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JOHANNES BRENZ AND THE PROBLEM OF
CHURCH ORDER IN THE GERMAN REFORMATION.

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JOHANNES BRENZ AND THE PROBLEM OF
CHURCH ORDER IN THE GERMAN REFORMATION

DISSERTATION

Presented in Partial Fulfillment of the Requirements for
the Degree Doctor of Philosophy in the Graduate
School of The Ohio State University

By

James Martin Estes, B.A., M.A.

The Ohio State University
1964

Approved by

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Adviser
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PREFACE

The research for this dissertation was begun in 1960-61 while I was a Fulbright Exchange Student in Germany, and completed during my last year in residence at the Ohio State University, 1961-62.

I am deeply indebted to the Foundation for Reformation Research in Saint Louis for the extended loan of source materials microfilmed by the Foundation at my request, and to Misses Jane Gatlin and Sylvia Foreman of the Inter-Library Loan Service of the Ohio State University Library for their gracious and effective assistance in obtaining many of the rarer items listed in the Bibliography.

The greatest debt of all I owe to Professor Harold J. Grimm, whose performance as teacher, critic, and Guardian Angel was the crucial factor in making possible the writing of this dissertation. In the words of Mozart's librettist,

Wer so viel Huld vergessen kann,  
Den seh' man mit Verachtung an.

J.M.E.

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ABBREVIATIONS

The following abbreviations will be employed throughout the dissertation in footnote citations of the works indicated.

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<th>Abbreviation</th>
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<tr>
<td>ARG</td>
<td>Archiv für Reformationsgeschichte</td>
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<td>BWKG</td>
<td>Blätter für Württembergische Kirchengeschichte</td>
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<td>CR</td>
<td>Corpus Reformatorum, ed. C. G. Bretschneider et al. (Halle and Brunswick, 1834-1900).</td>
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<td>H &amp; J</td>
<td>Julius Hartmann and Karl Jäger, Johann Brenz; nach gedruckten und ungedruckten Quellen, 2 vols. (Hamburg, 1840).</td>
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<td>HStA</td>
<td>Manuscripts in the Hauptstaatsarchiv, Stuttgart. Catalog numbers are also given.</td>
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<td>Herolt</td>
<td>Johann Herolt, Chronica zeit- und jahrbuch vom der statt Hall ursprung und was sich darinnen verloffen . . ., in Christian Kolb, ed., Geschichtsquellen der Stadt Hall, vol. 1 (Stuttgart, 1894), pp. 35-270.</td>
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<td>Köhler</td>
<td>Walther Köhler, Bibliographia Brentiana (Berlin, 1904; Nieuwkoop, 1963).</td>
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<td>Pressel</td>
<td>Theodor Pressel, ed., Anecdota Brentiana; Ungedruckte Briefe und Bedenken von Johannes Brenz (Tübingen, 1858).</td>
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The so-called Pressel Collection (Pressel Sammlung) in the Württembergische Landesbibliothek, Stuttgart; transcripts of unpublished Brentiana in various German archives, collected by Theodor Pressel. Catalogued as Cod. hist. Fol. 898, Fasz. Ia-d, and Fasz. IIa-d; items in each fascicle are numbered.


August Ludwig Reyscher, ed., Vollständige, historisch und kritisch bearbeitete sammlung der württembergischen gesetze, 19 vols. in 28 (Stuttgart and Tübingen, 1828-51).


Christian Friedrich Sattler, Geschichte des Herzogthums Würtenberg unter der Regierung der Herzogen, vols. III and IV (Tübingen, 1771). The Beilagen (documents printed in the second half of each volume) have separate pagination.


D. Martin Luthers Werke, Kritische Gesamt- ausgabe (Weimar, 1883- ), approximately 100 vols. to date. Known as the "Weimar Ausgabe." The volumes of Briefe and Tischreden are numbered separately.
CHAPTER ONE

INTRODUCTION

Brenz's Place in Reformation History

Johannes Brenz (1499-1570) was an important sixteenth-century reformer whose career has not received from scholars the attention it deserves. Outside his native Württemberg little has been written about him, and the bulk of what has been written dates from the nineteenth century or earlier. Outside Germany his name is scarcely known. No major biography of him has appeared since the mid-nineteenth century, and no critical edition of his works exists.¹

This neglect is not the result of failure to understand Brenz's importance. In 1899, the quadricentennial of his birth, Festreden were held in his memory and in the next few years there was a flurry of scholarship looking forward to a definitive Brenz biography.² That this initial

¹The best introduction to Brenz's life is still Hartermann and Jüger's biography (see table of abbreviations). It is rather a scissors-and-paste affair but full of useful information and containing some source materials not found elsewhere.

²Alfred Hegler, Johannes Brenz und die Reformation im Herzogthum Württemberg (Tübingen, 1899). See also BWKG, 1899ff., passim. Köhler's Bibliographia Brentiana (see table of abbreviations) was begun in 1899 and published in 1904.
impulse was soon dissipated is apparently due to the almost exclusive preoccupation of Reformation scholars with the "renaissance" in Luther studies which took place in the first five decades of this century. Interest in Luther has not abated, nor has the last word on him been said, but so much solid achievement has been recorded that increasing attention can now be paid to other reformers and their achievements.

Indeed, from the point of view of an adequate understanding of the German Reformation, it is essential that this be done. For Luther, great as he was and fascinating as he still is, was after all only one man; he could not reform Germany by himself.

If a historical revolution is to lead to the formation of new institutions, it is not enough that a few elect spirits introduce new ideas. Others must follow who absorb what the former have achieved and through slow, patient work give it concrete form in the sphere of reality.3

In other words, all Luther's revolutionary writings and all his courageous defiance of pope and emperor would ultimately have availed nothing without, among other things, the less dramatic achievements of admittedly second-rank men who succeeded in giving Luther's ideas stable, institutional form. The absolutely essential nature of this work of organization is made more vividly apparent if it is remem-

3Hegler, op. cit., p. 1.
bered that Luther, the bringer of great renewal, was, willy-nilly, a bringer of great confusion and destruction as well. The spread of Luther's theology meant that the old ecclesiastical order was undermined in whole areas of Germany. The immediate result, however, was not always a new Lutheran order but often a state of disorder in which Lutheran, Zwinglian, and radical elements fought one another and the remnants of Catholic influence while the secular authorities seized church property for their own use. The success of Lutheranism over its rivals is attributable not only to the favor shown it by many princes, but also to the work of reformer-organizers who succeeded in erecting institutions whose functioning guaranteed the Lutheran orthodoxy and the material subsistence of the newly reformed churches.

