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The 'Freedom of a Christian' – 'Servitude of the Jews'?

Martin Luther's Theology of Christian Freedom and his Early Attitude towards Jews and Judaism against the Background of Medieval Ambiguities

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Summary

This article sheds light on Luther's early attitude towards Jews and Judaism. My point of departure is the famous tract on Christian freedom from 1520, with its paradoxical talk of Christian freedom in faith and servitude to the Other in love. 'Jewish servitude' was a central category to define the position of the Jews in society. The category was used by the highest authorities in the Church and secular society, popes and emperors. Its meaning was ambivalent because it comprised subordination and repression, but also protection of the Jews. Against this background it becomes apparent how Luther's theology of Christian freedom intended to reject Christian hostility towards the Jews. The consequences can be seen in his tract 'That Jesus was a born Jew' from 1523, where Luther made a plea to improve fundamentally the freedom of the Jews in society. This went further than J. Reuchlin's interpretation of the 'servitude of the Jews' in his defence of Jewish literature against the inquisition, which included freedom of worship. However, as is well known, Luther soon revised his political position and ended up in sharp anti-Jewish agitation. The emancipatory impulse of his theology of Christian freedom in favour of a new understanding of 'Jewish servitude' had lost its relevance.

Introduction

In his famous treatise 'On the Freedom of a Christian' (*De libertate christiana*) from 1520 Martin Luther presented to the reader a 'comprehensive

summary of Christian life'.¹ In our view this treatise should be read together with Luther's first text on the Jews from 1523, 'That Jesus Christ was a born Jew'. This perspective and its backgrounds deserve more attention than they have received. First, I will make some remarks about Luther's tract on Christian freedom and its relevance to our subject of 'Jewish servitude' (*servitus Iudaeorum*). Then I will take up the topic of 'Jewish servitude' and its development in the Middle Ages. The topic forms a basic theological and juridical category for defining and legitimizing Jewish minority existence within Christian society in premodern times. Next I will ask how we can understand Luther's early attitude towards Jews and Judaism against this background. The other side of the coin, why and how Luther changed his view and ended up engaging in harsh premodern anti-Semitic agitation in the 1540s, cannot be treated here.²

Martin Luther's Treatise on Christian Freedom, 1520

The treatise, published in Latin and German, was one of the most frequently printed writings of the early Reformation.³ It contributed significantly to the spread of the Reformation movement as a movement of experienced liberty through written and oral communication. With its 26 printings until 1524, among them 16 German printings, it was a first-class media event. The writing unfolds the subject of Christian freedom as a paradox of inner, spiritual freedom from oneself with regard to one's belief and existence in Christ (existing in the presence of God, *coram Deo*), and external servitude through serving other humans in need by 'good deeds' (existing in the presence of the neighbour and the world, *coram hominibus, coram*

1 'Es ist eyn kleyn büchle, so das papyr wirt angesehen, aber doch die gantz summa eyne Christlichen leben drynnen begriffen, so der synn vorstandenn wirt.' M. Luther, *Werke. Kritische Gesamtausgabe* (Weimarer Ausgabe [WA]), Weimar 1883-2007, vol. 7, 11.8-10. 'Parva res est, si corpus spectes, sed summa (nisi fallor) vitae christianae compendio congesta, si sententiam captes.' WA 7, 48.35-49.1. For the broader theological context see D. Korsch, 'Freiheit als Summe. Über die Gestalt christlichen Lebens nach Martin Luther', in Ch. Danz (ed.), *Martin Luther. Neue Wege der Forschung*, Darmstadt 2015, 193-211, first published in *Neue Zeitschrift für systematische Theologie* 40 (1998), 139-156.

2 For an overview, see H.-M. Kim, 'Luther und die Juden', in A. Beutel (ed.), *Luther Handbuch*, Tübingen 2017³, 252-262 (with literature).

3 Cf. WA 7, 20-38 (German version); 7, 49-73 (Latin version). For a commentary on the treatise, see R. Rieger, *Von der Freiheit eines Christenmenschen. De libertate christiana* (Kommentare zu Schriften Luthers 1), Tübingen 2007.

mundo).⁴ This distinction formed the main message, as the theological basis of all ethics, and not its concrete meaning in concrete circumstances. Nevertheless the distinction between inner freedom and external servitude did not entail the separation of both aspects. Freedom as an inner reality of belief was meant as one perspective of human existence, which necessarily had to be considered together with the other perspective of the same human being, the servitude towards the Other. To put it briefly in the words of Luther: 'A Christian lives not in himself, but in Christ and his neighbour; in Christ through faith, in the neighbour through love.'⁵ Structurally speaking, freedom and servitude were programmatic terms, embedded in a context of theological interpretation of human existence. They also were polemical terms, embedded in the experience of social life, and depending on what they denied. Freedom and servitude for Luther were therefore 'combat terms' ('Kampfbegriffe'), mainly giving structure to the struggle against what he identified as Roman tyranny – and conversely they became combat terms for his opponents. In our context the question is: what was Luther's idea about the practical consequences of Christian freedom as an inner reality for the shaping of Christian servitude through acting towards the Jews in love and mercy? The Christian semantics of freedom and servitude was not 'innocent' with regard to Judaism and Jews: in the Christian worldview 'servitude' was also a prominent ideological term related to Judaism.

