Reassessing Jacob Strauss and the Mosaic Code

Author:
Joel McDurmon[1,2]

Affiliations:
[1]American Vision, Inc., Powder Spring, United States

[2]Faculty of Theology, University of Pretoria, South Africa

Note:
This research is based on a PhD degree at the University of Pretoria (2012) in Dogmatics and Christian Ethics under the supervision of Prof. Dr Johan Buitendag.

Correspondence to:
Joel McDurmon

Email:
jmcdurmon@gmail.com

Postal address:
3150A Florence Road, Powder Springs, GA 30127 United States

Dates:
Received: 29 Mar. 2012
Accepted: 21 July 2012
Published: 30 Nov. 2012

How to cite his article:
McDurmon, J., 2012, 'Reassessing Jacob Strauss and the Mosaic Code', *HTS Teologiese Studies/ Theological Studies* 68(1), Art. #1253, 4 pages. http://dx.doi.org/10.4102/hts.v68i1.1253

This article reviewed claims made by modern scholars Ford Lewis Battles, G.H. Williams, and Theodore Tappert concerning the views of Jacob Strauss (1480–1530), court preacher at Eisenach, particularly in regard to the imposition of Mosaic Law upon the civil realm. Most pointedly, Battles claims Strauss proposed to replace European civil law completely with the 'entire Mosaic code'. This study examined Strauss's relevant writings to determine his position on Mosaic Law and civil law and demonstrated that the claims of Battles, Williams, and Tappert were not supported by the primary source evidence. Selections from Strauss' 51 theses on usury are translated into English for the first time. To a much lesser degree, this study addressed the issue in regard to the Weimar court preacher Wolfgang Stein, against whom the same claims were made. A paucity of evidence rendered those claims dubious in his case. In the end we were left only with unsubstantiated second-hand claims against these men.

Introduction

In the 1536 (1st) edition of his *Institutes of the Christian Religion*, John Calvin treats the issue of civil law. He writes:

> I would have passed over this matter in utter silence if I were not aware that here many dangerously go astray. For there are some who deny that a commonwealth is duly framed which, neglecting the political system of Moses, is ruled by the common laws of nations. Let other men consider how perilous and seditious this notion is; it will be enough for me to have proved it false and foolish. (Calvin 1986:215)

It is of note that Calvin leaves anonymous the group he denounces here, which leaves open the question: to whom was he referring? Some scholars, though few, have specified whom Calvin was targeting. In his 'Introduction' to the 1536 *Institutes*, Ford Lewis Battles declared that in Calvin's rejection of Mosaic civil polity, the Genevan teacher opposed such contemporaries as 'Jacob Strauss, Andreas Carlstadt, and others' (Battles 1986:lix). These alleged Mosaic teachers, Battles says, 'had proposed substituting the *entire Mosaic code* of the Old Testament for the civil laws of the European nations' (Battles 1986:lix, [*emphasis added*]).[1] It remains unclear to whom 'others' refers, which leaves us with only Karlstadt and Strauss explicitly mentioned here.

Battles is not alone in noting Strauss and Karlstadt in this regard. G.H. Williams has written of both Strauss and Karlstadt:[2] 'All these radical preachers were loyal to their prince, but held fiercely to the view that with the overturn of papal authority Mosaic law should obtain in Evangelical lands' (Williams 1957:47–48). One of Luther's modern editors provided a similar assessment of Strauss and Stein:

> Both of them maintained that civil law, since it was of pagan origin, and canon law, since it was the product of papal legislation, must both give way to God's law, i.e. the precepts laid down in Deut. 15:1–11. (Tappert 1967:80–81)

From what these eminent scholars have described, we ought to find in Strauss, at least, a trenchant defence of Mosaic judicial laws (indeed, the 'entire Mosaic code,' according to Battles) and a rejection of the common law of the nations. Surely Strauss would then qualify as one of Calvin's subjects.

It is the purpose of this article to examine the relevant writings of Jacob Strauss in regard to the issue of 'the entire Mosaic code' (we will have to leave Karlstadt to a separate study). We will demonstrate that he does not fit the description Calvin gave, and thus the claims of Battles and others regarding Strauss and 'the entire Mosaic code' are unsupportable.

