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## De Libero Conscientia: Martin Luther's Rediscovery of Liberty of Conscience and its Synthesis of the Ancients and the Influence of the Moderns

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One fateful day on March 26, 1521, a lowly Augustinian monk was cited to appear before the Diet of Worms.<sup>1</sup> His habit trailed behind him as he braced for the questioning. He was firm, yet troubled. He boldly proclaimed: “If I am not convinced by proofs from Scripture, or clear theological reasons, I remain convinced by the passages which I have quoted from Scripture, and *my conscience is held captive by the Word of God*. I cannot and will not retract, for *it is neither prudent nor right to go against one’s conscience*. So help me God, Amen! [*italics mine*]”<sup>2</sup> That man was Martin Luther.

Throughout time, humans have exercised their liberty of conscience—a very abstract phenomenon—in the most tangible of ways. Dating back to the first Biblical man and woman, the Christian God gave humanity the freedom to choose the tree of life or death. However, this liberty of conscience was rediscovered in a fresh way at the dawn of the Protestant Reformation under the scholarship of Martin Luther, as he attempted to reinstate autonomy for the Christian and in so doing, he transitioned the idea of liberty of conscience from simply a philosophical question to a Christian one. This paper will address not only Luther’s pedagogical genealogy and the impact of Luther’s development of freedom of conscience, but also Luther’s rediscovery of liberty of conscience at the time of the Reformation. Indeed, it was Luther who fundamentally *refocused the conversation of liberty of conscience* to the Christian, re-making it a conversation about free will in the Christian salvation context, and also questioning if the conscience was powerful enough to overcome evil, perhaps one of his greatest contributions not only to theology, but also political philosophy. In order to rightly analyze Luther’s views on the matter, it is important to include a brief history of the idea of “conscience.”

Etymologically, the word “conscience” is derived from the Latin, *con* and *scientia*, which literally means “with knowledge.”<sup>3</sup> Thus, conscience was seen as an entity that could be right or wrong, and therefore only a “correct conscience” or a knowledgeable person’s conviction, would be respected up until the eighteenth century.<sup>4</sup> One of the first known instances of the idea of freedom of conscience makes its debut in the writings of Aristotle in the 300s BC. Aristotle’s *Nicomachean Ethics*, one of his two great works on ethics, details the moral questions of life, including that the goal of human life as *eudaimonia* or in the Greek, εὐδαιμονία, which translates to happiness.<sup>5</sup> However, Aristotle used this term in a broad sense, to refer to human flourishing as the highest attainable goal, which was reached by the use of reason.<sup>6</sup> He argues in *Nicomachean Ethics* that virtue and intelligence should be “yoked together” and therefore, for example, animals do not share in this kind of happiness because they are unable to reason.<sup>7</sup> Thus, he writes that the truth about action is judged by how one lives; that is to say, the person is in control of living out the truth, and if one’s actions do not “harmonize” with what one thinks, then human flourishing cannot be achieved.<sup>8</sup>

Furthermore, Aristotle surmises, “the person whose activity expresses understanding and who takes care of understanding would seem to be in the best condition, and most loved by the

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<sup>1</sup> Hartmann Girsar, S.J. *Martin Luther: His Life and Work*. Adapted from the Second German Edition by Frank J. Eble, M.A. (Westminster, Maryland: The Newman Press, 1954), 181.

<sup>2</sup> *Ibid.*, 185.

<sup>3</sup> *Ibid.*, 215.

<sup>4</sup> Roland Bainton, *The Reformation of the Sixteenth Century* (Boston: The Beacon Press, 1952), 215.

<sup>5</sup> *Ibid.*, 359.

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*, 373-4.

<sup>8</sup> *Ibid.*, 374.

gods.”<sup>9</sup> In other words, those whose thought and understanding complement each other are the ones who must be the most favored by the divine. While Aristotle is pagan in his ways, his writings set up a framework that was used by later thinkers regarding human liberty of conscience. Indeed, he asserts that virtue and intelligence are intertwined, and further, this means that reason is a tool of Man alone. Thus, since human flourishing is the highest goal of humanity reason must be used by humankind so that understanding and action match. Put another way, Aristotle is advocating that people flourish the most when they are able to act on their conviction—on their understanding. It is by acting on personal conviction, Aristotle argues, that the gods are most pleased.

Marcus Tullius Cicero was another ancient thinker who had thoughts concerning liberty of conscience. Living in the first century BC, Cicero had been considered majorly Platonic, however, recent scholarship concludes that he had a slightly more Stoic influence.<sup>10</sup> In his *The Republic*, he details the good of democracy in the art of statecraft, writing that nothing is “sweeter than freedom, even to wild beast”; however, too much liberty is also a problem.<sup>11</sup> He cites Plato later in his dialogue and points out that radical liberty will give way to “extreme license,” from which is the “sort of root from which the tyrant springs” due to the lack of order in the society.<sup>12</sup> Not only does Cicero speak to the dangers and perks of liberty through the lens of democracy, but he also goes on to discuss the development of natural law and how this politically and societally applies to the Roman citizens at the time.

Cicero defines natural law as “right reason, which is in accordance with nature, applies to all men, and is unchangeable and eternal.”<sup>13</sup> Cicero, although a Roman pagan, argues that this law comes naturally from God and therefore is eternal and ultimately authoritative.<sup>14</sup> Essentially, Cicero argues that natural law is the supreme authority in one’s life, even more so than the government that they serve, because it is interposed on one’s very being and interacts so strongly as a consequence with one’s life. He further notes, not unlike Luther’s defense at the Diet of Worms years later, that “To invalidate this law by human legislation is never morally right, nor is it permissible ever to restrict its operation, and to annul it wholly is impossible.”<sup>15</sup> Here, then, Cicero makes an audacious claim that natural law is what dictates liberty, ultimately. Earlier in his work when he detailed the dangers of liberty, he noted that it could be tamed by a law—liberty is good until it turns into a license. Thus, Cicero seems to offer that past the statecraft, past the forms of government, that natural law is the ultimate regulation for righteousness, because it compels a person to obey its authority no matter the earthly law or the current circumstance.