In his treatise on Christian freedom Luther mentioned the Jews only once, but at an important point in his argumentation. He criticized the widespread practice of preachers who agitated against the Jews in the Holy Week and on Good Friday, remembering the suffering of Christ and the alleged guilt of the Jews as historical facts – in place of preaching the Gospel as a present experience of freedom.⁶ The same issue was addressed

4 'Eyn Christen mensch ist eyn freyer herr über alle ding und niemandt untertan. Eyn Christen mensch ist eyn dienstpar Knecht aller ding und yderman unterthan.' WA 7, 21.1-4; 'Christianus homo omnium dominus est liberrimus, nulli subiectus. Christianus homo omnium servus est officiosissimus, omnibus subiectus.' WA 7, 49.22-25.

5 'Aus dem allenn folget der beschluß, das eyn Christen mensch lebt nit ynn yhm selv, sondern ynn Christo und seynem nehstenn, ynn Christo durch den glauben, ym nehsten durch die liebe [...].' WA 7, 38.6-8.

6 'Er ist auch vill, die Christum alßo predigen und leßen, das sie ein mit leyden uber yhn habenn, mit den Juden zurnen odder sonst mehr kyndisch weyß drynnen uben. Aber er soll und muß alßo predigt sein, das mir und dir der glaub drauß erwachß und erhalten wirt.' WA 7, 29.11-14. Cf. the Latin version: 'Iam non sunt pauci, qui eo studio Christum praedicant et legunt, ut affectus humanos moveant ad condolendum Christo, ad indignandum Iudaeis, et id genus alia puerilia et muliebria delyramenta. Oportet autem, ut eo fine praedicetur, quo

in different contexts in Luther's early writings. To stir up animosity against the Jews was regarded as incompatible with Christian freedom. In reality, time and again this preaching, especially on Holy Friday, had led to attacks on Jews.⁷

Naturally the treatise on Christian freedom was focussed on an inner-Christian question and did not attract a Jewish readership. This changed with the publication of Luther's tract 'That Jesus was a born Jew' in 1523, when the topic of 'Jewish servitude' became an issue more clearly. Before I discuss this tract, let us have a look at the medieval development of this influential concept.

The Medieval Concept of 'Jewish Servitude'

The concept of 'Jewish servitude' (*servitus Iudaeorum*) played a crucial role in defining the inferior status of the Jews as a tolerated minority in Christian societies from the Middle Ages up to the early Modern Era. It was Augustine who circumscribed the concept of 'Jewish servitude' in a metaphorical sense: Jews functioned as 'librarians and archivists' (*librarii et cap-sarii*) of the Christians by preserving the Hebrew Bible as a main witness of the true Christian belief.⁸ This secured Jews a place within the Christian concept of salvation history, a different view of Judaism than in Gnosticism and Manicheism, and a precondition for the survival of Judaism in medieval Christianity. The concept of 'servitude of the Jews' included subordination but also protection and tolerance, which were not conceded to Christian heretics or other non-Christians, except Muslims. Slavery, still a

fides in eum promoveatur [...]. WA 7, 58.36-38. For the broader context of Luther's theology of Christian freedom and politics, see R. Rieger, "Von der Freiheit eines Christenmenschen". Frei im Glauben, gehorsam der Obrigkeit? Martin Luthers Freiheitsverständnis zwischen Glaube und Politik, in D. Sydrum et al (ed.), *Luther und die Fürsten. Selbstdarstellung und Selbstverständnis des Herrschers im Zeitalter der Reformation*, Dresden 2015, 35-43.

7 See, for example, Luther's *Sermon von der Betrachtung des heiligen Leidens Christi*, 1519: 'Zum ersten bedencken etlich das leyden Christi alßo, das sie uber die Juden tzornig werden, singen und schelten uber den armen Judas, und lassen es also gnug seynn [...]. WA 2, 136.3-8, 21-24.

