Luther wanted to protect the pope from the laity's sharp questions, to be sure. But he also insisted that a correct preaching of true penance and of the centrality of the cross in the life of the Christian would wean true believers away from indulgences and toward receiving punishment for sin—a point made even more clearly in the German equivalent of the Latin 95 *Theses*, namely, the *Sermon on Indulgences and Grace*. There, while omitting any and all references to the pope, Luther concentrated only on showing the way indulgences undermined the true Christian life.

Suppose you say, »Then I will never again buy an indulgence.« I respond, »That is what I already said above. My will, desire, plea and counsel are that no one buy an indulgence. Let the lazy and sleepy Christians buy indulgences. You run from them.«⁵²

At nearly the same time, Luther was hard at work on the *Resolutiones*, finally published in August 1518 with prefaces to von Staupitz and Leo X. There, if Oswald Bayer is correct, Luther finally connects this work of contrition and faith *not* to an Augustinian humility theology but rather to the direct working of the Word, understood as law and gospel, upon the hearer. In the *Resolutiones* one also finds the most influential explanation of the theology of the cross, contrasted to the illusory theologies of the scholastics.⁵³ By this time Luther had transformed his worry about »cheap punishment« as in the 95 *Theses* into praise for God's promise, where grace was neither expensive nor cheap but free, and for faith in that very promise, a faith that was not a human work but a work of the Holy Spirit through the Word that kills and makes alive.

In the end, however, what made the 95 *Theses* so important was not so much Luther's arguments or use of rhetoric but the response of one man, Archbishop Albrecht of Mainz. That Albrecht gave them to his own theological faculty in Mainz is easily understood; that he immediately sent them to Rome is perhaps not. Here, it would seem, the politics of the Holy Roman Empire and the radical nature of Luther theses combined into an

52 WA I, 246,11–14 and M. LUTHER, *A Sermon on Indulgences and Grace*, trans. by T.J. WENGERT (in: AL I,56–65), 64.

53 Cf. T.J. WENGERT, »Peace, Peace [...] Cross, Cross«: Reflections on How Martin Luther Relates the Theology of the Cross to Suffering (ThTo 59, 2002, 190–205).

explosive brew. Luther had, after all, claimed to know the pope's will. Yet Pope Leo X had explicitly forbidden the hindering of indulgence preaching. The fact that the head of the Wettin house, Frederick the Wise, had banned the preaching of this indulgence in his territories led Albrecht, a scion of the Brandenburg house of Hohenzollern, to suspect collusion and led him to use an appeal to the pope not simply against Luther's teaching but also against what he could only regard as Frederick's meddling into the dynastic objectives of his rival to the north, Albrecht's brother, Joachim I.⁵⁴ Then, and only then, was the die cast, and a call for theological discussion became in the ensuing months and years the *causa Lutheri* before pope and emperor, the repercussions of which continue to echo in the church to this day.

54 For the role of the Wettiners, see, most recently, N. KRENTZ, *Ritualwandel und Deutungshoheit. Die frühe Reformation in der Residenzstadt Wittenberg (1500–1533)* (SMHR 74), 2014.