“The Divine Law and The Twelve Articles”

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The German Peasants’ War of 1525 is widely regarded as “one of the greatest popular uprisings in European history,”¹ and yet, scholars are divided as to whether the movement was primarily motivated by economic, political, or religious factors.² When the peasants of Southern Germany organized and rebelled against their lords, were they seeking relief from the oppressive economic systems of taxes, fees, tithes, and rents? Was their goal a communalist governmental structure, for which the prerequisite was freedom from serfdom altogether? Or, were they simply trying to live according to their religious convictions, as informed by the Christian scriptures?

The answer to all of these questions is, of course, yes. The modern assumption that there is a sharp distinction between the secular (i.e. economic/political) and the religious realms is less than helpful when examining the causes of the German Peasants’ War. This is clearly the case with reference to the peasants’ understanding of Divine Law. This paper will examine the concept of Divine Law as expressed in the pivotal document, The Twelve Articles. First, it will show that the preamble to The Twelve Articles articulates an understanding of Divine Law as “living according to the Word of God.” Then, using the third article as a case study, it will demonstrate that this principle encompasses both the religious and (so-called) secular interests of the peasants. Finally, it will highlight the ambiguity inherent in using the principle of Divine Law as the basis for economic and political reform.

The Twelve Articles was one of many legal documents composed by German peasants’ (or more likely, composed on their behalf), which enumerated a series of complaints against their feudal lords. These grievances dealt with such issues as marriage

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² Ibid., 6-14.
laws, oppressive rents, forced serfdom, fines for use of fishing streams, and even thoughtless lords trampling through the serfs’ fields on horseback. 3 Because the living conditions of the peasants had radically deteriorated within one or two generations, most of the grievance lists appealed to the authority of “common law” or “ancient custom,” 4 by which was meant the corporate memory of how things had always been done before. This appeal to custom was known as the “old law” and was “the key concept in the entire medieval legal mentality.” 5 Unfortunately for the peasants, this method of legal bargaining was almost entirely ineffective, for lords could simply claim not to be the authors of new laws, but rather inheritors of tradition and custom, and therefore innocent of any wrongdoing.

What made The Twelve Articles different from other lists of grievances was that its basis of legitimacy was not the “old law” but rather the Divine Law. 6 Most likely composed at the end of February 1525 by the lay preacher Sebastian Lotzer and the Memminger preacher Christoph Schappeler, The Twelve Articles “more than any other [document] embodied the principle of the Word of God as a norm for political negotiation.” 7 A brief examination of the preamble to The Twelve Articles demonstrates the material content of this “principle.” The preamble is addressed “To the Christian reader” 8 and warns of “Antichrists” who “[pour] scorn on the Gospel.” This religiously charged language introduces a dichotomy between those who derive legitimacy from the

3 Ibid., 65-72.
4 Ibid., 70 (Article 40), 72 (Article 58).
6 Various authors refer to the same concept using various terms: “godly law,” “divine law,” “Christian law,” or “divine right.” The author of The Twelve Articles does not use any of these terms, although the concept is clearly present. I have chosen to use the term Divine Law as it seems to be commonly used in modern scholarship.
7 Scott and Scribner, 252.
8 Ibid., 253. All future references to the preamble of The Twelve Articles same.
old law and those who would derive legitimacy from the Divine Law, as taught through Christ’s “Word and life.” The stated “purpose of all the peasants’ articles…is to hear the Gospel and live according to it.” This commitment is reinforced in the final paragraph of the preamble, where the authors insist that the peasants are seeking “this Gospel as their teaching and rule of life” and they “plead anxiously to live according to [God’s] Word.” The authors use the terms “Gospel” and “Word of God” interchangeably—as demonstrated by their contention that “the devil, the most harmful enemy of the Gospel…has awakened such opposition in his followers… so that the Word of God… [is] suppressed and abolished” (italics added). This association of terms betrays the authors’ commitment to the Reformation-era ideal of Sola Scriptura: the Bible alone is necessary (and sufficient) for the revelation of the Gospel.

This commitment to the legitimacy of the Bible alone is reflected in the authors’ citation of Scripture throughout the preamble. Virtually every Scripture referenced is taken out of context in order to provide a Biblical justification for assertions made—a point not lost on Luther in his response to The Twelve Articles. It is not my intention to critique the authors’ hermeneutical method, but only to demonstrate that they were actively seeking a Biblical foundation for their claims. This is a logical, and necessary, result of restricting one’s sources of authority to Divine Law. At least on the face of it, the authors of The Twelve Articles were practicing what they were preaching.