8 See, for example, Augustine, *Ennarationes in Psalmos*, on Ps 40:14 and Ps 56:9, CCSL 38, 459; CCSL 39, 700; J. Cohen, *Living Letters of the Law. Ideas of the Jew in Medieval Christianity*, Berkeley, Calif. 1999, 24-40; P. Fredriksen, *Augustine and the Jews. A Christian Defense of Jews and Judaism. With a New Postscript*, New Haven 2010; P. Petitmengin, 'Codex', in C. Mayer (ed.), *Augustinus-Lexikon*, vol. 1, Basel 1994, 1022-1037, 1029f.; J. van Oort, 'Iudaei', in C. Mayer (ed.), *Augustinus-Lexikon*, vol. 3, Basel 2010, 781-792.

social reality till the High Middle Ages, could be related to Jews only in a metaphorical sense: in anthropological terms everyone was a slave, either of God – equated with inner freedom – or of death and sin (in short: of God or the devil), but never by nature.⁹

Much influence on the Christian attitude was exerted by Augustine's interpretation of Psalm 59:12 (V 58, 12), read as a prophecy on the Jews, and directed to the Christian reader: 'Do no kill them, lest they forget your law; [but] scatter them with your power.' Verse 15 reads in the Vulgate: 'et convertentur ad vesperam' ('and they will return in the evening'). This was interpreted as prophesying a general conversion of the Jews to Christianity at the end of the times. This exegesis became a crucial argument for the idea of tolerance and peaceful coexistence between Jews and Christians ('do not kill them'). But it could also be used as an argument for aggravating the living conditions of Jews, in order to press them to convert ('scatter them'). Nicholas of Lyra's Bible commentary, supplemented by the remarks of Paul of Burgos, a Spanish Jew who had converted to Christianity and was deeply involved in the policy of forced conversions, helped to spread the ambiguous interpretation of servitude in the late Middle Ages up to the 17th century. Luther was familiar with this exegetical tradition.¹⁰

From the High Middle Ages the concept of 'Jewish servitude' became more and more an instrument of universalist truth and power claims on the part of the main ecclesiastical and secular authorities, the pope and the emperor. It was Pope Innocent III in the early 13th century who launched the term 'eternal servitude of the Jews' (*perpetua servitus Iudaeorum*), mainly to impose restrictions on the contacts between Jews and Christians in daily life. Christians should therefore not be guests in Jewish homes or should not employ Jewish servants.¹¹ A classic expression of the papal policy to restrict economic activities and minimize social interaction between

9 Cf. H. Bellen, H. Heinen et al. (ed.), *Bibliographie zur antiken Sklaverei* (Forschungen zur Antiken Sklaverei. Beiheft 4), Stuttgart 2003; P. Garnsey, *Ideas of Slavery from Aristotle to Augustine*, Cambridge 1999; on Augustine, see ch. 13.

10 Cf. T. Rasmussen, *Inimici ecclesiae. Das ekklesiologische Feindbild in Luthers 'Dictata super Psalterium' (1513-1515) im Horizont der theologischen Tradition* (Studies in Medieval and Reformation Thought 44), Leiden 1989, 35-48; 92-103; P. van der Osten-Sacken, *Martin Luther und die Juden. Neu untersucht anhand von Anton Margarithas 'Der gantz Jüdisch glaub' (1530/31)*, Stuttgart 2002, 47-74.

11 '[...] ut taliter reprimant Judeorum excessus, ne cervicem perpetue servitutis jugo submissam presumant erigere contra reverentiam fidei Christianae [...]'; Jews were regarded as 'tamquam servi a Domino reprobati' (1205); S. Simonsohn, *The Apostolic See and the Jews. Documents: 491-1404*, Toronto 1988, n. 82, 86-88, 87.

Jews and Christians can be found in the canons of the Fourth Council of the Lateran from 1215.¹² Furthermore, the submission of Jewish literature to papal judgement and therefore to the Inquisition and its censorship leading to the burning of the Talmud in Paris 1242 under Gregory IX intensified the hierarchical implications of 'Jewish servitude'.¹³

On the other hand, since the 12th century the papal *Sicut Iudaeis* bulls (edicts) had contributed to the protection of the Jews and their religious freedom against persecution and violence.¹⁴ Papal policy towards the Jews never followed a clear line however.¹⁵ In theology Thomas Aquinas systematized the line of Augustine without developing a consistent theory of servitude. The theological concept of a fundamental equality of all human beings collided with the Aristotelian approach that inequality is part of human nature, and therefore the existence of 'slaves by nature' was still possible.¹⁶ Strictly egalitarian accents remained in a socially weak position.

The issue of the 'servitude of the Jews' also played a central role in imperial law. In 1236 Emperor Frederick II introduced a specific legal status for the Jews, the so-called 'kaiserliche Kammerknechtschaft', which defined the Jews as 'servants of the imperial chamber', that is, the imperial treasury.¹⁷ Frederick II took over the ecclesiastical term *perpetua servitus iudaeorum*, but interpreted it as an obligation to protect the Jews as a 'weak people'. He granted the Jews more rights than the church wanted to grant them officially, that means the freedom to earn their living by trade and money-lending, to have Christian employees at home, to resolve internal religious

12 Cf. C. Alberigo et al. (ed.), *Conciliarum oecumenicorum decreta*, Bologna 1962, 241-243 (const. 67-70); for an English text, see J.R. Marcus, M. Saperstein, *The Jews in Christian Europe. A Source Book, 315-1791*, Pittsburgh, Pen. 2015, 114-119.