This is one reason why it is so important to study the career of Johannes Brenz. To be sure, in his own day Brenz was probably most widely known as a theologian. Although he did not possess an original theological mind, he was a lucid exponent and stout defender of Luther's theology. He won Luther's praise and gratitude and made himself the champion of Lutheran orthodoxy in southwestern Germany when he published in 1525 a widely read defense of Luther's doctrine of the real presence against the attacks of the Zwinglian reformer of Basel, Johannes Oecolampadius.  

4The so-called Swabian Syngramma, StL XX, 521-581; see also Luther's letter of appreciation, WA Briefe IV, 285.
Brenz's catechisms rivaled Luther's in popularity and influence while his voluminous biblical commentaries were widely read and drew Luther's highest praise, in large part because Luther found his own ideas so clearly set forth in them. But Brenz's major talents and achievements, at least from the point of view of the secular historian, lay in the field of organization. He was what the Germans call a Kirchenpolitiker, spending the entire half-century of his career as the ecclesiastical adviser of various German territorial rulers. In this capacity the institutional development of Lutheranism was his daily concern and responsibility. One of the principal organizers and defenders of the Lutheran territorial state church (Landeskirche), the culmination of his life's work was the organization of the church in the Duchy of Württemberg during the reign of Duke Christopher (1550-1568). The highly centralized, bureaucratic form of church government, the so-called consistorial system, which Brenz and Christopher established

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5 See Theodor Woschke, Brenz als Katechet (Wittenberg, 1900).

6 See WA Tischreden II, 383-384; WA XXVI, 621-622 (introduction to Brenz's commentary on Ecclesiastes, 1528); and esp. ibid., XXX, pt. 2, 649-650 (introduction to Brenz's commentary on Amos, 1530).
in Württemberg, was to be widely copied in Protestant Germany prior to the Thirty Years War.  

The purpose of this dissertation is to examine Brenz's career as an organizer of the Lutheran territorial church. This involves, first of all, an inquiry into the origins of one of the products of the Reformation which profoundly influenced the subsequent course of German history. Moreover, it involves an inquiry into the reasons for the establishment of a form of church-state relationship and a form of church organization which were, as we shall see, in contradiction to the basic principles of the Reformation as originally set forth by Luther. Since the topic lends itself best to a topical and analytical treatment, which in turn presumes the reader's knowledge of the major events of Brenz's career and of the course of the Reformation in Württemberg, a brief chronological survey will be offered in this introductory chapter.

7Karl Müller, "Die Anfänge der Konsistorialverfassung im Lutherischen Deutschland," Historische Zeitschrift, 102 (1909), pp. 1-30. Müller here refutes the notion then prevalent that the consistorial system developed from the consistories set up in Electoral Saxony between 1537 and 1542. These consistories were primarily ecclesiastical matrimonial courts and remained so. The prototype of the consistory as organ of ecclesiastical administration was, as Müller points out, the Kirchenrat established in Württemberg in 1553. See also chapter four below.
Brenz's Career as a Church Organizer

Brenz was born in June, 1499, in the little Swabian imperial city of Weil der Stadt (not far from Stuttgart), where his father was mayor (Schultheiss) for twenty-four years. In 1512, after having attended Latin schools in Weil der Stadt, Heidelberg, and Vaihingen, he entered the University of Heidelberg. In 1517, upon completing the prescribed course in classical languages and philosophy, he took the M.A. and immediately began to study theology. The following year he was in the audience when Luther defended his doctrines at the Heidelberg Disputation. Profoundly impressed both by the man and his ideas, Brenz and several of his fellow students, including Martin Bucer, visited Luther in his lodgings after the disputation in order to discuss with him some of the points they had not completely understood. From this point on Brenz was a strong adherent of Lutheranism.

Immediately upon his ordination in 1520 Brenz began both to preach frequently and to deliver lectures on the Bible. The popularity of his lectures and the Lutheran notions in them aroused the jealousy and opposition of the more conservative members of the faculty. In 1522 the local prince (Ludwig, Elector of the Rhine-Palatinate) suspended the lectures. Although Brenz defended himself

\(^8\)

\(^8\)H & J I, 17-32.
ably before the Academic Senate and no formal punishment was imposed, he naturally desired to move to a friendlier environment. The opportunity came when his Heidelberg colleague, Johann Isenmann, who was a native of the imperial city of Schwäbisch-Hall, recommended him for the position of town preacher in that city. After a successful trial sermon, held on September 8, 1522, the twenty-three year old Brenz was unanimously elected to the post by the city council. 9

Since there had been no Protestant preaching in Hall 10 prior to Brenz's appointment, he found the city still thoroughly immersed in late-medieval doctrines and ceremonies. Wisely surmising that the best course was to make haste slowly, Brenz at first made very few outward changes. While continuing to celebrate mass in the traditional manner (save only the omission of those sections referring to it as a sacrifice), he expounded basic Lutheran doctrines in his sermons as the prelude to later changes. 11 Still extant are a group of sermons from the year 1523 in which he emphasized the doctrines of justification by faith alone and the priesthood of all believers while attacking the

9Ibid., I, 35-38; Julius Rauscher, Württembergische Reformationsgeschichte (Stuttgart, 1934), p. 65.

10Commonly used short form of "Schwäbisch-Hall."

11Rauscher, op. cit., p. 65.
cult of the saints and the doctrine of papal supremacy.  