This idea of natural law in Cicero’s work is further developed with his commentary on the soul, which he claims is the thing that gives humanity not only life—but eternal life.<sup>16</sup> The soul, therefore, is the thing that has natural law imposed upon it, because the soul defines a person.<sup>17</sup> Thus, the soul is the inherent substance that possesses liberty, and also has imposed

<sup>9</sup> Bainton, *The Reformation of the Sixteenth Century*, 374.

<sup>10</sup> Cicero, Marcus Tullius, “The Republic,” In *Readings In Classical Political Thought*, edited by Peter J. Steinberger, 443-60 (Indianapolis: Hackett Publishing Company, 2000), 443.

<sup>11</sup> *Ibid.*, 448, 451.

<sup>12</sup> *Ibid.*, 451.

<sup>13</sup> *Ibid.*, 455.

<sup>14</sup> *Ibid.*

<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*, 460.

<sup>17</sup> *Ibid.*, 459.

upon it the authority of natural law. By making this argument, Cicero demands the acknowledgement of a few things that are pertinent to the liberty of conscience discussion: that liberty unchecked gives way to tyranny, and therefore natural law—something outside of the soul—must be imposed and granted authority in order for a person to experience true liberty. Put another way, people long for something greater than themselves—that “something greater” could manifest itself in something life-giving, like morality, virtue, or religious faith. This “something greater” could also lead to oppression, like a dictator, a love of liberty to the point of licentiousness, or anarchy.

The pagans were not the only ones to ponder their liberty of conscience. Indeed, as the years passed, and Jesus Christ came to earth spreading His gospel, the world changed. One of the many changes that came was the introduction of Christian thought into the world as a result of Christ’s teachings. While Christians were greatly persecuted in the first few centuries, climaxing with the reign of Diocletian in the third century, when Constantine became emperor and saw the sign of the famous *in hoc signo vinces*, he legalized Christianity.<sup>18</sup> Further, Christianity became the official religion of the empire, and as this took hold, Rome began to promote Christianity in its own way, and this Christianization of the classical world “created the grounds for the development of human rights.”<sup>19</sup> Indeed, at the root of human rights is the Christian idea that all are made in the image of God. Eventually, towering figures of both Rome and Christianity merged into great fathers of the church and paved the way for the Medieval Age.

Augustine of Hippo was a prolific writer in the late 300s and early 400s AD. Indeed, this fact has led many leading Augustine scholars, when one makes a claim about what Augustine said, to ask the question: to which Augustine are you referring? Thus, Augustine, because he wrote so much over his life span, obviously at times contradicted himself. His position on liberty of conscience is one area where he seems fairly consistent, however. Augustine was not the first Christian to ponder the conscience. Indeed, in the original Biblical development of the idea of conscience, Paul of the New Testament writes that the plan of salvation is bearing witness through the Gentiles’ conscience.<sup>20</sup> Further, Origen of Alexandria defines conscience as “a natural moral sense.”<sup>21</sup> Origen notes that conscience is the “pedagogue” of the soul, giving us the knowledge it takes to make a decision based on what we *know* from natural law, not what we *see* through circumstance and experience.<sup>22</sup> However, Augustine is the first to muse that liberty of conscience and free will in a salvific sense are related. In his landmark autobiographical work, *Confessions*, he details his conversion to Christianity. In Book IX, he writes, “But, during all those years [of prodigality], where was my free will?...How sweet all at once it was for me to be rid of those fruitless joys which I had once feared to lose and was now glad to reject! You drove them from me, You who are the true, the sovereign joy.”<sup>23</sup> In this, Augustine shows that he attributes his liberty of conscience to his faith in God, that God has freed him from the slavery of

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<sup>18</sup> *In hoc signo vinces* means “In this sign thou shalt conquer.”

<sup>19</sup> Timothy Samuel Shah and Allen D. Hertzke, *Christianity and Freedom, Volume 1: Historical Perspectives* (Cambridge: Ambridge University Press, 2016), 130.

<sup>20</sup> Shah, *Christianity and Freedom, Volume 1: Historical Perspectives*, 69; Romans 2:15.

<sup>21</sup> *Ibid.*, 69.

<sup>22</sup> Robert Louis Wilken, *Liberty in the Things of God: The Christian Origins of Religious Freedom* (New Haven: Yale University Press, 2019), 17-8; Anne Achternkamp, “Natural Law in Origen's Anthropology,” *Zeitschrift für antikes Christentum* vol. 23, no. 1 (2019): 138.

<sup>23</sup> Augustine, *Confessions*, translated by R. S. Pine-Coffin (London: Penguin Books, 1961), 181.

sin and his conversion has given him a will in Christ. However, this is not the entirety of his thoughts on the matter.

Years later, Augustine wrote *On Free Choice of the Will*, or *De libero arbitrio*, in response in part to the Manichean cult, the very same cult he had belonged to for nine years of his life before Christ. The work is written in a dialogue format, as Augustine explains to his pupil Evodius complicated matters such as evil, God's nature, and man's resulting role. He first establishes the definition of evil and its relation to the will, by saying: "For there is no single cause of evil; rather, everyone who does evil is the cause of his own evil-doing."<sup>24</sup> He writes later that what makes things evil is "inordinate desire" towards the wrong thing—essentially that evil is caused by the wrong will.<sup>25</sup> Thus, humans have a will, and it is this will that creates a moral judgment that a liberty of conscience enables. Augustine argues that: "Therefore, although God foreknows what we are going to will in the future, it does not follow that we do not will by the will."<sup>26</sup> Put more simply, because humanity has a will, this gives them the freedom to choose good or bad.

Thus, Augustine further writes, this liberty of conscience enables the will to choose to live morally, and this a new development in the concept. He writes that "it [a good will] is a will by which we desire to live upright and honorable lives and to attain the highest wisdom."<sup>27</sup> Therefore, liberty of conscience enables goodness to be put into action, and further, it is a bad will that enables evil—and this latter point plagued him for the rest of his life as he wrestled with God's involvement in human will and therefore God's role in the cause of evil.<sup>28</sup>

He further explores this topic in the Christian life by discussing both natural—or has he terms it, "eternal law"—and God's foreknowledge. When discussing eternal law, he writes that a "good" that comes from the eternal law is "freedom," and that "the only genuine freedom is that possess[ed] by those who are happy and cleave to the eternal law."<sup>29</sup> This means, therefore, that eternal law is the basis for liberty of conscience, because it allows the one with the freedom agency to choose to follow the eternal law above any temporal law placed on them.