13 Cf. Markus, *The Jews*, 127-135.

14 Cf. the rules of papal protection in the *Sicut Iudaeis*-bull of Alexander III (among others '[...] nec aliquis ab eis coacta servitia exigat, nisi ea, quae ipsi praefato tempore facere consueverunt'), Simonsohn, *The Apostolic See*, n. 49, 51; also see Simonsohn, *The Apostolic See*, n. 37, 35f.

15 Cf. Simonsohn, *The Apostolic See and the Jews. History*, Toronto 1991, esp. 39-93 (Between Protection and Persecution); 94-156 (Children of the Maidservant).

16 Cf. K. Pultar, "Sklaven von Natur aus?" Die *servitus* bei Thomas von Aquin', in N. Priesching, H. Grieser (ed.), *Theologie und Sklaverei von der Antike bis in die frühe Neuzeit*, Heidelberg 2016, 126-128; 143f.; J.Y.B. Hood, *Aquinas and the Jews*, Philadelphia 1995.

17 Cf. D. Willoweit, 'Vom Königsschutz zur Kammerknechtschaft. Anmerkungen zum Rechtsstatus der Juden im Hochmittelalter', in K. Müller, K. Wittstadt (ed.), *Geschichte und Kultur des Judentums: Eine Vorlesungsreihe an der Julius-Maximilians-Universität Würzburg* (Quellen und Forschungen zur Geschichte des Bistums und Hochstifts Würzburg 38), Würzburg 1988, 71-89.

conflicts autonomously, free movement including the right of abode and unlimited rights of ownership – privileges of a Roman citizenship that also in Jewish eyes were crucial for leading a relatively free life. However, already Frederick's successor, Rudolf of Habsburg, primarily interpreted the Jewish status of 'servitude to the imperial chamber' as his own proprietary right to levy high taxes. Now the emphasis of the term *servi* shifted from protection to possession.

In the course of the Middle Ages the imperial chamber construction lost its importance, but was not abolished. The reason for this decline in significance was an increasing fragmentation of legal competences, as a consequence of the emperors' policy to pass on their rights to charge taxes from the Jews to subordinate authorities.¹⁸ In retrospect the institute of 'imperial chamber servitude' functioned in different ways: on the one hand, especially in its beginnings, it was an important instrument for securing Jewish rights and freedom of religion. On the other hand, it adapted ancient slavery law under the conditions of medieval feudalism to the special status of the Jews, by treating Jews as a 'possession' of the ruler. The reduction of Jewish existence to a question of economic interest almost automatically weakened the position of the Jews in times of crisis and economic decline.

This became decisive for the Jewish communities from the 14th century onwards, when plague-related persecutions and pogroms worsened the living conditions of the Jews in the Empire for centuries. The expulsion of Jews from cities and territories became a common political strategy all over Europe, culminating in the expulsion of the Jews from Spain in 1492. In 1519 – the Reformation movement had just started – the Jews of the imperial city of Regensburg were expelled.¹⁹

The policy of expulsion can be regarded as the secular side of a radicalized Church policy: the enforced treatment of the Jews as 'heretics of the Old Testament' by the Inquisition. The agitation of Dominican and Franciscan friars, especially through preaching, played an important role in inciting anti-Jewish sentiments and urging publicly for harsh political

18 Cf. A. Haverkamp, "Kammerknechtschaft" und "Bürgerstatus" der Juden diesseits und jenseits der Alpen während des späten Mittelalters', in S. Führding, P. Antes (ed.), *Säkularität in religionswissenschaftlicher Perspektive*, Göttingen 2013, 11-40.

19 Cf. Markus, *The Jews*, 181-192; H. Beinart, *The Expulsion of the Jews from Spain*, Oxford 2002; S. Wittmer, *Jüdisches Leben in Regensburg. Vom frühen Mittelalter bis 1519*, Regensburg 2001; F. Burgard (ed.), *Judenvertreibungen in Mittelalter und früher Neuzeit* (Forschungen zur Geschichte der Juden. Abt. A, Abhandlungen 9), Hannover 1999. For an overview, see D. Ph. Bell, *Jews in the Early Modern World*, Lanham 2008; M. Toch, *Die Juden im mittelalterlichen Reich* (Enzyklopädie deutscher Geschichte 44), München 2013³.

measures.²⁰ This agitation relied heavily on the rhetoric of 'Jewish servitude': Jewish money-lending was therefore denounced as an attack on the divine order of society, because through debt servitude Christians became the servants of the Jews. But the rhetoric of servitude also functioned the other way round: as an instrument for defending the Jews against unfair accusations by hinting at the fact that Jews still were willing 'to serve' Christian society by paying taxes and following the laws of the country.²¹