Although Brenz complained in June 1524 about the slow pace of the reformation of Hall, 13 1524 was the year of the decisive breakthrough of the Reformation in that city. The first overt victory over the old order was the abolition of the festival of Corpus Christi. 14 That same year the Franciscan monastery was turned into a school. 15 Moreover, the fate of any future public opposition from Catholics was foretold when the city council banished a former Hall priest for publicly speaking ill of Brenz and his teaching. 16 Finally, on Christmas 1525, a Protestant celebration of the Lord's Supper was held for the first time, at St. Michael's, the chief church of the city. 17

By 1526 the reformation of the churches within the city of Hall itself was complete in so far as doctrine, ceremonies, and personnel were concerned and the changes thus far made were reflected in the outline for a "church

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12 PrColl Ia, 5-8.
13 "Ecclesia nostra difficulter avellitur ab inveteratis Ceremoniis." Brenz to Oecolampadius, June 27, 1524; Pressel, p. 2.
14 Ibid., p. 2.
15 Herolt, p. 43.
16 Ibid., p. 47.
17 Rauscher, op. cit., p. 67.
order" which Brenz submitted to the town council on the day before Easter of that year. In this document Brenz urged upon the council the necessity of extending the Reformation to the churches in the surrounding rural districts which comprised Hall's subject territory. For a number of reasons, however, the most important being the fact that the appointment of clergy to the rural parishes was controlled by uncooperative secular rulers outside Hall, the reformation of the surrounding countryside was delayed for a decade and a half. Not until 1540, despite Brenz's repeated demands for action, did the city council finally forbid the celebration of mass in the rural churches. Subsequently the rural pastors were required to observe the doctrines and ceremonies of the city churches, a process culminating in the publication in 1543 of a church

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18 Kirchenordnung, here meaning "ecclesiastical constitution." For a fuller discussion of the concept "church order," see pp. 22-24 below.

19 Kirchenordnung für die Stadt Hall und das Hallische Land, Richter I, 40-49. The heading of the first section reads: "Reformation der Kirchen in dem Hellischen Land Herr Jo: Brentz." The crucial "Beschlus," which Richter omitted, was published by Walther Köhler in ARG 9 (1911-12), pp. 81-82.

20 Ibid., I, 40, 49.

21 Ibid., I, 49.

22 Herolt, p. 190.
order which Brenz had written.

Meanwhile Brenz's reputation and influence as a church organizer had spread beyond the narrow confines of Schwäbisch-Hall. In 1531 and 1532, at the invitation of Margrave George of Brandenburg-Ansbach, he played a leading role in the preparation of the church order which in 1533 was proclaimed simultaneously in the Margrave's territories and in the city of Nürnberg. Shortly after this, Brenz was called on to assist in the reformation of the church in the Duchy of Württemberg.

In 1519 Duke Ulrich of Württemberg, a headstrong and unruly young man, attempted to add the free imperial city of Reutlingen to his dominions by military conquest. In retaliation the Swabian League, an alliance of South German princes and cities, drove Ulrich from his duchy, which they then sold to Emperor Charles V as the lord of Austria. From 1520 to 1534 the duchy was under Austrian-Hapsburg rule. Despite the repressive measures of the Austrian regime, Protestant doctrines, imported in large part from

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23 Ordnung der Kirchen, inn eins Erbarn Raths zu Schwäbischen Hall, Oberkait vnd geplet gelegen (Schwäbisch-Hall, 1543). Richter II, 14-21, gives a very truncated version.

24 Kirchen Ordnung. In meiner gedigen herrn der Marggrauen zu Brandenburg, vnd eins Erbern Rats der Stat Nürnberg Oberkeyt vnd gepieten, wie man sich bayde mit der Leer vnd Ceremonien halten solle. Richter I, 178-211. See also below, pp. 27-28.

nearby imperial cities such as Reutlingen, Esslingen, Hall, and Ulm, took firm root in Würtemberg during the period of Ulrich's exile. In the meantime Ulrich himself adopted the Protestant faith through the influence of Zwingli, Luther, and Brenz, whom he met at the Marburg Colloquy in 1529. This was soon known in Würtemberg, increasing the desire of Ulrich's former subjects for his return.

In May, 1534, after years of careful planning, Prince Philip of Hesse, leading the forces of the Schmalkaldic League and aided by French money and Bavarian neutrality, reconquered Würtemberg for Ulrich. This was not simply a victory for the hereditary House of Würtemberg but for German Protestantism as well. It was the first significant military victory for the Schmalkaldic League. Furthermore, Würtemberg was the first large South German state won for Protestantism, and the political and military position of the Protestant imperial cities of South Germany was immeasurably strengthened by the presence of a strong Protestant power in their midst. Whereas Würtemberg had formerly been the bridge between the Hapsburg possessions in Austria and

26 Ibid., pp. 50-60; H & J II, 1-5. See also the demand of the Würtemberg Landstände (July 1525) that the "pure word of God," which had reappeared "in our times," be taught to the people by learned and pious preachers; Sattler III, Beilagen, p. 2.

27 Rauscher, op. cit., p. 111.

28 Ibid., pp. 111-113.
Alsace, it was now the link between the Protestants in Switzerland and in North and Central Germany.\textsuperscript{29}

By the Treaty of Kaaden (June 1534) Ulrich received Württemberg as a fief of Austria.\textsuperscript{30} He immediately addressed himself to the task of the religious reformation of his territory. Although Württemberg had been won for Protestantism, it was not immediately clear that it had been won for Lutheranism, for Zwinglian influences had penetrated into Württemberg from nearby Switzerland and Strassburg. Clergymen sympathetic to the Reformation were divided between the adherents of both Protestant confessions. Ulrich himself was torn in both directions: his personal religious development had been influenced by both, and now each party brought pressure upon him to reform the church in Württemberg according to its views.\textsuperscript{31}

The temporary solution to the dilemma was a compromise which took the singular form of dividing Württemberg geographically between the two confessions. The southern portion of the duchy, centered in Tübingen, was to be reformed by Ambrosius Blarer, a man of Zwinglian leanings


\textsuperscript{30}StL XVI, 1850-51 (article 17 of the treaty).

\textsuperscript{31}Rauscher, \textit{op. cit.}, pp. 113-114.
from Constance, while the northern section, centered in Stuttgart, was to be reformed by Erhard Schnepf, a Lutheran who was called from his chair of theology at Marburg. In July 1534 the two men met in Stuttgart and after several weeks of wrangling agreed on a compromise formula concerning the real presence, a formula which only concealed the fundamental difference of view but which nevertheless enabled them to get on with the task of reforming the congregations in their respective areas of responsibility.