Indeed, by establishing this eternal law, Augustine acknowledges that just as there is an eternal and temporal law, there is an eternity to a person (a soul) as well as a temporality (a body). Augustine also discusses God's foreknowledge in light of this human will, writing that "God's foreknowledge does not force the future to happen... God foreknows everything that he causes but does not cause everything that he foreknows."<sup>30</sup> Therefore, divine foreknowledge is not an arbiter of the human will, but a predictor of it. This distinction is a landmark one in Christian thought as Augustine explores how much liberty a person truly has versus how much decision-making is divinely imposed.

Augustine provided many advancements in the idea of liberty of conscience, perhaps most notably being the idea that he brought the concept into the Christian psyche. He linked liberty of conscience to will, eternal law, and divine foreknowledge in a unique manner by

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<sup>24</sup> Augustine, *On Free Choice of the Will*, translated and Edited by Thomas Williams (Indianapolis: Hackett Publishing Company, 1993), 1.

<sup>25</sup> *Ibid.*, 5.

<sup>26</sup> Augustine, *On Free Choice of the Will*, 76.

<sup>27</sup> *Ibid.*, 19.

<sup>28</sup> Eleonore Stump, "Augustine on Free Will," in *The Cambridge Companion to Augustine*, ed. Eleonore and Norman Kretzmann (Cambridge: University Press, 2001), 139.

<sup>29</sup> Augustine, *On Free Choice of the Will*, 25.

<sup>30</sup> *Ibid.*, 78.

placing the problem of free will not in the hands of philosophers but preachers.<sup>31</sup> how precisely Thus, it is not the incompatibility of free will with liberty of conscience that is an issue, but the relation of that free will to salvation.<sup>32</sup> However, he was not the only Christian thinker to have such musings. Thomas Aquinas of the Medieval era (specifically in the 1200s AD) continued many of Augustine's ideas forward, but generally took a more realist (and less metaphorical), Aristotelian approach when dealing with many of the same questions of free will.

One of Aquinas' works, *Treatise on Human Acts*, details what is necessary for the will, what acts are proper to man, and what voluntary acts are. He defined conscience "as the application of knowledge to some reason," with the understanding that knowledge is inevitably bound to reason.<sup>33</sup> Thus, he argues that "there must be something voluntary in human acts," because humans are not irrational animals, and therefore have agency instead of being subjects that are acted upon.<sup>34</sup> In addition, then, humans have liberty of conscience and therefore this ability to act upon will not only because they are rational creatures, but because they have the ability to possess knowledge (as the literal reading of *conscientia* would dictate).<sup>35</sup> Therefore, Aquinas links the idea of liberty of conscience not distinctly to the idea of just being Christian, but more broadly as a byproduct of being human, of being created as a rational, knowledgeable human being because natural law is *in* human beings.<sup>36</sup> From this launching point, Aquinas makes the argument that liberty of conscience is essential in discussing ethical acts, and the will, which is a "rational appetite" outside of any given circumstance, and therefore liberty of conscience is paramount when dealing with the most difficult situations.<sup>37</sup> By doing this, Aquinas advances the discussion of liberty of conscience further into the modern era by showing that this concept is not only important to Christian thought, but also distinctly *human*. While this is reminiscent of Aristotle and Socrates—to be human is ζῶν λόγος ἔχων—"life that has speech"—it was Aquinas who utilized this same argument in the liberty of conscience discussion.<sup>38</sup>

The modern era, which Luther is often attributed to, was something ushered in by the Renaissance and Reformation period (beginning in the 1300s and lasting until roughly the 1600s AD). Indeed, the Renaissance (and its proverbial child, Humanism) and subsequent Reformation were crucial in the revitalizing of musings on important topics, such as the idea of free will. Martin Luther was not the only of his countrymen to make such contributions. Thus, it is to the German Humanists that this paper now turns. Generally, German Humanism is divided into three phases: first, when interests are observed in Prague under Emperor Charles IV, second, when contacts are made with the Italian Renaissance, and third, the beginnings of these interests from Prague and contacts with the Italian Renaissance being shared at nearby universities in

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<sup>31</sup> Philip Cary, *The Meaning of Protestant Theology: Luther, Augustine, and the Gospel that Gives Us Christ* (Grand Rapids: Baker Academic, 2019), 96.

<sup>32</sup> Cary, *The Meaning of Protestant Theology*, 96.

<sup>33</sup> Shah, *Christianity and Freedom, Volume 1: Historical Perspectives*, 163.

<sup>34</sup> Thomas Aquinas, *The Summa Theologica of St. Thomas Aquinas: Volume I*, ed. Robert Maynard Hutchins, trans. Fathers of the English Dominican Province, rev. Daniel J. Sullivan (Chicago: The University of Chicago, 1952), 645-6.

<sup>35</sup> *Ibid.*, 647. See page 1 of this paper for clarification of the Latin term *conscientia*.

<sup>36</sup> Alan Ryan, "Aquinas and Synthesis," in *On Politics, A History of Political Thought: Herodotus to Machiavelli, Book One*, 224-256 (New York: Liveright Publishing, 2012), 241.

<sup>37</sup> Aquinas, *The Summa Theologica*, 654-5.

<sup>38</sup> Michael Allen Gillespie, *The Theological Origins of Modernity* (Chicago: University of Chicago Press, 2008), 44.

Germany.<sup>39</sup> German Humanism paved the way for a rediscovery—a renaissance—perspective on educational endeavors, and this in turn helped reformers such as Luther rediscover many ecclesiastical doctrines that had long been forgotten such as *sola gratia*, *sola fide*, and liberty of conscience.<sup>40</sup>

Humanism, before it was German, was Italian. Perhaps one of the greatest fathers of humanism was Petrarch (who lived in the 1300s AD), who believed that humanism should “combine Christian piety with Roman virtue under the rubric of Platonism.”<sup>41</sup> Humanism was, therefore, a comprehensive (and originally Petrarchian) look at the way a person was viewed, which “put great emphasis on human individuality, human dignity, and the privileged place of humans in the universe.”<sup>42</sup> Petrarch was a Christian, who was most influenced by Augustine’s *Confessions*, and therefore believed that while the “good life” is attainable by the will of the individual, Christ is still essential to becoming wise and good.<sup>43</sup> However, humanism was not only defined by Petrarch. Indeed, significant contributions were made by Germans and the Dutch to the North.