1 It is ironic that this bold accusation against Strauss and Karlstadt appears only in Battles' 'Introduction' and not in his notes to the text of Calvin's 1536 *Institutes*. In his note to Calvin's text at this point (Battles 1986:333), Strauss is not mentioned by name and only a secondary reference to Karlstadt is given.

2 Along with Wolfgang Stein, whom we will be able to mention only very briefly, see Williams (1957).

Jacob Strauss and 'Unchristian Usury'

The expectation that Strauss upheld the 'entire Mosaic code,' or anything close to that standard, encounters crippling qualifications upon an examination of the available texts and contexts. As Tappert (1967) noted, Strauss referred to Deuteronomy 15 in particular, and we should further acknowledge this came particularly in regard to the issue of usury (Tappert wrote this, after all, in his introduction to Luther's response to Strauss and others *on usury*). Williams, Battles and Tappert all give the impression that these 'radical preachers' wished totally to reform the legal and social landscape with Mosaic Law, but not one of these scholars provides even a single source or citation for their claim, nor clarifies that these preachers had only the narrow issue of rents and interest in mind when they referenced Moses.[3]

Like many of the other Anabaptists and radicals at the time, Strauss only appealed to selective aspects of Moses for selective applications where it suited his agenda – namely, the relief of the peasants from burdensome taxes and interest arrangements. He makes no general hermeneutical or ethical statements concerning Mosaic Law; rather, he references Moses only in relation to the question of usury. This is clear from the fact that Strauss published 51 theses against *Wucher* ('usury' as he intended it) in a pamphlet titled '*Haubtstuck unnd Artickel Christlicher Leer wider den unchristlichen Wucher*' (chief part and Articles of Christian teaching against unchristian usury). This publication helped provoke Luther to republish his own work on the subject of usury in 1524.

Strauss's 51 theses reveal a sparse and nuanced application of Mosaic authority along with that of the New Testament toward the same issue. Only a couple of the theses even refer to the Law of Moses. Near the beginning of the document, in thesis 4, Strauss says:

> The commandments of God (Deut. 15 and Luke 6), that everyone should lend freely and willingly to his neighbour in need, on any visit, all Christians need to keep upon eternal damnation. (Strauss [1523] 1957:168)[4]

However, we do not hear from the Pentateuch again until near the end of the document, thesis 49: 'Neither the Doctor nor all the scholars of the world with their dense commentaries stifle the 15th chapter of Deuteronomy or Luke 6' (Strauss [1523] 1957:172).[5] Note, however, that these two lone references to Moses both include two features. Firstly, they both refer to the same selective passage of Deuteronomy which applies to the issue of lending to the poor. Thus, Strauss is not showing preference for Mosaic Law in general, but with the section that supports his topic, 'Unchristian Usury'. Secondly, in both of these references, the Deuteronomic passage is paired with a passage from the Gospel of Luke, namely Luke 6:35. This Gospel passage thus stands with at least equal authority for his case as the Mosaic passage. In other words, Strauss shows no particular preference for Moses, but referenced Moses as general scriptural support alongside the New Testament.

With such scant reference to Moses then, Williams's statement that Strauss 'held fiercely' to the view that 'with the overturn of papal authority Mosaic law should obtain in Evangelical lands' (Williams 1957:47–48) is not justified. This blanket statement exaggerates the available material, and neglects the fact that the Gospels seem to have played a more prominent role in Strauss's social demands as expressed in his theses.

In fact, Strauss's theses actually place much more weight on the Gospels than on Moses. Aside from the references to Luke 6 in theses 4 and 49, Strauss makes this verse his last word on the subject. Thesis 51 paraphrases Luke 6:35: 'You should lend to one another and expect nothing in return' (Strauss [1523] 1957:172).[6] In addition to these three specific references to Luke 6:35, the theses include seven references to 'the Gospel' (*Das Euangelium*, *im Euangelio*, or *vom Euangelio*) in general (once each in theses 23, 24, 31, 46 and 48, and twice in thesis 44). Altogether, these tally to ten mentions of the Gospel compared to only two of Moses.