The fact that Württemberg soon became a definitely Lutheran territory was due in no small part to the political situation. The famous recess of the Diet of Speyer (1526) had for all practical purposes established the legal right of Protestant princes to institute the Reformation in their territories. Duke Ulrich, however, could exercise this right only under the limitations imposed by the Treaty of Kaaden, which conceded his right to undertake the ecclesiastical reformation of his duchy but forbade the toleration of "Sacramentarians" (i.e., Zwinglians) and Anabaptists. Thus while Lutheranism was tacitly permitted, the toleration of Zwinglianism was a violation of

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32 Ibid., p. 114.
33 Ibid., p. 115.
34 StL XVI, 1848 (article 6 of the treaty).
the treaty which could easily confront Ulrich with the prospect of once again losing his duchy. This made Blarer, who was constantly under suspicion of harboring heretical (i.e., Zwinglian) views of the Lord's Supper and who appointed only Zwinglians as pastors in his area of jurisdiction, a political liability whose activity did, in fact, cause Ulrich to be denounced at the court of King Ferdinand of Austria for alleged violation of the Kaaden Treaty.  

Blarer was finally released from service in Württemberg in 1538 after having proved unequal to the task of reorganizing the University of Tübingen and having refused to accept the doctrine of the Lord's Supper set forth in the Schmalkaldic Articles of 1537.

Another important factor in the victory of Lutheranism was the influence of Brenz. Duke Ulrich called Brenz to Stuttgart in the summer of 1535 to assist Schnepf with the task of establishing a common church order for the whole duchy. The simple fact that Brenz, outspoken Lutheran and foremost antagonist of Zwinglianism in South Germany, rather than Blarer, was called in to assist Schnepf is alone significant of the direction developments already were

35 Sattler III, pp. 40, 50.
36 RB III, 253.
37 Duke Ulrich to the City Council of Hall, July 15, 1535; PrColl Ib, 45.
taking. A church order which Schnepf had drafted was sub-
mitted to Brenz for his examination and comment. Brenz
wrote a preface for the order giving a theological justifica-
tion of its issuance, and also recommended the inclusion of
a number of specific provisions, for example: extensive
use of Latin in the church services, retention of the
traditional priestly vestments, and adoption of the Augsburg
Confession as the official confession of the Württemberg
church. In the published edition of the church order
(1536) the crucial section on the Lord's Supper is entirely
Lutheran in conception, which was a great victory of Brenz
and Schnepf over the influence of Blarer. However, it was
presumably Blarer's influence which prevented the inclusion
in the published church order of Brenz's preface and
specific recommendations.

38 Vorred D. Johan Brentzen mit etlichen furnemlichen
und notigen artikeln auff die Kirchenordnung im Fürsten-
thum wurtenberg gestellit Anno MDXXXV, Pressel, pp. 156-166.

39 Gmein kirchen ordnung, wie die diser Zeit allenthalb
im Fürstenthumb Wirtemberg gehalten soll werden, Richter I,
265-273, esp. 261-268.

40 On March 14, 1536, Blarer wrote to his brother con-
cerning the church order: "Erunt scio, quae superstitionis
ora
debuntur, quae mihi quoque videntur, quemadmodum est, quod
coenaturorum numerus vesperi diligenter observandum, ut huic
particularum, ut vocant, numerus respondeat. . . . Verum
bene nobiscum agi credidi, quando innumera alia, quae a Br.
(Brentio) assuta erant, resecta sunt, quae prudentis obtineo
(vel: obticeo) tametsi partem horum ipse etiamnum teneas." Schnurrer, pp. 174-175. The parenthetical emendations are
Schnurrer's.
Of even greater importance was Brenz's influence on the reformation of the University of Tübingen. In 1536, at the suggestion of Melanchthon, Duke Ulrich asked Brenz to serve for one year as professor of theology at Tübingen while directing the reformation of the institution.41 In urging Brenz to accept the call, Melanchthon argued that this was an excellent opportunity to undermine the influence of Blarer in particular and Zwinglianism in general by seeing to it that the theological training of future clergymen was orthodox Lutheran.42 During his year in Tübingen (April 1537-April 1538) Brenz did just that by securing the appointment of a solidly Lutheran theological faculty.43

A decade later Brenz's career in Schwäbisch-Hall was brought to a close as a result of the Schmalkaldic War. By 1546 Emperor Charles V was ready to seek a solution to the religious problem in Germany by force of arms, and the long-dreaded religious war broke out between the emperor's forces and those of the Schmalkaldic League, which Hall had joined in 1538.44 The emperor's troops swept all before them; by the spring of 1547 the League had been defeated and its

41 Melanchthon to Brenz, October 17, 1536; CR III, 169.
42 Ibid., III, 170.
43 See Pressel, pp. 307, 323; Rauscher, op. cit., pp. 140-143.
44 RE III, 383.
leaders captured. The emperor was now in so powerful a position that at the Diet of Augsburg in May 1548 he was able to impose upon the imperial estates the so-called Augsburg Interim. This document provided, essentially, for a restoration in the Protestant territories of the old church with all its doctrines and ceremonies, slightly watered down with a few meaningless concessions to Protestant doctrine. The intention was to reunify the church in Germany pending a future council which would reform the entire church; hence the name "Interim."  

The Hall city council had no choice but to allow the Interim to be introduced into its territory and to endure its enforcement by the emperor's Spanish troops. But Brenz declared to the city council that he would not conform to the ceremonies required by the Interim, which he called the Interitus Germaniae. When this became known to the imperial officials he had to flee the city on a moment's notice (the warning sent by a member of the city council reached him in the midst of his birthday party), escaping only minutes before Spanish soldiers invaded and ransacked his home.

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46 PrCol I b, 205.

47 H & J II, 169-176.
Now an outlaw with a price on his head, Brenz fled to the protection of Duke Ulrich in Württemberg. But Ulrich, whose participation in the war on the side of the League had given King Ferdinand a welcome pretext for trying to recover Württemberg for the Hapsburgs, had also been forced to introduce the Interim. He could therefore only hide Brenz away, not offer him any public employment. Part of the time Brenz was hidden in fortresses inside Württemberg, but when even this was not considered safe enough he was sent to Basel by way of Mœmpelgard (Montbéliard), an Alsatian possession of the Württemberg dukes, where he met Ulrich's heir, the young Duke Christopher.\textsuperscript{48} Out of loyalty and gratitude to Duke Ulrich, and in the increasing confidence that the Interim was only a temporary setback, Brenz chose to remain in the service of the House of Württemberg rather than accept either of the flattering calls from the city of Magdeburg and Duke Albert of Prussia, who offered him a bishopric.\textsuperscript{49}

When Duke Ulrich died in November, 1550, he was succeeded by his son, Christopher. Christopher had grown up at the court of Archduke Ferdinand and had also spent a short time at the court of the emperor. When he fled

\textsuperscript{48} Ibid., II, 183-191.