Johann von Tepl, a retired German Latin teacher, lived from around 1351 to 1415, and was a towering figure of early German Humanism.<sup>44</sup> He wrote “Death and the Ploughman,” which details the human’s ability to conquer death itself.<sup>45</sup> In it, he writes about personified Death, which the Plough Man (personified humanity) ridicules because Death does not understand the nature of humanity, which is the truth of its will. Tepl writes “But as little as the ass understands how to play the harp, so little can you [Death] perceive the truth. Therefore We [*sic*] are in such distress on your account.”<sup>46</sup> He then invokes the sorrow humanity has felt at the loss of great thinkers and figures such as the Trojan Paris, Pyramus, Emperor Charles, Aristotle, but also that amidst this loss, humanity has remained in control of its collective destiny—its collective will.<sup>47</sup> Thus, the human will and spirit is portrayed, with the help of Christ, as conquering death itself.<sup>48</sup>

Before launching fully into a discussion of Luther’s life and works, it is crucial to understand the political idea of German liberty in the *Sacrum Romanum Imperium* that pervaded during his time.<sup>49</sup> Partially influenced by the German humanists, the German government during the centuries from the time of the Protestant Reformation to the Revolution (or German Peasants’ War) clung to the “untranslatable idea of *Libertaet*” which referred to the German Princes’ rights

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<sup>39</sup> Reinhard P. Becker, ed. *German Humanism and Reformation*. The German Library: Volume 6 (New York: Continuum, 1982)xvi-xvii.

<sup>40</sup> Becker, *German Humanism and Reformation*, xviii-xix. *Sola Gratias* is translated “By Grace Alone.” *Sola Fide* is translated “By Faith Alone.”

<sup>41</sup> Gillespie, *The Theological Origins of Modernity*, 70.

<sup>42</sup> *Ibid.*, 71; Paul Oskar Kristeller, *Renaissance Thought and Its Sources*, ed. Michael Morney (New York: Columbia University Press, 1979), 99.

<sup>43</sup> Gillespie, *The Theological Origins of Modernity*, 57, 66.

<sup>44</sup> Johann von Tepl, “Death and the Ploughman,” in *German Humanism and Reformation*, The German Library: Volume 6, K.W. Maurer, trans., Reinhard P. Becker, ed., 1-28 (New York: Continuum, 1982), 1

<sup>45</sup> *Ibid.*

<sup>46</sup> *Ibid.*, 23.

<sup>47</sup> *Ibid.*, 23-4.

<sup>48</sup> *Ibid.*, 26-8.

<sup>49</sup> Peter H. Wilson, *Heart of Europe: A History of the Holy Roman Empire* (Cambridge: The Belknap Press of Harvard University Press, 2016), 19. The *Sacrum Romanum Imperium* is translated the “Holy Roman Empire.”

during the Holy Roman Empire, but also denoted the political rights for the society as a whole.<sup>50</sup> The German Constitution was seen as a protecting force for German freedom, which detailed that “those constituting the political ‘nation’ should be free to pursue their lives without undue royal interference, yet were entitled to share government with the king.”<sup>51</sup>

It was this somewhat Humanist idea (from Tacitus’ account of the German people as “unconquered and free”) that held together the German states during Luther’s time, as the princes held onto their sovereignty.<sup>52</sup> These liberties were not ethereal but enumerated, while recognizing the “common liberties” such as “national laws,” and depended on union within the Empire, instead of rebellion from it.<sup>53</sup> This was the first attempt to link authority to personal rights in Germany, which had influence up into the 19<sup>th</sup> century in terms of the “peculiar role which individualized freedom in the sense of *Freiheit* later played.”<sup>54</sup>

There is scholarly debate as to the extent that this individualized freedom that came with the German princes was as crucial or eye-opening as it has been portrayed. Indeed, while the German princes advocated for individual rights, these princes “usurped the ideal of freedom for themselves to legitimate their privileged position as autonomous rulers” in the wake of the Peasants’ War in 1524-6.<sup>55</sup> As a result, the princes claimed a sort of divine right for their own province. From this, there is a school of thought which notes that to most Germans, “a universal system of freedoms was equated with tyranny since it threatened their cherished distinctiveness.”<sup>56</sup>

Thus, some academics write that Luther and his idea of freedom was “the passive rather than the active factor, more receptive than formative, and certainly for the problem of political liberty was not itself central.”<sup>57</sup> However, it is true that at this point the many aristocratic rulers, though not as much the people, did have more of a civil liberty than in previous centuries.<sup>58</sup> The lords, princes, and other such dignitaries had the liberty to participate in great political affairs of the Empire, and those possessing this immediacy were recognized as ones that could “disobey one authority whilst still professing favor to another.”<sup>59</sup> It was this protection that Frederick the Wise of Saxony would crucially enjoy, and this would benefit Luther greatly later in his career.<sup>60</sup> Indeed, it was into this interesting political time and context that Martin Luther entered.

After promising his life to God during a thunderstorm, Luther soon became a priest in the Augustinian Order in 1507, by officiating his first mass.<sup>61</sup> His education, though, at the University of Erfurt before his conversion, no doubt stayed with him in his more ecclesiastically-focused years. He studied principally Aristotle’s works on metaphysics, ethics, politics, and

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<sup>50</sup> Leonard Krieger, *The German Idea of Freedom: A History of Political Tradition* (Boston: Beacon Press, 1957), 6.

<sup>51</sup> Wilson, *Heart of Europe*, 264-5.

<sup>52</sup> Krieger, *The German Idea of Freedom*, 6; Wilson, *Heart of Europe*, 265.

<sup>53</sup> Wilson, *Heart of Europe*, 265.