Martin Luther's Treatise 'That Jesus Christ was a born Jew', 1523

Luther wrote the tract not to defend the Jews, but to defend himself, namely against the accusation that he had denied essential Mariological teachings of the Church touching on the question of Jesus' divinity and messiahship.²² In the eyes of his opponents, Luther appeared to be a sort of Jewish heretic. After defending his Mariological convictions as orthodox in the line of the early Church, Luther presented a kind of catechesis on the question of the Messiah on biblical grounds, 'to serve the Jews' in a spiritual way.²³

With traditional arguments he tried to unmask Jewish messianism as an illusion and to offer an attractive alternative to the teaching method of Roman Catholic missionaries among the Jews. His opposition to Rome led him to criticize sharply the dehumanizing Church policy towards the Jews,

20 Cf. H.-M. Kirm, 'Die spätmittelalterliche Kirche und das Judentum', in D. Wendebourg, A. Stegmann, M. Ohst (ed.), *Protestantismus, Antijudaismus, Antisemitismus. Konvergenzen und Konfrontationen in ihren Kontexten*, Tübingen 2017, 3-23.

21 Cf. J. Reuchlin's argument in his controversy with J. Pfefferkorn about Jewish literature, in W.W. Ehlers et al. (ed.), *Johannes Reuchlin, Sämtliche Werke* IV, 1, Stuttgart-Bad Cannstatt 1999, 13-168, 136.13-21 (Latin); 137.18-28 (German). See also Chr. Magin, 'Wie es umb der iuden recht stet'. *Der Status der Juden in spätmittelalterlichen Rechtsbüchern*, Göttingen 1999; M. Demel, *Gebrochene Normalität. Die staatskirchenrechtliche Stellung der jüdischen Gemeinden in Deutschland* (Jus ecclesiasticum 97), Tübingen 2011 (part 1, ch. 2).

22 WA 11, (307) 314-336; J. Pelikan et al. (ed.), *Luther's Works*, St. Louis 1955-2017, vol. 45, 199-229. For selected texts from Luther's work in English translation see B. Schramm, K.I. Stjerna (ed.), *Martin Luther, the Bible, and the Jewish People. A Reader*, Minneapolis, Minn. 2012. For basic information see Th. Kaufmann, *Luthers Judenschriften. Ein Beitrag zur historischen Kontextualisierung*, Tübingen 2013².

23 Cf. WA 11, 325.16-336.36, among others on Gen 49:10-12, Dan 9:24-27 and Sach 8:23; '[...] sondern auch gerne den Juden dienen wollten, ob wyr yhr ettlich mochten tzu yhrem eygen rechten glauben bringen, den yhre Vetter gehabt haben [...]', WA 11, 325.17-19.

which included the spreading of fantasies about ritual murder and host desecration. For him the papal Church doctrine of 'Jewish servitude' had become pure tyranny. He therefore wrote:

They [the Roman Catholics, the 'Papists'] have dealt with the Jews as if they were dogs rather than human beings; they have done little else than deride them and seize their property [...].²⁴

In another, earlier context, the *Operationes in Psalmos*, the second lecture on the Psalms (1519-1521), Luther heavily criticized theologians who legitimized their anti-Jewish agitation from the pulpit by alluding to the 'Jewish servitude' in papal and secular law, touching on the Jewish dependence on the pope and on the emperor which I talked about.²⁵ According to the treatise from 1523 a different politics of conversion should be realized:

I hope that if one deals in a kind way with the Jews and instructs them carefully from Holy Scripture, some of them ['ettliche'] will become genuine Christians and turn again to the faith of their fathers, the prophets and patriarchs [...].²⁶

So far, we could say, Luther argued for a change of method that would seem less coercive, not for a change of the concept of 'Jewish servitude' as a societal form of legalized suppression. But at the end of his treatise, Luther made it clear that he had something different in mind than to continue with repression:

24 'Denn sie haben mit den Juden gehandelt als weren es hunde und nicht menschen, haben nichts mehr kund thun denn sie schelten und yhr gutt nehmen [...]; WA 11, 315.3-5; in his concluding remarks Luther put it more concretely: 'Aber nu wyr sie [the Jews] nur mit gewallt treyben und gehen mit lügen teydingen umb, geben yhn schuld, sie müssen Christen blutt haben, das sie nicht stincken, und weys nicht wes narren wercks mehr ist, das man sie gleich fur hunde hellt, Was sollten wyr guttis an yhn schaffen? Item das man yhn verbeutt, untter uns tzu erbeytten, hantieren und andere menschliche gemeynschafft tzu haben, da mit man sie tzu wuchern treybt, wie sollt sie das bessern?' WA 11, 336.24-29.

25 'Et horum furori patrocinantur, instant Theologi quoque quidam insulsissimi, qui fastuosissimo supercilio Iudaeos gariunt esse servos Christianorum et subiectos Caesari, cum ipsi interim tam vere sint Christiani, quam vere ullus est Romanus Caesar hodie.' Luther, *Operationes in Psalmos* (1519-1521), WA 5, on Ps 14:7, WA 5, 427-429, 429.3-6.