These multiple general references to the Gospel are not superficial, but substantial to the authority of Strauss's case. For example, to take usury is 'obviously against the Gospel of Christ' (Thesis 24) (Strauss [1523] 1957:170).[7] 'Whoever knowingly shuts himself to the Gospel denies Christ and His living word' (Thesis 23) (Strauss [1523] 1957:169–170).[8] Some parts of this Gospel, however are offensive to certain audiences, so preachers speak of them at their own risk: 'We all say much about the Gospel, but no one may attack the main part against the godly Gospel' (Thesis 44) (Strauss [1523] 1957:171).[9] The 'main part' (*haubtstuck*), he has in mind is almost certainly the one in the title of his pamphlet, 'Unchristian Usury' – and this he sees as essential to the Gospel. This being so, people must not define peace in any other way, for 'the Gospel tolerates no peace or unity against God and His commandments, for Christ did not send peace in the world, but a sword [Matt. 10:34]' (Thesis 46) (Strauss [1523] 1957:171–2; cf. Barge 1937:66).[10] (Here, by the way, we find another particular reference from the Gospels – Mt 10:34, cf. Lk 12:51.) This gospel-peace likewise directly undergirds Strauss's case against usury. He challenges anyone to show him differently: 'whoever does not like these main articles against usury, show me a better Gospel: I would gladly see it

3. Furthermore, it appears that none of these scholars actually checked Strauss' writings. As far as this author has seen, none of Strauss' theses on usury has ever been translated into English until now.

4. *'Das gebott gotts Deute. am. xv. vnn Luce am. vi. das ein yeglicher seinem nechsten in der not frey vnd willig sol leyhen/on allen besüch/ist allen Christe bey ewiger verdammnüß not zůhalten.'* Strauss certainly has in mind Deuteronomy 15:7–11 and Luke 6:35.

5. *'Es wirt weder Doctor noch all gelerten der welt/das xv cap. Deuteronomii/auch dz. vi. Luce mit er dychten glosen verdempffen'* Barge (1937:66–67) assumes 'Doctor' refers to Eck.

6. *'Ir solt einander leyhen/vnnd nichts dargegen verhoffen.'*

7. *'[O]ffenbar wider das Euangelium Jesu Christi.'*

8. *'Wer wissentlich wider das Euangelium zůthůn sich verpflicht/verleügnet Christum/vnd sein lebendiges wort.'*

9. *'Wir sagē all vil vom Euangelio/aber die haubtstuck wider das goᵉttlich Euangeliū darff nyemant angreiffen.'*

10. *'Das Euangelium geduldet kein fridē oder einigkeit wider gott vnd sein gebott, dan Christus den selben fridē nit gesādt hat in die welt/aber ein schwert.'*

with my own eyes' (Thesis 48) (Strauss [1523] 1957:172).[11] For Strauss, there is no better Gospel! The Gospel opposes usury, and no Christian – and thus, no Christian ruler – can expect peace any other way.

In addition to these explicit references to the Gospel, Strauss's theses contain several allusions which place his system mainly in a New Testament context. Thesis 6, for example, condemns usury as 'in its nature against the love of neighbour and forbidden of God' (Strauss [1523] 1957:168).[12] Strauss called the practice 'the gospels of the antichrists' (Thesis 29), 'the lie of the antichrist' and 'the snares of riches' (Thesis 15).[13] Indeed, 'the Lord Christ has called all riches unrighteous' (Thesis 16),[14] and thus Christians (he intends the ones with 'riches' mainly, of course) 'should rather suffer hunger, thirst, torment, death, hell, and all evils than deny Christ and His Word' (Thesis 22) (Strauss [1523] 1957:169).[15] For Strauss, this Gospel is perfectly in line with the Reformation. Now that the Reformation had brought people the true Gospel (as opposed to the 'gospels of the Antichrists'), they are now expecting society and law to change accordingly; they are demanding that usury no longer be demanded or extracted:

> The poor simple man, ignorant, seduced by the gospels of the Antichrists, and all antichrists, priests, doctors … he now gains recognition of the truth, and he should not be commanded nor forced to pay usury' (Thesis 29) (Strauss [1523] 1957:170).[16]

