

Martin Luther's Will

Introduction

Luther was too preoccupied with more important matters and far too generous a man to be much concerned about his material possessions. The home in the Augustinian monastery which the Elector John had provided for his family supplied rooms for students, refuge for the poor and oppressed, shelter for an assortment of relatives, a gathering place for reformers, and a hospice for those in need, who were all embraced by Luther's expansive generosity which far exceeded his limited means. For years he felt that his few belongings scarcely warranted the drafting of a last will and testament. At the beginning of the new year, 1542, however, it must have dawned on him that he actually had now acquired some modest properties that he wished to secure for his wife Katherine in the event of his death. He was plagued with illness his whole life and the thought of his own death was constantly with him.

The antiquated Saxon law of that day was unjust to women, providing that a widow could inherit only her dowry and personal effects, which were carefully specified in the *Sachsenspiegel*. Luther once remarked that according to the *Sachsenspiegel* a woman who had for many years faithfully served her husband was forced to leave the house like a maid, since only a chair and a distaff belonged to her. The law actually said that the house and property would not belong to the widow, but to the children, or, if there were none, to the next blood relative of the man. Nevertheless, the husband had an opportunity to assure his wife a specific income. By taking certain legal steps, including the appointment of guardians for the children, he could reserve the use of a part of the estate for his widow. Luther was opposed to formalities required by law and especially resented the idea of appointing guardians, thus pushing Katherine aside. When Melancthon made his will, Luther commented, "I have no intention of making a will. My books which are extant I leave to my children. May they understand that they are not smarter than their forebears. I appoint you Katie, as universal heiress. You bore the children and gave them your breast. You will not manage their affairs to their disadvantage. I am hostile to guardians, who seldom do things correctly."

In this will Luther disregarded legal forms and phrases, trusting to men's sense of justice and his own unique position as a well known public figure to establish the validity of his will. In fact, he neglected to have the will confirmed by the Elector, which could have easily have brought its legality into question. Luther's trust, however, was vindicated, and on April 11, 1546, shortly after his death, Elector John Frederick confirmed the will with the statement that "although the registered document was deficient in refinements and formalities which the laws require," he would graciously confirm it and would not fail to validate it, since he had always been favorably disposed toward Dr. Martin and for the sake of those reasons and considerations indicated by Luther in the document.

The original document is in the archives of the general convention of the Evangelical Church of the Augsburg Confession in Budapest, Hungary.

Last Will and Testament
Of
Martin Luther
Wittenberg, January 6, 1542

I, Martin Luther, doctor, etc. acknowledge with this my own handwriting that I have given to my beloved and faithful housewife Katherine as an endowment (or whatever one can call it) for her lifetime, which she will be at liberty to manage according to her pleasure and to her best interest, and give it to her by the authority of this document on this very present day,

To wit, the little holding at Zulsdorf, the same which I have purchased and made useful, absolutely as I have had it up to now;

Secondly, as a dwelling the house of Bruno which I have bought under the name of my man Wolf,

Thirdly, beakers and valuables, such as rings, necklaces, gratuities, gold and silver, which should be worth about a thousand gulden.

I do this because, in the first place, as a pious and faithful spouse she has at all times held me dear, worthy, and fine and through God's rich blessings gave birth to and reared for me five living children (who are still alive, God grant for a long time).

Secondly, that she should herself assume and pay the debt, insofar as I am still indebted (what I do not pay off during my lifetime), which may be about four hundred fifty floorings, as far as I know. There could perhaps also be more.

Thirdly, and most of all, for this reason, that I do not want her to have to look to the children for a handout, but rather the children should be obligated to her, honor her, and be subject to her as God has commanded. For I have certainly seen and experienced how the devil agitates and provokes the children, be they ever so pious, contrary to this commandment through evil and jealous gossips. This is especially true when the mothers are widows and the sons take wives and the daughters, husbands and, in turn, mother-in-law daughter-in-law, daughter-in-law mother-in-law!

For I maintain that a mother will be the best guardian for her own children and will use such a holding and endowment not for the harm or to the disadvantage of her children, but to their use and betterment, since they are her flesh and blood whom she carried under her heart.

And even if after my death out of necessity or for some other reason (for I can set no limit for God in his works and will) she would remarry, I have confidence, and wish herewith to have such confidence expressed, that she will act motherly toward our children and faithfully share everything with them, be it the endowment or something else, as is only right.

And I hereby also humbly beg my most gracious lord, Duke John Frederick, elector, etc., that his electoral grace will graciously protect and administer such a gift or endowment.

I also ask all my good friends to be witnesses for my dear Katie and to help defend her, when some idle gossips want to trouble or defame her, as though she perhaps had a sum of ready cash on the side, which she would purloin or embezzle from the poor children. I bear witness that there is no ready cash except for the beakers and valuables listed above in the endowment. Indeed, such a reckoning can be manifest to everyone, since people know how much income I have had from my most gracious lord and beyond that I have not received as income one heller or kernel from anyone, except what was a gift, which is to be found cited above under the valuables and which in part is still tied up with the debt. And yet, with this income and with donations I have built and bought so much, and I ran such a big and burdensome household, that among other things I must acknowledge it as an extraordinary, remarkable blessing that I have been able to manage. The miracle is not that there is no ready money but that there is not a greater debt. I ask this for this reason that the devil, since he can come no closer to me, shall no doubt persecute my Katie an all sorts of ways for this reason alone that she was, and (God be praised) still is, the espoused housewife of the man Dr. Martin.

Finally, I also ask of every man, since in this gift or endowment I am not using legal forms and terminology (for which I have good reasons), that he would allow me to be the person which I in truth am, namely, a public figure, known both in heaven and on earth, as well as in hell, having respect or authority enough that one can trust or believe more than any notary. For as God, the Father of all mercies, entrusted to me, a condemned, poor, unworthy, miserable sinner, the gospel of his dear Son and made me faithful and truthful, and has up to now preserved and grounded me in it, so that many in this world have accepted it through me and hold me to be a teacher of the truth, without regard for the pope's ban, and the anger of the emperor, kings, princes, clerics, yes, of all the devils, one should surely believe me much more in these trifling matters; and especially since this is my very well known handwriting, the hope is that it should suffice, when one can say and prove that it is Dr. Martin Luther's (who is God's notary and witness in his gospel) earnest and well considered opinion to confirm this with his own hand and seal. Executed and delivered on Epiphany Day, 1542

M. Luther

I, Phillip Melanchthon, attest that this is the opinion and will and hand of the Rev. Dr. Martin Luther, our most beloved teacher and father.

And I, Kaspar Cruciger, attest that this is the design and will and hand of the Rev. Dr. Martin Luther, our most beloved father, wherefore I myself have signed with my own hand.

And I, Johann Bugenhagen Pomeranus, likewise attest with my own hand.