\textsuperscript{49} Pressel, pp. 284-286, 295-296. According to H & J II, 181, Brenz was also invited to England by Archbishop Cranmer.
the imperial court, his father, who distrusted him because of his Austrian upbringing, would not let him stay in Württemberg. Instead he sent him off to spend the next eight years at the French court. In 1542 Christopher was made Statthalter in Mömpelgard, where he remained until succeeding his father. During this period of his life Christopher occupied himself with the study of both Catholic and Protestant doctrine as well as the Bible. He emerged a convinced Lutheran, with a far more thorough and independent grasp of ecclesiastical and theological problems than that possessed by his father. 50

Although the vast majority of the Württemberg clergy and people had remained loyal to Protestantism during the Interim, 51 the work thus far done on the erection of a Protestant church order had been largely undone. Christopher was filled with zeal to begin again with the task of establishing the Lutheran church in Württemberg on a firm institutional basis. 52 As soon as his succession had been

50 Rauscher, op. cit., pp. 177-178.
51 Gustav Bossert, *Das Interim in Württemberg* (Halle, 1895), pp. 4-6, 36-37.
formally acknowledged in Württemberg he called Brenz to his side to serve as his chief theological adviser. The two men worked together in close harmony until Christopher's death. Brenz, whose working quarters were connected to the ducal palace by a special bridge, always had access to the duke, by whom he was constantly consulted. Together they reorganized the Württemberg church, the principal achievement of Christopher's reign.

At first, since the Interim was still in effect, since Brenz was still an outlaw, and since Christopher was having difficulty in winning imperial recognition of his right to rule the duchy (King Ferdinand was still trying to recover it), Brenz had to serve without public office and it was necessary to proceed in ecclesiastical matters with extreme caution. Not until Maurice of Saxony's successful campaign against Emperor Charles in the spring of 1552 made it possible to abolish the Interim in Württemberg and to secure King Ferdinand's formal recognition of

53 Rauscher, op. cit., p. 182.
54 Pressel, p. 311.
55 It was Brenz who had to restrain the zeal of Duke Christopher pending an improvement in the political situation. Pressel, pp. 312-313.
56 See Christopher's proclamation to this effect, dated June 30, 1552, Sattler IV, Beilagen, p. 51.
Christopher's right to rule the duchy were Christopher and Brenz able to move forward openly with the work of ecclesiastical reorganization. In January 1553 Christopher made Brenz provost (Probst) of the Collegiate Church (Stiftskirche) in Stuttgart, the most prestigious ecclesiastical post in the duchy. At the same time the duke formally made him his chief counselor in ecclesiastical matters for life.58

In 1559 the work of ecclesiastical reorganization was completed with the publication of a massive church order incorporating all the changes introduced in the previous decade.59 At a territorial diet (Landtag) in 1565, Christopher and the estates of his duchy agreed that the Lutheran faith according to the Augsburg Confession and the established order of the Württemberg territorial church

57 In the Treaty of Passau (August 1552), Sattler IV, Beilagen, pp. 46-51. Not to be confused with another treaty of the same name, negotiated at the same time, which ended the so-called War of Liberation.

58 The public announcement of these offices was not made until September 24, 1554, in a formal letter of installation; Pressel, pp. 388-390.

were part of the constitution of the duchy, binding on the duke and his heirs. Three years later Duke Christopher died at the age of fifty-three, to be followed in another two years by the seventy-one year old Brenz.

Was bedeutet "Kirchenordnung"? The term "church order," a literal translation of the German Kirchenordnung, already has been used several times in this chapter. In modern usage the term usually refers to documents called church orders, that is to those regulations of secular governments by means of which the canonical church forms which had prevailed before the Reformation were modified in accordance with Lutheran or other Protestant doctrine. But in the sixteenth century the term had other meanings besides this one, and the "problem of church order" referred to in the title of this study was not simply that of drafting and issuing church orders.

In the language of the sixteenth-century reformers Kirchenordnung could be used as a synonym of Kirchenre-

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60Schnurrer, p. 282.

gierung to refer to the activity of governing the church. Understood in this sense, the term raised the question, how and by whom is the church to be governed? The answer to this question provided the basic principles for the establishment of the "church order" of a state, "church order" being used here in the more static sense of "ecclesiastical constitution," the complex of institutions and relationships by means of which the activity of church government was carried out. The ecclesiastical constitutions of the various cities and territories were normally set forth in governmental ordinances called church orders, of which hundreds were issued in Germany in the sixteenth century. Dozens of reformers and theologians took part, alongside the rulers and their secular advisers, in drafting church orders and putting them into operation, but a few stand out from the rest because their church orders set a much-imitated standard and because they played a decisive role in

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establishing a stable, Lutheran church order in whole regions of Germany. This is true, for example, of Brenz in the area of southwestern Germany. Brenz's counterpart in the organization of the Lutheran territorial church in North Germany was Johann Bugenhagen, who produced church orders for Pomerania, Schleswig-Holstein, Brunswick, Lübeck, and Hamburg. 63

A church order generally begins with a section setting forth in more or less detail the agreement of the particular state church with the general Lutheran confessions. Then follow regulations governing liturgy, the appointment of church officials, organization of church government, ecclesiastical discipline, marriage, schools, the pay of school and church officials, the administration of church property, care of the poor, and so forth. Thus ideally a church order is a complete church constitution. However, in the sixteenth century the term was often applied rather