Strauss's modern-day editor Rogge (1957:72) detects the influence of Luke 6:35 here as well. On these matters, Strauss, like Luther and many other reformers in various situations, appealed to the phrase of Peter and the apostles, 'Here one must be obedient to God rather than men' (Ac 5:29; Thesis 30) – another reference from the New Testament.[17]

It becomes clear that Strauss's challenge to society stemmed from a combination of a concern over the practice of usury and the authority of the Bible as the word or commandment of God – especially in the Gospel, generally speaking, and the New Testament. These matters come to the fore together in the final theses, 50 and 51. 'God has spoken once and fixed forever' (Thesis 50).[18] Since God has given his commandment, the rich and the rulers must obey. And here is that forever-final eternal word on the subject: 'You should lend to one another, and hope for nothing in return [Luke 6:35]' (Thesis 51) (Strauss [1523] 1957:172).[19] There should be, therefore, no compromising on the issue of usury – it is central to the application of the Gospel. Rogge (1957:73) notes this peculiar Gospel emphasis in Strauss: 'It is significant that he counted the usury question among the main elements of Christian doctrine.'[20] In fact, Strauss's last thesis 'summarizes, based on Luke 6:35, what he had thought as a theme of the whole' (Rogge 1957:73).[21]

Thus, whilst Moses had made a brief appearance, Strauss's whole program appealed mainly to the New Testament Gospel. This is consonant with a recent encyclopaedia entry on Strauss, which introduces his theology thusly: 'Strauss' writing impresses a Reformation theology *of the cross* with strict asceticism and social-ethical accents' (Buckwalter 2001:248).[22] He wished for the magistrate to enforce Gospel charity upon landlords and interest collectors; although, as far as we know, his social-gospel extended only to the issue of usury.

Perhaps most importantly – what frightened the authorities most, that is – Strauss had written that either '*to give and* to take usury' (Thesis 24) (Strauss [1523] 1957:170) clearly opposes the Gospel. Many perceived him to have declared it a sin not only to exact, but also even to pay usury. This indicated to landlords, bond holders and tax collectors that Strauss had instructed commoners to refuse to pay tithes or whatever other interests they might have owed. Collection did indeed cease temporarily in Strauss's town of Eisenach, causing such an economic affront that Duke John moved to correct the situation (Brecht 1990:142). Luther condemned Strauss, arguing that 'the masses cannot be ruled by the Gospel' (Tappert 1967:81) – meaning that Gospel principles should not be imposed by force. Luther himself would eventually bury Mosaic Law – and all law for that matter – completely on this issue, arguing that interest 'could not be regulated by the law of Moses or, as secular business, by the Gospel either, but must be pursued according to common sense' (Brecht 1990:145). (This, of course, implies that neither the 'law of Moses' nor the 'Gospel' corresponds to common sense, and that common sense is not founded on either law or Gospel.)

Even so, the controversy over Strauss's theses erupted not because he had gone so far beyond the hermeneutical principles of Luther or Melanchthon, but because these more influential reformers (and, perhaps, some of Strauss's parishioners) misunderstood what he meant. Strauss's phrasing of the thesis certainly lent itself to such misinterpretation: '*Giving and taking* usury is obviously against the Gospel of Jesus Christ' (Strauss [1523] 1957:170, [*emphasis added*]).[23] But he had not called peasants to refuse to pay utterly, but that no one should pay interest *voluntarily*. Tappert (1967) notes:

> To some extent the dispute was based on a popular misunderstanding of Strauss' position, which was that the debtor should not voluntarily and uncompelled pay the interest of his own accord. (p. 81, n. 30)

11.*'Wem dise haubtartickel wider den wůcher nitt gefallē/der zeyg mir an ein besser Euangeliū/moᵉcht den selben vnder augen gern ansehen.'*

12.*'[I]n seiner natur/als wider die liebe des nechsten/vnd das verbott gottes.'*

13.*'[D]er ley dē Antichrist,'* and *'die strick der reichtumm.'*

14.*'Der herr Christus hat alle reichtumm vnrechtfertig genennet.'*

15.*'[S]ol hunger/durst/marter/tod/hell/vnd alles übel ee erleiden/dän er Christum vnd seines worts verleügne.'*