26 WA 11, 315.14-17.

If we really want to help them, we must be guided in our dealings with them not by papal law but by the law of Christian love. We must receive them cordially, and permit them to trade and work with us [that is: not force them into usury, HMK], that they may have occasion and opportunity to associate with us, hear our Christian teaching, and witness our Christian life. If some of them should prove stiff-necked, what of it? After all, we ourselves are not all good Christians either.²⁷

The 'law of Christian love' – love as servitude to the Other, to recognize him better than before as a human being and allow him to exist as a fellow citizen, in consequence of the experience of Christian freedom – brings us back to the paradox of Luther's treatise from 1520. In other words: the 'love of Christ' (*amor Christi*) seemed incompatible with hatred against Jews and their ongoing social discrimination and marginalisation.²⁸

However, there remains the question of how we should adequately interpret Luther's relatively short remarks within the framework of anti-papal polemic. On the one hand, it is clear that Luther argued from a missionary perspective that included the eschatological abrogation of Judaism. On the other hand, Luther argued for an abrogation of repression in politics towards the Jews that changed the character of 'Jewish servitude' to Jewish 'citizenship'. Political authorities were asked to substantiate on a legal level what the 'law of Christian love' required. In fact, Luther argued in favour of the concept of Roman citizenship, which Jews shared with Christians. One could say: Luther propagated anew a metaphorical interpretation of 'Jewish servitude', or at least a 'Jewish servitude' that included peaceful coexistence.

What is interesting to see: the different views on the concepts of 'Jewish servitude' and citizenship had already been vehemently discussed in the early 16th century, in the famous Reuchlin-Pfefferkorn controversy.²⁹

27 'Will man yhn helfen, so mus man nicht des Bapsts, sonder Christlicher liebe gesetz an yhn uben und sie freuntlich annehmen, mit lassen werben und erbeytten, da mit sie ursach und raum gewynnen, bey und umb uns tzu seyn, unser Christlich lere und leben tzu horen und sehen. Ob ettliche hallstarrig sind, was ligt dran? sind wyr doch auch nicht alle gutte Christen.' WA 11, 336.29-34.

28 Against a broad tradition of Christian anti-Jewish polemics Luther maintained in his *Operationes in Psalmos*: 'Si odium Iudaeorum et haeticorum et Turcorum facit christianos, vere nos etiam furiosi sumus omnium christianissimi. Si autem amor Christi facit Christianos, sine dubio nos peiores Iudaeis, haeticis et Turcis sumus, cum nemo Christum amet minus quam nos.' WA 5, 429.9-13.

29 Cf. F. Battenberg, 'Von der Kammerknechtschaft zum Judenregal. Reflexionen zur Rechtsstellung der Judenschaft im Heiligen Römischen Reich am Beispiel Johannes Reuchlins', in S. Hödl (ed.), *Hoffjuden und Landjuden. Jüdisches Leben in der Frühen Neuzeit*,

It was Johannes Reuchlin, the famous humanist, jurist, Christian Hebraist and kabbalist, who defended Jewish literature against the inquisitorial attempts to destroy it, among others with the argument of Jewish fellow citizenship according to Roman law (Jews as *conciues*).³⁰ The Jewish convert Johannes Pfefferkorn and especially the Dominican inquisitor Jacob van Hoogstraeten from Cologne maintained that Reuchlin devalued the ecclesiastical concept of 'perpetual servitude of the Jews' in canonical law when he argued for a fellow citizenship of the Jews.³¹ In fact, Reuchlin never doubted the validity of canonical law, but he resisted an interpretation that asked for an implementation of aggravated, slave-like conditions – as if Jews were not allowed to freely practice their religion and make use of their prayer books and literature. He therefore replaced the traditional term of Jews as 'servants of the imperial chamber' by the broader and more flexible term of citizenship, without discussing basic equality questions of 'honour' (*honor*) and 'dignity' (*dignitas*). In every case Reuchlin paved the way to an improvement of the juridical position of the Jews in the Old Empire, especially on the level of imperial jurisdiction and equal treatment in juridical procedures. Unlike Reuchlin, Luther had no reason to harmonize ecclesiastical and secular traditions. He publicly condemned canonical law and propagated a broader interpretation of peaceful coexistence beyond canonical law. It is true that Reuchlin and the early Luther shared a common interest in facilitating Jewish conversion. In this sense, both advocated a metaphorical concept of 'Jewish servitude'. But both of them also rejected inquisitorial and political repression. This made their position also interesting for Jewish circles.

Here just some remarks with regard to Luther: from the beginning many Jews followed with interest the rising Reformation movement, which shook Western Christianity in its foundations. Naturally the views they held were different, but basically the movement was seen as a sign of the decline of Christianity and its idolatry, often combined with messianic and apocalyptic hopes. Many took it as a sign of divine consolation after the expulsion of the Jews from Spain. For example, the messianic visionary and kabbalist Abraham ben Eliezer Ha-Levi, who experienced

Berlin 2004, 68; 72-83; D.H. Price, *Johannes Reuchlin and the Campaign to Destroy Jewish Books*, Oxford 2010, 128, 154, 187f.