<sup>54</sup> Krieger, *The German Idea of Freedom*, 6; Wilson, *Heart of Europe*, 265. *Freiheit* is translated “Freedom” or “Liberty.”

<sup>55</sup> Wilson, *Heart of Europe*, 12.

<sup>56</sup> *Ibid.*, 265.

<sup>57</sup> Krieger, *The German Idea of Freedom*, 5.

<sup>58</sup> Wilson, *Heart of Europe*, 43-4.

<sup>59</sup> *Ibid.*, 44.

<sup>60</sup> Carl Trueman, *Luther On the Christian Life* (Wheaton: Crossway, 2015), 34.

<sup>61</sup> *Ibid.*, 33.

economics.<sup>62</sup> Additionally, Luther was well-versed in logic during the beginnings and surgenies of the German Humanist movement and reason which prepared him for his later career as a monk.<sup>63</sup> The University of Erfurt was considered a stronghold for the *Via Moderna* that was taking hold all over Europe, and therefore allowed for prestigious universities and faculty at that institution.<sup>64</sup> It was this modern training that advocated the individual as authentic, because it was the true substance that could be perceived by the senses (as Aristotle would have also argued).<sup>65</sup> Further, then, the collective of “mankind” is actually something formulated by the human intellect, but never experienced—it is simply a *nomen* or a convention of the human psyche.<sup>66</sup>

This *via moderna* stood in direct contrast to the *via antiqua* which relied heavily on Aquinas and Duns Scotus, even though modernity lacked the same identity status that the older framework possessed.<sup>67</sup> However, Luther did espouse some ideas of modernity. For example, it was Luther who espoused the modern idea of obtaining forgiveness simply being about “not placing an obstacle” in the reception of divine forgiveness—and this was a very Thomistic and Scotist notion indeed.<sup>68</sup> This tension, while fundamental to Luther’s scholastic and monastic endeavors, was not definitive—Luther was not beholden to any one school of thought, but, rather, interpreted the sources he interacted with in an independent, Biblically-minded manner.<sup>69</sup> It was this individualism that Luther held that helped him become a monk in the first place. As he writes: “I became a monk by driving my head through the wall: against the will of my father, my mother, of God, and of the Devil.”<sup>70</sup>

It was during this wrestling of ideas that Luther analyzed these different schools of thoughts. At a time that it was popular to choose a school of thought or a specific path of education, Luther refused to side with one or another. Many wanted him to claim Augustine over Aquinas due to the pedagogical climate of the day, however, Luther refused. He wrote: “I do not defend Augustine because I am an Augustinian; before I began reading his works he meant nothing to me.”<sup>71</sup> Therefore, Luther was not blind to the fact that the education of his day leant itself to put philosophy before Scripture, and as a result, was quite autonomous in his thinking.<sup>72</sup> Effectively and quite strategically during his reformation, Luther pitted “one type of Catholicism against another, Augustinianism against Thomism.”<sup>73</sup> As he wrote in *De Servo Arbitrio*, “Plato is a

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<sup>62</sup> Heiko A. Oberman, *Luther: Man Between God and the Devil*, translated by Eileen Walliser-Schwarzbart (New Haven: Yale University Press, 1989), 113.

<sup>63</sup> *Ibid.*, 114.

<sup>64</sup> *Ibid.* *Via Moderna* is translated “the Modern Way,” and refers to a deviance in how one views the world which is not solely based in *Via Antiqua*. See Footnote 67 for more clarification.

<sup>65</sup> Oberman, *Luther: Man Between God and the Devil*, 117.

<sup>66</sup> *Ibid.*

<sup>67</sup> *Ibid.*, 117-8. *Via Antiqua* is translated “the Old or Ancient Way,” and refers to a traditional understanding of the world based in Hellenistic and traditional Christian Catholic thought.

<sup>68</sup> Stephen Strehle, *The Catholic Roots of the Protestant Gospel: Encounter between the Middle Ages and the Reformation* (Leiden, The Netherlands: E.J. Brill, 1995), 26. *Nota Bene* or “Good Note”: In this reference to Thomism, I am literally referring to the thought of Thomas Aquinas.

<sup>69</sup> Oberman, *Luther: Man Between God and the Devil*, 124.

<sup>70</sup> *Ibid.*, 129.

<sup>71</sup> *Ibid.*, 161.

<sup>72</sup> *Ibid.*

<sup>73</sup> Bainton, *The Reformation of the Sixteenth Century*, 36. The difference between Augustinianism and Thomism is rooted in the difference of Augustine, who drew more of his ideas from Plato, and Thomas Aquinas, who drew more of his ideas from Aristotle.

friend; Socrates is a friend; but Truth is to be honoured above all.”<sup>74</sup> He maintained this autonomy long after his initial encounter with these great thinkers, and it is this recognition of his own free will that helped mold him into the figure he later became. Indeed, the Reformation which he led, in its most base sense, was a fantastical display of a “reaction against central authority” in both the case of Martin Luther and to an extent, Henry VIII over in England.<sup>75</sup>

Around the time of the Diet of Worms and his time at Wartburg, Luther started to advocate for the idea of “free Christianity” in his writing, a freed monk from the Catholic tradition himself.<sup>76</sup> In 1520, Luther agreed to write Pope Leo X a letter detailing his displeasure with the Catholic Church and attached a “devotional” to the letter: the result was *On Christian Liberty*, a handbook detailing the Christian’s free will.<sup>77</sup> In it, Luther defines a Christian as “a perfectly free lord of all, subject to none” and simultaneously “a perfectly dutiful servant of all, subject to all,” citing Romans 13:8, Galatians 4:4, and Philippians 2:6-7.<sup>78</sup> This established a definition of the soul which is simultaneously spiritual while taking into account the semi-humanist ideas of personhood. While some such as Thomas Müntzer thought this definition of the soul laid the groundwork for evil to be ultimately caused by God, Luther understood this perception to be the most reasoned explanation of the soul.<sup>79</sup>

Luther then divides Man into both a spiritual and physical body, arguing that even the most physically enslaved person can be free in soul.<sup>80</sup> In this sense, he is quite the Aristotelian realist, as this declaration sounds reminiscent of an argument he delivers in 1514 relaying Aristotle’s theory of perception: “For Aristotle says that the possibility of understanding is in actuality none of the things it understands, but it is all of them in potentiality, and thus is in a certain sense all things.”<sup>81</sup> In other words, while this logic was being applied to the Incarnation, it applies to his conception of liberty of conscience: even a person in bondage physically cannot deny the potentiality the soul possesses to be free. Therefore, the freedom that Luther espouses to be the greatest liberty is the Christian liberty of “our faith,” which “does not induce us to live in idleness or wickedness but makes the law and works unnecessary for any man’s righteousness and salvation.”<sup>82</sup> Therefore, the source of liberty is faith, because it frees the soul and “as the

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<sup>74</sup> Martin Luther, *The Bondage of the Will*, trans., Henry Cole, (1823), 11. *De Servo Arbitrio* is translated, “The Bondage of the Will.”