63 See Hellmuth Heyden, "Bugenhagen als Reformer und Visitor," and Kurd Schulz, "Bugenhagen als Schöpfer der Kirchenordnung," in Johann Bugenhagen, Beiträge zu seinem 400. Todestag, ed. Werner Rautenberg (Berlin, 1958), pp. 7-23, 51-63. A modern study of Bugenhagen is badly needed. The Strassburg reformer, Martin Bucer, who was instrumental in the ecclesiastical organization of several Upper-German imperial cities as well as the reorganization of the church in Hesse, might have been included in this list but for two factors: (1) it is not precisely accurate to call him a Lutheran and (2) his pet ideas on church organization were realized only in the Calvinist churches outside Germany. See Heinrich Bornkamm, Martin Bucers Bedeutung für die europäische Reformationsgeschichte (Göttingen, 1952), and Hastings Eells, Martin Bucer (New Haven, 1931).
loosely to documents by no means this complete. Many so-called church orders were really only "orders of worship" (Gottesdienstordnungen in modern German), consisting only of the dogmatic and liturgical sections. In such cases the remaining matters of ecclesiastical organization were normally provided for in other, special Ordnungen, which might or might not be published: Visitationssordnungen, Synodalordnungen, Schulordnungen, and the like. Brenz's church orders, for example, fall into both categories. The Württemberg C(hurch) O(rder) of 1559 is an almost perfect example of a complete ecclesiastical constitution as described above while the Hall CO of 1526 comes close. On the other hand, the Brandenburg-Nürnberg CO of 1533, the Württemberg CO of 1536, and the Hall CO of 1543 deal largely with ceremonies and are thus of limited interest for this study.

Brenz's Church Orders

The church orders which Brenz wrote or helped write present some difficult problems of interpretation. Since his church orders are naturally a major source for the chapters which follow, these problems ought to be dealt with at the outset.

A major problem with regard to the CO of 1526 is the difficulty of judging what role it played in the Hall Reformation. Since it was not published in the sixteenth
and since the chronicler Herolt, who paid special attention to ecclesiastical developments and who recorded the issuance of the CO of 1543, makes no mention of it, it must be assumed that the order did not as such become law. In fact, what we have here actually is not a church order in the normal sense of the word. A church order was invariably so written that the government addressed clergy and people, laying down regulations for the public conduct of religion. But in this document Brenz addressed the city council, urging upon it courses of action which he justified with extended arguments. It is thus not a church order but Brenz's outline of what the city council ought to do in order to complete the reformed church order: extend the reformed doctrine and ceremonies of the city parishes to the rural churches in Hall's territory; appoint qualified clergymen to the rural parishes; and establish public schools as well as a court to administer ecclesiastical discipline. Thus, despite the fact that it never became law and the fact that some of the proposals in it were either temporarily unfeasible or permanently unrealizable, it is important to note the influence of the document on the development of the reformed church order in Hall.

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64 See Richter I, 40 (Richter's introduction to the text).

65 E.g., the reformation of the rural parishes; see above, p. 9.
able, the CO of 1526 is a valuable source of information concerning Brenz's early views and intentions with respect to the problem of church order.

In the case of the Brandenburg-Nürnberg CO of 1533 and the Württemberg CO of 1559, the question is to what extent each may be regarded as the work of Johannes Brenz. In 1530 Margrave George of Brandenburg-Ansbach and the city council of Nürnberg decided to cooperate in the issuance of a common church order for their adjoining territories. There followed two years of complicated negotiations in the effort to reach agreement on its final draft. On the Nürnberg side the principal architect of the church order was the reformer, Andreas Osiander, the core of the finished document being derived from his original draft. Brenz, who already had served as the Margrave's theological adviser on previous occasions, journeyed to

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66 E.g., the proposal for a church court; see below, pp.


68 Westermayer, op. cit., pp. 74-75, 89-90.

69 In 1529 Philip of Hesse invited Brenz to attend the Marburg Colloquy at George's suggestion; H & J I, 173-174. In 1530 Brenz served as George's theological adviser at the Diet of Augsburg; H & J I, 224.
Ansbach three different times during 1531 to participate in the deliberations of the Margrave's theologians on the church order. After its contents had been agreed upon and sent to the Wittenberg theologians for approval, Brenz and Osiander spent six weeks in September and October 1532 preparing the final draft for publication. Brenz alone wrote the introduction and conclusion for the published version. Thus, taking the church order as a whole, Brenz can properly be regarded as the co-author and the contents as representative of his ideas with respect to church organization.

The CO of 1533 is divided into two sections, one dealing with doctrine, the other with ceremonies. Because the political constitutions of Brandenburg-Ansbach and Nürnberg were different, no provision was made for organs of church government. However, there is valuable information for this study in Brenz's introduction and conclusion and in

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70 Pressel, pp. 104-106, 112; PrColl IIa, 96; Westermayer, op. cit., pp. 82, 84-85, 91-94; Engelhardt, op. cit., pp. 112-113, 118.

71 Engelhardt, op. cit., pp. 121-123; Richter I, 177 (Osiander's account, written in 1552, of the genesis of the church order).


73 Engelhardt, op. cit., p. 128.
the section entitled, "Von menschen leren,"74 an elaborate justification of the issuance of the church order.

The CO of 1559 actually is a collection, partially in revised form, of a number of ecclesiastical ordinances, most of which had been in effect for several years but few of which had been published previously.75 Several of the component ordinances are known to have been written by Brenz. Section one is the Württemberg Confession,76 written by Brenz in 1551 and approved by a synod of Württemberg clergy in the same year.77 Section two is Brenz's CO (order of worship, actually) of 1553.78 Section five, the ordinance for the Württemberg school system,79 was written by a committee of three, including Brenz,80 the

74Richter I, 195-197.
75On November 1, 1555, Christopher's chancellor reported "das schul-, pedagogium-, stipendiaten-, visitation-, inquisition-, widertheufer-, supperattendenz- und canzlei- (sovill den kirchenrath antrifft) ordnungen vorhanden," all in manuscript, in all about 250 pages. Ernst III, no. 187.
76Reyscher VIII, 106-166.
77Ernst I, no. 179; Schnurrer, p. 209.
78Reyscher VIII, 167-221; Richter II, 131-141 (incomplete).
79Reyscher XI-1, 2-9; vol. XI-2, 24-126.
80The document establishing the authorship of this section of the CO of 1559 is published in Geschichte des humanistischen Schulwesens in Württemberg, pub. Württembergische Kommission für Landesgeschichte (Stuttgart, 1912), vol. 1, pp. 510-511.
provisions for the cloister schools (Klosterschulen) being based on Brenz's Cloister Ordinance of 1556. 81 Section seventeen, providing for a system of ecclesiastical discipline, 82 is clearly the application of ideas worked out by Brenz during his tenure in Hall. 83