30 Cf. Reuchlin, *Sämtliche Werke* IV, 1, 72.14-74.7 (Latin); 73.19-75.20 (German).

31 Cf. H. Peterse, *Jacobus Hoogstraeten gegen Johannes Reuchlin. Ein Beitrag zur Geschichte des Antijudaismus im 16. Jahrhundert* (Veröffentlichungen des Instituts für Europäische Geschichte Mainz 165), Mainz 1995, 110, 149.

the traumatic events in Spain and finally settled in Jerusalem, regarded Luther as a divine instrument, like the biblical Cyrus, for destroying the corrupt Roman church, preparing the way for the Messiah. He knew Luther's treatise from 1523.³² It is interesting to see how Ha-Levi read Luther's proof texts for the messiahship of Jesus: he saw them as a clear testimony that Judaism was grounded firmly in the Bible, that resistance to Roman Catholic conversion pressure was correct, and that to be a good Christian almost meant to become a Jew.

Other voices that were closer to the events adhered to a more pragmatic view, like Josel of Rosheim, the great advocate of Jewish communities in the Old Empire and in Poland from the 1520s to the 1550s.³³ For him Luther's treatise helped to strengthen the Jewish position in conflicts with ecclesiastical and secular authorities. The same was true for some Lutheran preachers who argued against the expulsion of Jews with the authority of the early Luther, like Urbanus Rhegius in Braunschweig 1540, but only with short-lived success.³⁴ Jewish interest in Luther was still lively in 1526, when two or three rabbis visited him in Wittenberg.³⁵ This was one of the few encounters of Luther with Jews, apart from the contacts with converts. Luther urged the Jews to dispute about the interpretation of messianic texts in the Hebrew Bible, but he failed.

On the Christian side Luther's tract from 1523 soon lost the interest of the public and of Luther himself, who began to change his mind about the Jews from the second half of the 1520s. In 1529 a treatise by Kaspar Güttel (Güthel), a pastor from Eisleben – the place where Luther was born and

32 Cf. H.H. Ben-Sasson, *The Reformation in Contemporary Jewish Eyes* (The Israel Academy of Science and Humanities, Proceedings 4, 12), Jerusalem 1970; I. Robinson, *Abraham ben Eliezer Halevi. Kabbalist and Messianic Visionary of the Early Sixteenth Century*, Cambridge/Mass. 1980 (PhD thesis); S. Schreiner, 'Jüdische Reaktionen auf die Reformation. Einige Anmerkungen', in *Judaica* 39/3 (1983), 150-165; A. Schubert, *Täufertum und Kabbalah. Augustin Bader und die Grenzen der Radikalen Reformation* (Quellen und Forschungen zur Reformationsgeschichte 81), Gütersloh, 2008, 81-85 (on the messianic teaching of Abraham ben Eliezer Ha-Levi).

33 Cf. F. Battenberg, 'Josel von Rosheim, Befehlshaber der deutschen Judenheit, und die kaiserliche Gerichtsbarkeit', in J. Hausmann, Th. Krause (ed.), *'Zur Erhaltung guter Ordnung'. Beiträge zur Geschichte von Recht und Justiz. Festschrift für Wolfgang Sellert zum 65. Geburtstag*, Köln 2000, 183-224; E. Opitz, 'Johannes Reuchlin und Josel von Rosheim. Probleme einer Zeitgenossenschaft', in A. Herzig, J.H. Schoeps (ed.), *Reuchlin und die Juden* (Pforzheimer Reuchlinschriften 3), Sigmaringen, 1993, 89-108.

34 Cf. S.H. Hendrix, 'Toleration of the Jews in the German Reformation. Urbanus Rhegius and Braunschweig (1535-1540)', in *Archiv für Reformationsgeschichte* 81 (1990), 189-215.

