

## **Parallel Session II**

14h00-15h30

**Venue:** K14: 202

**Chair:** Dr. Prashanthi Narangoda

### **Jurisprudential significance of Lutheran reformation on freedom and conscience in European legal thought**

Punsara Amarasinghe\*

[punsaraprint10@gmail.com](mailto:punsaraprint10@gmail.com)

#### **Abstract**

From a theological perspective it will be an absurd argument to connect Martin Luther to the development of legal thought in Europe, because once Luther himself had coined the expression “Lawyers-bad Christians”. But Luther’s concept of conscience and freedom had galvanized the new dimensions of European legal thought before the dawn of nation state mechanism and this influence has been unmarked by many of modern legal historians and jurists. In such a context this paper intends to trace the Lutheran roots in freedom and conscience of European legal thinking in secular affairs. Unlike Aquinas Luther never insisted that conscience should be an application of knowledge, he rather focused on the conscience of freedom. Lutheran notion of conscience of freedom stands as a mystical sphere and it is the ultimate temptation. Under this reason, for Luther conscience of freedom became significant than the freedom of conscience. The union of church as the ultimate authority and its executive power was dramatically disrupted and modified by the Lutheran reformation. Luther’s rejection of Papal Bull sprang out of his conscience of freedom and his wide spread criticism against the canon authority agitated the temporal politics in Europe. In fact Luther’s idea on conscience of freedom was essentially centered on one’s personal approach to God without canon influence. This concept later developed the constitutional theory in West on liberty of conscience. Especially documents like Bill of Rights included the liberty of conscience as the liberty to worship God according to the dictates of one’s own conscience. Moreover this Lutheran foundation on the conscience and its freedom led the path to the constitutional concept called “Sovereignty of people”. This paper will further discuss deep theological influence laid down by Martin Luther in European temporal legal thought which eventually carved the modern nation state formation.

**Keywords:** Conscience, Freedom, Liberty, Rights, Sovereignty.

---

\* LL.B (Hons) Colombo, LL.M (SAU) New Delhi. The Researcher is a Visiting lecturer at the Department of Economic, Faculty of Arts, University of Colombo and he is currently waiting to begin his Doctoral research at Higher School of Economics in Moscow, Russia.