This leaves the crucial sections which, taken together, provide for the entire system of ecclesiastical government and administration. Sections eighteen and nineteen, which provide for the central agencies of the state church, the consistory and the synod, 84 are a revision and expansion of the Visitation Ordinance of 1553. 85 Section three provides for the examination and appointment of all clergy, one of the principal functions of the consistory. 86 Section fourteen, which provides for regular visitation of the churches by officials known as superintendents, 87 is

82 Reyscher VIII, 265-269.
83 See below, pp. 114-121, 155-172.
84 Reyscher VIII, 269-284.
85 Ibid., VIII, 100-105.
86 Ibid., VIII, 222-241.
87 Ibid., VIII, 245-256.
based on an earlier ordinance (ca. 1551) now lost.\footnote{See below, p. 144. Several sections of the church order have not been mentioned here, either because they are of marginal interest for this study (e.g., the \textit{Ehegerichtsordnung} and the \textit{Castenordnung}) or because they have nothing at all to do with church order (e.g., the sections regulating physicians and city scribes).} Although the authorship of these sections cannot definitely be assigned to Brenz, what little evidence there is tends to support the logical assumption that they were at the very least heavily influenced by the man who was the duke's principal ecclesiastical adviser. We are informed that the young jurist who prepared the manuscript of the church order for publication worked under Brenz's supervision with materials supplied by him.\footnote{\textit{"Has ordinationes & constitutiones omnes, scholasticas & ecclesiasticas, satis grandi volumine complexus est (Christophorus Dux)--Eo in libro conficiendo & in ordinem digerendo primae partes M. Casparis fuerunt, maximusque labor illi incubuit, materiam suggerente nunquam satis laudato viro, & de his terris, Scholaque nostra, & Ecclesiis omnibus optime merito D. Joanne Brentio, piae memoriae . . .\" From Georg Liebler, \textit{Oratio fun. de vita . . . M. Casparis Wildii . . .} (Tübingen, 1584), cited in Schnurrer, p. 273.} Furthermore, the system of church government first established in the period 1551-1553 and later incorporated into the CO of 1559 not only incorporated trends apparent in Brenz's writings during the Hall period\footnote{See chapter three below.} but was recommended by him for adoption into other Protestant territories.\footnote{HStA A63, Bl. 10 (Neuberg Palatinate, 1553); Pressel, pp. 449-450 (Rhineland Palatinate, 1558).} Thus the CO of 1559 as a whole
may be regarded as the fulfillment of Brenz's views and intentions in the field of church organization.
CHAPTER TWO

BRENZ AND THE STATE CHURCH

How and by whom is the church to be governed? Brenz's answer to this question was a justification of the territorial state church, an institution which violated the basic principles of the Reformation as originally set forth by Martin Luther. The purpose of this chapter is not only to show what Brenz's answer to this question was but also to explain how and why it differed from that of Luther. It is necessary, therefore, to start with a brief summary of Luther's position.

Luther and the Problem of Church Order

Luther conceived of the church as the community of those who have the saving faith in Christ. This community

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1 This summary of Luther's thought on the problem of church order leans heavily on the following secondary works: Heinrich Bornkamm, "Bindung und Freiheit in der Ordnung der Kirche," and "Das Ringen der Motive in den Anfängen der Reformati" It is necessary, therefore, to start with a brief summary of Luther's position.

Luther and the Problem of Church Order

Luther conceived of the church as the community of those who have the saving faith in Christ. This community...
is both visible and invisible: it is essentially invisible in that only God can read the hearts of men and know for sure who has this faith; but it is also visible in that it does not exist apart from the external forms and institutions whereby the word is preached and the sacraments administered. Luther derived from the nature of the invisible church the principles by which he desired the visible church to be ordered.

First of all, the church must be organized in accordance with God's word. In a negative sense this means that anything which cannot be justified by the Bible's witness to Christ cannot be regarded as Christian de jure divino. On the basis of this principle Luther rejected the papacy, the Catholic hierarchy, five of the seven Catholic sacraments, canon law, monasticism, and the like, as human additions to the gospel. In a positive sense it means that since the church is essentially the communion of those who respond to the word in true faith, Christians are not bound by any particular external forms, not even those of the

Amsdorf and the first section dealing with the "three walls"); Von weltlicher Uberkeytt, wie weyt man yhr gehorsam schuldig sey (1523), ibid., XI, 229-231; Das eyn Christliche versamling odder gemeynre recht und macht habe, all lere tzu urteylen, und lerer tzu beruffen, eyn und abtzuusetzen . . . (1523), ibid., XI, 401-416; De instituendis ministri Ecclesiae (1523), ibid., XII, 169-196; preface to Deutsche Messe und Ordnung des Gottesdienstes (1528), ibid., XIX, 72-113; Luther's preface to the Unterricht der Visitatoren an die Pfahrern ym Kurfurstenthum zu Sachassen (1528), ibid., XXVI, 195-200.
early church, but are free to adopt whatever forms seem best suited to facilitating the preaching of the word and the administration of the sacraments.

Second, this freedom in external matters must be exercised in such a way that the members of the Christian community will be able to assume the responsibilities of the priesthood of all believers. According to this doctrine, every believing Christian is at baptism made a priest, or, in other words, every Christian bears full responsibility for the ministry of the word. Thus all Christians are equally empowered to preach the word, administer the sacraments, judge doctrine, proclaim the forgiveness of sins to those who repent, and exclude from the Christian communion those who do not. There is, therefore, no fundamental distinction between clergy and laity; the clergy are simply those selected by the community to exercise, on behalf of all, rights and duties common to all.

Since the direct, active participation in the life of the church implied in the doctrine of the priesthood of all believers can best take place in the local congregation, Luther regarded the local congregation as the basic and primary unit of church order. Time and again he emphasized that the congregation is empowered to call and dismiss its own pastors, to exercise ecclesiastical discipline over its members, and to choose freely what external ceremonies it will observe. His use of the word *episcopus* as the
equivalent of pastor emphasized this conception of the congregations as autonomous units. Thus for the Catholic hierarchy or the secular authorities to attempt to dictate to the congregations what they should believe, who should be their pastors, or what ceremonies they must observe, seemed to Luther an intolerable violation of Christian freedom—a usurpation by a few individuals of rights which belong to the whole community.