16.*'Der arm einfeltig vnwissend des Euangeliums von des Antichrists/vnn aller widerchriften/pfaffen Doctoren/vnn München exempel vnn leer verfuᵉrt/so er yetz der warheit erkatnnüß gewinnt/sol er vmb kein gebott noch gewalt den wůcher bezalen.'*

17.*'Hie můssz man gott meer gehorsam sein dann den menschen.'*

18.*'Gott hat ein mal geredt/vnd gestect des ewigklich.'*

19.*'Ir solt einander leyhen/vnnd nichts dargegen verhoffen.'*

20.*'Es ist bezeichnend, daß er die Wucherfrage zu den Hauptstücken christlicher Lehre rechnet.'*

21.*'[F]aßt in Anlehnung an L. 6, 35 zusammen, was er als Thema über dem ganzen gedacht hatte.'*

22.*'Strauß' Schriften prägt eine reformatorische* ***Kreuzentheologie*** *mit starcken asketischen und sozialethischen Akzenten'* (*emphasis added*).

23.*'Wůcher nemen vnn geben ist offenbar wider das Euangelium Jesu Christi.'*

Strauss disavowed the position attributed to him as he confessed to Melanchthon himself: one can indeed hold that payment of interest is unbiblical, and yet suffer such even voluntarily as a Christian suffering tyranny (Tappert 1967:81). He also presented his teaching more moderately in a second pamphlet shortly thereafter (Brecht 1990:143).

After reading Battles's, Williams's, and even Tappert's comments on Strauss's hermeneutic, we may be tempted to conclude that such 'popular misunderstanding' remains today. We could rightfully inquire on what grounds such excellent scholars could make their confident claims in light of such a vacuity of evidence. Indeed, the evidence certainly is sparse. Addressing the question of whom Calvin addressed in his anti-Mosaic sentences, no less a pair of editors than Barth and Niesel (1962:486, n. 3) add an informative footnote to their edition of Calvin's text.[24] They note two authors who merely touch on the subject (Aquinas and Melanchthon) and then pinpoint Strauss as a culprit. But tracing their footnote on Strauss reveals a similar misrepresentation to that found in Battles and Williams above: in this case, an old encyclopaedia article which purports that Strauss 'grounded' his defence of usury on Deuteronomy 15:5. The reference concludes of Strauss, 'he regarded the commandments of the Old Testament as law for the Christian' (Hauck 1896–1913:94). The article, like the other scholars quoted above, says nothing of Strauss's multiple references to the Gospels in general and Luke in particular. The authors thus simply present the material in an unbalanced manner: they give no mention of the fullness of the material nor show any acknowledgement of Strauss's actual text or context. This problem grows worse when we see the later scholars, Battles (1986:333) in particular, footnoting Barth and Niesel in regard to Calvin's anti-Moses passage. Consider such a juncture, therefore: we discover Battles footnoting Barth and Niesel who in turn are footnoting an old encyclopaedia on Strauss, and none of them actually analysing the original source for what it fully says or for its nuances. They all appear to adopt the claims of secondary sources uncritically.

Despite all these claims about Strauss wishing to impose Moses and jettison other civil laws, we see from the available documentation itself that he merely referred to Moses on the one narrow (if touchy) subject of usury. Perhaps Strauss elsewhere referred to more of Mosaic law, but if so, no such material has surfaced and no scholar has yet produced any such material.

This holds true for the other figure, Wolfgang Stein, implicated by both Williams (1957) and Tappert (1967) as noted already. Nothing of Stein's work seems to have survived. So how could we know anything about his views on Moses or civil law? In fact, the lone stray reference (besides Williams's) which surfaced in the research for this present study, hints at the opposite view. Gritsch (1987:71, n. 79) notes that Stein was to be involved in an interrogation of Thomas Müntzer on behalf of the Saxon court in Weimar. If this is the case, Stein can hardly be implicated in much that either (1) could have been aligned with Müntzer's alleged kingdom of God on earth (which Luther and others perceived as erecting an Old Testament theocracy, albeit wrongly), or (2) that would have been found objectionable by the Saxon court which employed him. Instead, it appears that Stein was on the side of Luther and the court.