<sup>75</sup> David Schmitz and Jason Brennan, *A Brief History of Liberty* (West Sussex, UK: Wiley-Blackwell, 2010), 98.

<sup>76</sup> Hartman Girsar, S.J. *Martin Luther: His Life and Work*, adapted from the Second German Edition by Frank J. Eble, M.A. (Westminster, Maryland: The Newman Press, 1954), 265.

<sup>77</sup> Martin Luther, *On Christian Liberty*, trans., W.A. Lambert, rev., Harold J. Grimm (Fortress Press: Minneapolis, 2003), vii-x.

<sup>78</sup> *Ibid.*, 2.

<sup>79</sup> Thomas Müntzer, “Well-Warranted Speech in My Own Defense,” in *German Humanism and Reformation*, The German Library: Volume 6, trans., Robert A. Fowkes, ed., Reinhard P. Becker, 274-90 (New York: Continuum, 1982), 286. Nota Bene: Müntzer was quite scathing of Luther, writing, “That’s what you have produced with your weird reasoning, based on your Augustine, truly a blasphemous affair of free will brazenly to despise mankind.”

<sup>80</sup> Luther, *On Christian Liberty*, 4-5.

<sup>81</sup> Cary, *The Meaning of Protestant Theology: Luther, Augustine, and the Gospel that Gives Us Christ*, 189.

<sup>82</sup> Luther, *On Christian Liberty*, 15; Martin Luther, “If God Had Not Been on Our Side,” in the *Handbook to the Lutheran Hymnal*, 197-198 (St. Louis: Concordia Publishing House, 1942), <http://www.iclnet.org/pub/resources/text/wittenberg/hymns/ourside.txt>, accessed August 31, 2019; Martin Luther, “Letter to John Lang at Erfurt,” in *Luther’s Correspondence and Other Contemporary Letters Volume 1, 1507-1521*. trans. and ed., Preserved Smith, Ph.D. 41-2 (Philadelphia: The Lutheran Publication Society, 1913) <https://babel.hathitrust.org/cgi/pt?id=hvd.32044011219672&view=2up&seq=6>. Accessed September 13, 2019, 41.

soul needs only the Word of God for its life and righteousness, so it is justified by faith alone and not any works...” because to be justified by anything but faith would result in a works salvation.<sup>83</sup> Thus, Luther innovatively argues that faith, with the Word of God, is the key for Christian free will because it unlocks salvation which leads to true freedom of the soul.

Luther continues by outlining how this freedom affects the Christian. He writes that not only does this freedom imply a freedom from good works, but also includes a freedom of the mind that is not worried about how people react, but only how God views the action.<sup>84</sup> Therefore, Luther argues, while Christian liberty should not become a license for Christian ignorance, it is the *faith* that Christian liberty enables which “redeems, corrects, and preserves our consciences so that we know that righteousness does not consist in works...”<sup>85</sup> Indeed, this is consistent with Luther’s ideas of natural and spiritual law, with the spiritual law (a byproduct of faith) being subjected to “creative decisions” based on one’s own conscience “to decide what God commands.”<sup>86</sup> Thus, Christian liberty is a golden quartet of liberty, faith, righteousness and the Word. The Word, and the liberty to choose that Word, enable faith and ultimately righteousness before God. Justification by faith, therefore, becomes not dictated by a terrified and miserable conscience, but rather by belief in the Gospel rather than one’s fears; therefore, the Word of God is the authority of one’s soul, not the conscience itself.<sup>87</sup> By doing this, Luther in an all to Augustinian fashion fundamentally *refocused the conversation of liberty of conscience* to the Christian, making it a conversation about free will in the Christian salvation context. This is not to say that the notion of free will was only valid for Christians, but rather to say rather than Pagans such as Aristotle or Cicero or even a few German Humanists discussing these ideas solely, Luther made free will a central discussion point within Christendom.

Because of the German Humanist thought and the Renaissance which provided a resurgence of many classical and medieval thinkers such as Aristotle, Cicero, Augustine, Aquinas, and the like, Luther was not the only figure of his day contemplating liberty of conscience which effortlessly in this context became a free will discussion. Indeed, many contemporaries, most notably the Dutch Humanist Erasmus of Rotterdam touched on the topic and in both disagreed with Luther’s writings in discussion with him on this issue.

Luther more heavily and most famously interacted with Erasmus, the humanist from the north. Humanism was one of two movements happening simultaneously with the Reformation, and it espoused free inquiry as the way to truth under the banner of universalism.<sup>88</sup> Erasmus writes that his interactions with Luther on the page are like a reader watching two “hired gladiators” in the ring as they take each other to task.<sup>89</sup> The two did not fundamentally disagree on free will or even liberty of conscience, but on the *process* to that point. Indeed, Erasmus espoused the notion that God did not always express Himself through the Word in ways

<sup>83</sup> Luther, *On Christian Liberty*, 8, 33.

<sup>84</sup> *Ibid.*, 52-3.

<sup>85</sup> *Ibid.*, 60, 65.

<sup>86</sup> Paul Althaus, *The Ethics of Martin Luther*, translated by Robert C. Schultz (Philadelphia: Fortress Press, 1972), 30-1; Edward F. Cranz, *An Essay on the Development of Luther’s Thought on Justice, Law, and Society* (Mifflintown, PA: Sigler Press, 1998), 97.