35 Cf. WA 20, 569.25-570.12, WA TR 4, 619.20-620.15 (n. 5026).

where he died in 1546 –, was published. It was a late echo of Luther's early, by now outdated position.³⁶ In a fictional dialogue between a Jew and a Christian the Jew openly addressed all the injustices and brutalities suffered by the Jews, like accusations of ritual murder and ill-treatment through economic and social restrictions. However, there was no direct reference to Luther's early advices on improving the living conditions of the Jews in a juridical and political sense. Furthermore, Güttel presented Christians and Jews as fellow sufferers under papal tyranny and depicted Luther as a new Moses, who freed the Christians like Moses the Jews from their captivity.³⁷ The treatise suggested that Jews still read Luther's writings, especially the tract from 1523.³⁸ It is not clear if this is part of the literary fiction, but in Eisleben a small but quite lively Jewish community existed, and obviously Güttel maintained contacts with Jews living there. The dialogue did not end with the conversion of the Jew, as often in this sort of literature, but left the reader with an open end. The only thing the Jew did was promise to continue thinking about the Christian arguments on a biblical basis. The image of 'Jewish servitude' in a metaphorical, spiritual sense was still alive, although Luther's early impulses seemed to offer a new perspective of free intellectual exchange. Güttel was not very successful in selling his tract, and Luther had refused to support him. Times had changed. Reuchlin's juridical approach to sustain Jewish citizenship turned out to be more effective on the long run, because it was embedded in a broader tendency of Roman law reception. The spread of Luther's early ideas was hindered by himself, but also by the authorities, who had no interest in implementing his ideas about Christian freedom in their politics towards Jews and Judaism.

For different reasons in the 1530s and 1540s Luther resumed the topic of 'Jewish servitude', and redeveloped it in an apocalyptic framework of exegetical anti-Judaism, especially against Jewish messianism and its

36 For similar treatises written in a respectful tone see Kaufmann, *Luthers 'Judenschriften'*, 64-71.

37 C. Güttel (Güthel), *Von den straffen vnd plagen die etwan Gott vber die Jüden vnd auch lang zeit ytz aber ynn sonderheit vber vns Christen hat verhangen vnd ausgehen lassen [...]*, Zwickau 1529, fol. A2^v/A3^r. Cf. V.M. Evener, 'Jewishness as an Explanation for Rejection of the Word. Caspar Güttel's Reception of Martin Luther's Anti-Judaism', *Church History and Religious Culture* 95 (2015), 203-221; see also E. Bünz, 'Kaspar Güttel. Geistlicher an der Zeitenwende von Spätmittelalter und Reformation', in M. Beyer (ed.), *Christlicher Glaube und weltliche Herrschaft. Zum Gedenken an Günther Wartenberg*, Leipzig 2008, 167-178; Kaufmann, *Luthers 'Judenschriften'* (Index Güttel, Kaspar).

38 Cf. Güttel, *Von den straffen*, fol. E2^v.

hopes for an overthrow of Christian rule, combined with extremely harsh forms of premodern polemical anti-Semitism.³⁹ For Luther it was not enough to encourage the secular authorities to enforce the traditional politics of expulsion: he also took up old fantasies about a slave-like status of the Jews similar to the missionary agitation of radical mendicants in the late Middle Ages, which not only undermined all improvements of the legal status of the Jews under the emperor, but also contradicted the traditions of canonical law.⁴⁰ This agitation is still shocking today, not least because elements of it found their way into the Nazi propaganda of the 1930s.⁴¹

In retrospect, it can be stated that Luther's early theology of Christian freedom offered innovative impulses for a non-repressive understanding of the concept of 'Jewish servitude'. In the broader framework of conversion hopes the concept was spiritualized, taking up Augustinian heritage. At the same time, this spiritualization opened up new perspectives for a remarkable improvement of Jewish living conditions. However, the strong emphasis on the interiority of Christian freedom, and the increasingly apocalyptic perception of Judaism as an anti-Christian agent revealed the weakness of this spiritualization. Finally, the basic ambiguity of the concept of 'Jewish servitude' as denoting both protection and repression remained present. Thereby Luther's theology of Christian freedom unfortunately lost its relevance for a redefinition of Jewish-Christian relations.

39 Cf. H.-M. Kirn, 'Martin Luthers späte Judenschriften – Apokalyptik als Lebenshaltung? Eine theologische Annäherung', in D. Korsch, V. Leppin (ed.), *Martin Luther – Biographie und Theologie* (Spätmittelalter, Humanismus, Reformation 53), Tübingen 2017², 271-285; A. Schubert, 'Fremde Sünde. Zur Theologie von Luthers späten Judenschriften', in Korsch, Leppin (ed.), *Martin Luther*, 251-270.

40 Cf. Luther, *Von den Juden und ihren Lügen* (1543), WA 53, (412), 417-552; 523.1-529.27. On Luther's position within the broader discourse on slavery, see V. Leppin, 'Affirmation und Kritik der Sklaverei im Luthertum', in N. Priesching, H. Grieser (ed.), *Theologie und Sklaverei von der Antike bis in die frühe Neuzeit*, Heidelberg 2016, 145-164; also see M. Ressel, 'Eine Rezeptionsgeschichte der atlantischen Sklaverei im frühneuzeitlichen protestantischen Deutschland', in Priesching, Grieser (ed.), *Theologie und Sklaverei*, 189-191.

41 Cf. O. Arnhold, 'Luther und die Juden bei den Deutschen Christen', in H. Oelke, W. Kraus et al. (ed.), *Martin Luthers Judenschriften. Die Rezeption im 19. und 20. Jahrhundert* (Arbeiten zur Kirchlichen Zeitgeschichte B 64), Göttingen 2015, 191-212.

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