Neither of these men, therefore, seem to fit Calvin's description. They do not appear to have called for the entire Mosaic code, denied the legitimacy of their rulers for not adopting Moses, nor rejected the validity of the common laws of nations. As such, even these much-maligned radical Lutheran preachers cannot qualify as Calvin's target, at least not based upon his description.

Conclusion

This study, of course, only subtracts one element from the claims of Battles and others in regard to Calvin's statement about 'some' who demanded exclusive Mosaic polity. In eliminating Strauss as a possibility, we narrow the field of candidates to Andreas Karlstadt, at least for those whom we have seen explicitly named. Should we find Karlstadt and any other possible candidate excluded as well, however, it would open up a very interesting question indeed: it would mean Calvin was denouncing an imaginary opponent. And why? We leave these aspects to separate studies.

Acknowledgements

Competing interests

The author declares that he has no financial or personal relationship(s) which may have inappropriately influenced him in writing this article.

References

Barge, H., 1937, 'Jakob Strauß: Ein Kämpfer für das Evangelium in Tirol, Thüringen und Süddeutschland', *Schriften des Vereins für Reformationsgeschichte* 54(2), No. 162, M. Heinsius Nachfolger, Leipzig.

Barth, P. & Niesel, G. (eds.), 1962, *Johannis Calvini Opera Selecta*, vol. 2, Manachii in Aedibus, Chr. Kaiser, München.

Battles, F.L. (ed.), 1986, *John Calvin*: *Institutes of the Christian Religion*, *1536,* transl. F.L. Battles, Eerdmans and the H.H. Meeter Center for Calvin Studies, Grand Rapids, MI.

Brecht, M., 1990, *Martin Luther: Shaping and Defining the Reformation, 1521–1532*, transl. J.L. Schaaf, Fortress Press, Minneapolis, MN.

Buckwalter, S.E., 2001, 'Strauß, Jakob', in G. Müller, H. Balz & G. Krause (Hrsg.), *Theologische Realenzyklopädie*, vol. 32, pp. 246–249, De Gruyter, Berlin.

Calvin, J., 1962, *Johannis Calvini Opera Selecta*, vol. 5, ed. P. Barth & N. Guilelmus, Manachii in Aedibus, Chr. Kaiser, München.

Calvin, J., 1986, *Institutes of the Christian Religion, 1536 Edition*, transl. F.L. Battles, Eerdmans and the H.H. Meeter Center for Calvin Studies, Grand Rapids, MI.

Gritsch, E.W., 1987, 'Thomas Müntzer and Luther: A Tragedy of Errors,' in H.J. Hillerbrand (ed.), *Radical Tendencies in the Reformation: Divergent Perspectives*, pp. 55–83, Sixteenth Century Journal Publishers, Kirksville, MO. (Sixteenth Century Studies and essays vol. 9).

Hauck, A. (Hrsg.), 1896–1913, *Realenzyklopädie für protestantische Theologie und Kirche*, vol. 24, J.C. Hinrichs, Leipzig.

Rogge, J., [1523] 1957, *Der Beitrag des Predigers Jacob Strauß zur frühen Reformationsgeschichte*, Evangelische Verlagsanstalt, Berlin.

Strauss, J., [1523] 1957, 'Haubtstuck unnd Artickel Christlicher leer wider den unchristlichen wucher', in J. Rogge (Hrsg.), *Der Beitrag des Predigers Jakob Strauß zur frühen Reformationsgeschichte,* pp. 168–172, Evangelische Verlagsanstalt, Berlin.

Tappert, T.G., 1967, 'Introduction', in T.G. Tappert (ed.), *Selected Writings of Martin Luther,* pp. 1523–1526, Fortress Press, Philadelphia, PA.

Williams, G.H., 1957, 'Sermon Before the Princes: Introduction', in G.H. Williams (ed.), *Spiritual and Anabaptist Writers*, pp. 47–48, The Westminster Press, Philadelphia, PA. (The Library of Christian Classics vol. 25).

24.The comment is in their edition of the 1559 version, but the text is substantially unchanged from the 1536 version.