<sup>87</sup> Cary, *The Meaning of Protestant Theology: Luther, Augustine, and the Gospel that Gives Us Christ*, 3-4; Martin Luther, *Preface to the Letter of St. Paul to the Romans*, in D. Martin Luther: *Die gantze Heilige Schrifft Deudsch 1545 aufs new zurericht*, Vol. 2 ed. Hans Volz and Heinz Blanke, trans., Bro. Andrew Thornton, OSB., 2254-2268 (Munich: Roger & Bernhard, 1972), <http://www.iclnet.org/pub/resources/text/wittenberg/german.bible/rom-eng.txt>, accessed August 31, 2019.

<sup>88</sup> Bainton, *The Reformation of the Sixteenth Century*, 212-3.

<sup>89</sup> Hilary Gatti, *Ideas of Liberty in Early Modern Europe* (Princeton: Princeton University Press, 2015), 37.

comprehensible to Man's mind, while Luther wholeheartedly disagreed, writing that the Scriptures were indeed the key to holistic understanding and knowledge of God.<sup>90</sup>

This disagreement was seen most brashly in Erasmus' publication in September of 1524 of *A Diatribe or Discourse Concerning Free Will*, in which he not only attacked Luther's efforts to excommunicate him, but also advocate for a simpler Christianity in sum.<sup>91</sup> His idea was that certain issues, especially those having to do with morality, should be kept away from the commoners in a very practical approach.<sup>92</sup> This practicality and rigidness can be seen in account of the person in his *Enchiridion*: "Therefore the Spirt renders us gods; the flesh, animals; the soul makes us men."<sup>93</sup> However, Erasmus' definition of free will dealt specifically with salvation and moral musings, although he also referred to truth not only as Scripture, but also exegetical tradition, which differentiated him into the humanistic traditionalist camp as Luther remained in "Reformation biblicism."<sup>94</sup> In the end, Erasmus wanted free will and grace to coexist—but more specifically, he desired grace to be the initiator of salvation, and free will to somehow cooperate within that context.<sup>95</sup> Otherwise God would, in his mind, become the source of evil of the world, because if only free will was needed to obtain salvation, grace would be nonessential, and therefore God's plan would seem extraneous.

Luther responded to this work slowly, first preaching about the topic of free will on October 9, 1524 where he proclaimed in regards to human free will: "You are the stallion, the devil is riding you."<sup>96</sup> Soon after, he responded formally to Erasmus with his own *The Bondage of the Will*, published in December of 1525. In his piece, he writes:

"Be skeptics and academics far from us Christians; but be there with us assertors twofold more determined than the stoics themselves. How often does the apostle Paul require that assurance of faith; that is, that most certain, and most firm assertion of Conscience, calling it (Rom. x. 10), confession, "With the mouth confession is made unto salvation?"<sup>97</sup>

Thus, his main assertion is that faith is the necessary component of free will because human free will is incapable of conquering sin, death, and the devil.<sup>98</sup> For Luther, free will was based in faith and confession and God because human will was not powerful enough to not only choose good, but to more importantly, *to overcome evil*. Indeed, Luther found it preposterous that Erasmus could let such a significant topic be rendered a "useless" and "unnecessary" part of faith with the

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<sup>90</sup> Gatti, *Ideas of Liberty*, 37.

<sup>91</sup> Martin Brecht, *Martin Luther: Shaping and Defining the Reformation 1521-1532*, Second Volume, trans., James L. Schaaf (Minneapolis: Fortress Press, 1990), 220-1; Erasmus, "Erasmus to Duke George of Saxony. In *Luther's Correspondence and Other Contemporary Letters Volume 2, 1483-1546*, trans. and ed., Preserved Smith, Ph.D., and Charles M. Jacobs, D.D. 250-1 (Philadelphia: The Lutheran Publication Society, 1918) <https://babel.hathitrust.org/cgi/pt?id=hvd.32044014810790&view=2up&seq=6>, accessed September 13, 2019.

<sup>92</sup> *Ibid.*

<sup>93</sup> Erasmus, *The Enchiridion*, ed. and trans. Ford Lewis Battles, In *The Library of Christian Classics, Volume XIV: Advocates of Reform, From Wyclif to Erasmus*, edited by John Baillie, John T. McNeill, Henry P. Van Dusen, and Matthew Spinka, 295-379 (Philadelphia: The Westminster Press, 1953), 319.

<sup>94</sup> Brecht, *Martin Luther: Shaping and Defining the Reformation 1521-1532*, 221.

<sup>95</sup> *Ibid.*, 222.

<sup>96</sup> *Ibid.*, 224.

<sup>97</sup> Luther, *The Bondage of the Will*, 7.

<sup>98</sup> Brecht, *Martin Luther: Shaping and Defining the Reformation 1521-1532*, 224.

complacency of “striving after piety.”<sup>99</sup> Therefore, Luther asserted that faith was a necessary element of free—or more accurate, “mutable”—will, because to do anything less would be to assume too much good in human nature itself, and therefore fall into the trap of the Pelagians, ascribing divine qualities to Man.<sup>100</sup> While Erasmus did publish a two part rebuttal, *Hyperaspistes*, the general norm of humanism mingling with reform remained, with one known convert from strict humanism to reform: Justus Jonas, a German theologian familiar with both Martin Luther and Philipp Melancthon.<sup>101</sup> Luther’s legacy would not end here, though, as his writings provoked a resurgence of the discussion of free will would remain a central part of theology and political philosophy in the years to come.

Luther has been accused, in part because of his stance on liberty of conscience, free will, and break with normal Catholic tradition in his time, as one who ushered in the Modern era along with Rene Descartes, and Jean-Jacques Rousseau.<sup>102</sup> Indeed, Luther’s legacy of liberty of conscience was twofold: it refocused the discussion to Christian salvation, and it adopted a more pessimistic view of Man. Because of these things, conscience needs to be established “in a source outside the self—in Luther’s case, that source is scripture.”<sup>103</sup> By both rediscovering the Christian implications upon the conscience and the freedom of it, Luther rediscovered a vital aspect of this concept which had become lost amidst all the philosophy: conscience, as Aristotle described, is something given to Man as *imago dei*.<sup>104</sup> Luther’s contribution to liberty of conscience and free will is indispensable because it reminds the philosopher and the theologian that liberty of conscience cannot be properly discussed without an understanding of the Divine, and Man’s relation to the Divine. This view of the Divine not only enhances the idea of the conscience, but also allows for a more realistic, modern, and slightly less humanist view of Man himself in which Man must be tempered by faith—and it is this pessimism that ushered in a new political philosophical era.