Of course, what goes unstated in the preamble, but is made clear in The Twelve Articles is that living according to the Word of God has implications that transcend the religious realm of life. While this is the case for every article, a look at the third article

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will sufficiently demonstrate the point. The third article, a call for the end of serfdom, clearly delineates between the authority of the old law (“It has hitherto been the custom…”)\(^{10}\) and the Divine Law (“Therefore it is demonstrated by Scripture…”). The third article, which is a mere six sentences long, contains references to fourteen verses of Scripture. Most of these references can be categorized in three thematic groups. The first group of Scriptures asserts the equality and freedom of all Christians. The basis of this equality is the redemptive suffering (Isaiah 53:4-5) and “precious blood of Christ” (1 Peter 1:18-19) which redeems all equally, “the shepherd just as the highest.” The result of this redemption is that Christians are free and ought “not become slaves of men” (1 Corinthians 7:22-23).\(^{11}\) The second group of Scriptures refutes the claim that the peasants are antinomians. They do not want to be free from all authority (c.f. Romans 13:1, Wisdom 6:3\(^ {12}\), 1 Peter 2:13), but rather they want to submit themselves to the authority of God (c.f. Deuteronomy 6:13, Matthew 4:10, Luke 4:8). The final group of Scriptures appeals to the Christian law of love (John 13:34) and the Golden Rule (Luke 6:31, Matthew 7:12) as proof that serfdom goes against the Divine Law.

The assumption that gives these Scriptural references weight is that the Gospel, and therefore the Word of God (i.e. Scripture), is authoritative in all matters of life. There is no room in The Twelve Articles for a “spiritual” understanding of Christian freedom. It is apparent that its authors would have flatly rejected Luther’s later admonition that “the Gospel… does not become involved in the affairs of this world.”\(^ {13}\) With Peter and the

\(^{10}\) Scott and Scribner, 254-255. All future references to the third article same.

\(^{11}\) Not surprisingly, the authors do not cite the next verse: “So, brothers, in whatever condition each was called there let him remain with God” (1 Corinthians 7:24).

\(^{12}\) The reference to Wisdom 6, I believe, contains a latent threat against those who misuse their authority. C.f. Wisdom 6:5: “Judgment is especially severe on those in power.”

\(^{13}\) Luther, 35.
apostles in Acts 5:29, the peasants, in embracing The Twelve Articles, were affirming together in one voice “We must obey God rather than men.” In order to obey Divine Law, to live according to the Word of God, it was necessary for the peasants to reject any human authority that was not wholly consistent with Christian teachings. This meant a rejection of the reigning political order, and the implementation of a new political order based solely on Scriptural principles. The rejection of serfdom would lead to a communalist democracy, in which “elected and appointed rulers” would be obeyed as long as the Word of God was the basis for all judgments. This, needless to say, would turn the entire political and economic world of 16th-century Germany upside-down. Lords would lose revenue and land; peasants would essentially govern themselves.\(^{14}\) These implications could not be lost on the authors of The Twelve Articles, nor the peasants who heard about them. This is, precisely, the reason for their instant popularity. The Twelve Articles made possible an economic and political uprising based not on common law or ancient tradition, but solely on the Word of God.

The Twelve Articles, however, were not without their opponents, even among those sympathetic to the peasants’ cause. Martin Luther, to whom the authors of the Twelve Articles had appealed for support, vehemently opposed most of them, primarily on the grounds that they were “too concerned with worldly and temporal matters”\(^{15}\) and that they “reveal nothing but impatience, aggression, anger, and violence.”\(^{16}\) Using many of the very same Scripture references, Luther argued that to act according to Divine Law absolutely prohibits one from taking up the sword in order to “arrogate authority to

\(^{14}\) In accordance, presumably, with the Gospel as preached by the local minister. And yet, this minister would be at the beck-and-call of the community, for they would also have the power to depose him.
\(^{15}\) Luther, 35.
\(^{16}\) Ibid., 31.
[one’s] self.” 17 Luther charges that the peasants “boast of the divine law and yet act against it.” 18 When viewed in light of the religious landscape of the German peasantry, this charge takes on added significance. Most of the peasants whom Luther criticized considered themselves Lutheran Christians. It was “his own Biblicism [that] strengthened the popular doctrine of ‘godly law’ as the norm for a Christian social order.” 19 In fact, in a previous tract 20, Luther had asserted that “a Christian is a perfectly free lord of all, subject to none… we are the freest of kings.” 21 It is not difficult to understand why the authors of The Twelve Articles hoped that Luther would support their cause.

This discrepancy between Luther and the peasants highlights the difficulty inherent in deriving authority from the Divine Law. Issues of interpretation lead to differing opinions about what Divine Law actually means when applied to specific contexts. Does this mean that Divine Law is an illegitimate source of authority? By no means! But the rigid dogmatism that assumes unmediated knowledge of the contextual application of Divine Law leads to unnecessary conflict. Luther could have learned from the peasants’ understanding of the economic and political implications of the truth claims of Scripture, and the peasants could have learned from Luther’s insistence that “Christians do not fight for themselves with sword and musket, but with the cross and with suffering, just as Christ, our leader, does not bear a sword, but hangs on the cross.” 22

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17 Ibid., 25.  
18 Ibid., 26.  
20 Von der Freiheit eines Christenmenschen, c.a. 1520.  
22 Luther, 32.
Bibliography