The philosophers of the Enlightenment, namely John Locke (1632-1704), Montesquieu (1689-1755), and Rousseau (1712-1778), were noticeably influenced by Luther’s conception of free will. While a full discussion of these philosophers is outside the scope of this work, their contributions are worth noting. In 1690, Locke writes in his *Two Treatises of Government* that the concept of *imago dei* is intellectually and directly tied with human rights.<sup>105</sup> He references this same intellectual nature that enables liberty of conscience when discussing political toleration: “All the life and power of true religion consist in the inward and full persuasion of the mind; and faith is not faith without believing.”<sup>106</sup> Therefore, Lockean liberty of conscience is tied directly to the Christian idea of personhood—the idea that all are created in the image of God. Locke’s ideas, while not directly linked to Luther’s writings, echo Luther’s desire for free will, and for religion to be something not of the state, but of each person’s own belief or non-belief.

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<sup>99</sup> Ibid., 227.

<sup>100</sup> Brecht, *Martin Luther: Shaping and Defining the Reformation 1521-1532*, 230.

<sup>101</sup> Ibid., 236-8.

<sup>102</sup> Augusto Del Noce, *The Crisis of Modernity*, ed. and trans. Carlo Lancellotti (Montreal: McGill-Queen’s University Press, 2014), 7.

<sup>103</sup> Robert K. Vischer, *Conscience and the Common Good: Reclaiming the Space Between Person and State* (New York: Cambridge University Press, 2010), 57.

<sup>104</sup> *Imago Dei* is translated “the image of God.”

<sup>105</sup> Shah, *Christianity and Freedom, Volume 1: Historical Perspectives*, 273; John Locke, *Two Treatises of Government*, ed., Peter Laslett (New York: Mentor, 1965), 2.4.7-16.

<sup>106</sup> Locke, John. *A Letter Concerning Toleration*, trans., William Popple (1689), 7.

Similarly, Montesquieu, in his *Spirit of the Laws*, written in 1748, thus defines political liberty as "a tranquility [*sic*] of mind arising from the opinion each person has of his safety," emphasizing the individual intellect as a definer of political peace.<sup>107</sup> Thus, in his *Emile*, written in 1762, Rousseau noted that *amour de soi* is the best guiding light because it is the force inside of Man that enables his conscience to be strong.<sup>108</sup> Further, Rousseau held high the notion of equality and individuality, that a man could escape societal evils by following his conscience rooted in self-love, and being "his own master."<sup>109</sup> Similar to Locke's ideas, Rousseau's ideas also echo Luther's sentiments, which held high the notion of the individual making choices for himself or herself. Therefore, it was the Protestant Reformation largely, under Luther's leadership, that because of liberty of conscience's tie to human rights, that these rights became political.<sup>110</sup>

That fateful day on March 26, 1521, Martin Luther did more than just make a very quotable plea to the Diet of Worms. He fundamentally *refocused the conversation of liberty of conscience* to the Christian, making it a conversation about free will in the Christian salvation context, perhaps one of his greatest contributions not only to theology, but also political philosophy. Perhaps his greatest contribution when thinking about human free will was not whether or not it was powerful enough to choose good, but to more importantly, *to overcome evil*.

As a result, Luther's liberty of conscience is rooted in the authority of Scripture, and therefore Luther's concept must be based in a salvific understanding of the Christian faith and a deep understanding of the nature of Man. It is this premium on the individual, one's relation with conscience, and its subsequent natural right and liberty that drove Enlightenment philosophers to use Luther's arguments at the dawn of modernity. Indeed, Luther's rediscovery which was enhanced by his synthesis of the classics, led to a great influence on the philosophy yet to come. However, despite the pagan and humanist influence on Luther as well as the way he influenced extra-ecclesiastical thought, as well as the pressure to bow to one school of thought or thinker, Luther remained autonomous himself, and this was perhaps one of the greatest displays of liberty of conscience. Luther knew that conscience demanded an extraneous, outside source, namely for him, the Scriptures, and he knew that these Scriptures would only be rendered authoritative if one had belief. Thus, it is no surprise, that in his discussion of liberty of conscience which is based in the understanding of God, Man, and eternal law, it is his traditional battle cry that takes on a whole new meaning: *sola fide*.<sup>111</sup>

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<sup>107</sup> "Baron de Montesquieu, Charles-Louis de Secondat," *Stanford Encyclopedia of Philosophy*, Jul 18, 2003, revised April 2, 2014, <https://plato.stanford.edu/entries/montesquieu/#4.2>, accessed November 8, 2019.

<sup>108</sup> Vischer, *Conscience and the Common Good: Reclaiming the Space Between Person and State*, 59. *Amour de soi* translated to "self-love."

<sup>109</sup> Vischer, *Conscience*, 59; Arthur P. Monahan, "Back to the Continent: Spinoza and Rousseau," in *The Circle of Rights Expands: Modern Political Thought after the Reformation, 1521 (Luther) to 1762 (Rousseau)*, 191-219 (Montreal: McGill-Queen's University Press, 2007), 204.

<sup>110</sup> John Witte Jr., *The Reformation of Rights: Law, Religion, and Human Rights in Early Modern Calvinism* (New York: Cambridge University Press, 2007), 343.

<sup>111</sup> James D. Tracy, *Europe's Reformations, 1450-1650: Doctrine, Politics, and Community*, Second edition. Lanham, MD: Rowman & Littlefield, 2006. <https://books.google.ca/books?id=M7GDucH4L4C&printsec=frontcover&hl=en#v=onepage&q=liberty&f=false>. Accessed August 31, 2019, 15-16. "*Sola Fide*" is Latin for the English phrase "Faith Alone."

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