When the unregulated exercise of this congregational autonomy began to produce liturgical and doctrinal confusion, Luther himself came to the conclusion that all the congregations in any one territory ought to observe a common church order under the general supervision of evangelical bishops or superintendents. But he did not conceive of this church order as something imposed upon the congregations by external legal sanctions. He saw it rather as the product of the voluntary cooperation of the congregations which, while retaining their basic rights, were to submit freely to the general order out of love and concern for the general welfare. The superintendents were merely to be pastors to whom the special function of supervision of the congregations and their pastors was to be delegated. Throughout his life Luther adhered to this ideal of an autonomous, self-governing church free of papal or governmental control.

To be sure, Luther did think it perfectly appropriate
for princes and other civil magistrates to concern themselves actively with the welfare of the church. After all, as baptized Christians they shared in the responsibilities imposed by the priesthood of all believers. But he made a crucial distinction between the prince as prince and the prince as individual Christian. In the church the prince is just another Christian, possessing no more rights or powers than anybody else. He has no right to use his governmental powers in spiritual matters, for it is the nature of secular authority to issue commands and to use the sword to force obedience. While this is appropriate in secular matters, in spiritual matters it would amount to a tyrannical violation of Christian freedom. Only in the event of an emergency which the church's regularly constituted leaders either cannot or will not deal with by themselves is the prince, in Luther's view, empowered and obligated to assume temporary control of ecclesiastical affairs in order to preserve the free preaching of the gospel.

In the first half of the sixteenth century, when the Protestants faced the combined opposition of papal hierarchy and imperial government, and when the reformed congregations were all too obviously not composed primarily of mature Christians capable of exercising the responsibilities imposed by the priesthood of all believers, this "emergency" aid from friendly secular rulers was the sine qua non of the
survival of the Lutheran faith. Thus in 1520, when he was still hoping for a general reform of the German church, Luther called upon the emperor and the imperial estates to summon a reform council because the Catholic hierarchy, to whom the task properly belonged, would not do so. In the face of this emergency every Christian was, in Luther's view, empowered to summon a reform council, but the emperor and the princes were especially obligated, since no one else was in so favorable a position to take action which would win general recognition and compliance. Similarly, after the Peasants' War Luther called upon the Elector of Saxony to appoint a visitation commission for the purpose of establishing a uniform church order in the Saxon lands. The action of the prince was essential because the congregations and their pastors were obviously in too unreformed a state to do it themselves and because Luther and his fellow theologians did not feel entitled to undertake the task without some form of public sanction. In neither case did Luther acknowledge any right of the secular authorities to assume control of church government. He recognized only the obligation of the princes as foremost members of the church to place at the service of the church their commanding social position for the purpose of overcoming serious obstacles in the way of needed reform. Once the emergency was passed, the normal self-government of the church was to be resumed. The trouble was that this "normal" state of self-
government was never established. It remained a hope that could not be fulfilled in Luther's lifetime, for, as Luther himself realized and lamented, there simply were not enough people capable of supporting the burden of freedom which he wished to place on them. Nevertheless, he remained confident that God, in his own good time, would, through the preaching of his word, raise up unto himself a Christian people capable of the Christian freedom which is their birthright. This is why he would never admit more than transitory validity to the institutions of the emerging state churches. The prince could never, in Luther's view, be more than Notbischof, interim bishop for the duration of an emergency.

Despite Luther and his views the government of the Lutheran churches in Germany was taken over by princes and city councils who regarded themselves as responsible for the spiritual welfare of their subjects by virtue of their political power. The Saxon visitations of 1527 and 1528 were the first major step in that direction. In the rulers' defense it may be said that the distinction between secular and spiritual matters, and that between the prince acting now as prince and now as foremost member of the church, was never as clear in practice as it was in Luther's mind. Indeed, Luther himself contributed to the confusion. For example, he insisted that the Elector must expel from Saxony those who would not conform to the general church
order, not, to be sure, for the sake of the church but for the sake of good government, since Luther accepted as axiomatic the view that a state divided in religion is ungovernable. He also called upon the secular authorities to abolish the celebration of the mass, once again regarding this as a political act, since the Catholic mass was seen as a public blasphemy which God punishes by the infliction of political disorder. Furthermore, while striving for an ideal of church government which emphasized the distinction between the secular and spiritual spheres, he retained the traditional notion of the Volkskirche (the identification of the population of the political community with the membership of the Christian community), which tended to blur the distinction. Finally, although Luther thought that the princes were in general a pretty contemptible lot, he always spoke of the secular power as a divine ordinance essential to the survival of the church, since the secular sword restrained the wicked majority from wiping out the Christian minority. Under the circumstances the princes and their secular advisers did not see the point of, and perhaps could not follow, Luther's subtle theological distinctions, especially since the simpler view that the prince is responsible for the secular and spiritual welfare of his subjects was, as we shall see, amply supported by medieval precedent and imperial law.

But perhaps most important of all for the failure of
Luther's ideal of church autonomy was the incompleteness of his ecclesiological thought. The voluntary cooperation of autonomous congregations which he envisioned demanded the development of institutions through which the will of the congregations could be expressed and harmonized. But he never developed any clear notion of what these institutions ought to be and thus, in contrast to the Catholic theologians and to Calvin, he left his followers with no clearly conceived, positive ideal of the institutional structure of the visible church with which to counteract the pretensions of the secular rulers.

Medieval Precedents for the State Church

Whereas Luther would only tolerate governmental regulation of church order as a temporary expedient, Brenz accepted it as the normal and desirable state of affairs.

In the CO of 1526 he wrote:

Since God our Savior has graciously permitted Christians to secure secular power over their own territories, cities, and villages, the secular rulers, as members of Christ and children of God, both for their souls' salvation and by virtue of their office, are responsible for regulating and ordering all those things which Christ commanded to be observed publicly in a Christian community /i.e. preaching of the gospel and administration of the sacraments/, for the benefit of their subjects (according to secular power) and their brothers (according to Christ, for they are also co-heirs with them).

As he more succinctly put it two decades later, "The office

\[2\text{Richter I, 40.}\]
of Christian magistrate has two parts: one is to support
the church, so that the true worship of God be preserved
and handed on to posterity; the other is to maintain
external peace, tranquillity, and honesty."

Although he borrowed heavily from Luther in his state-
ments with respect to church order and the church-state
problem, in the crucial question of the extent of govern-
mental authority in religious affairs Brenz was more
directly influenced by late-medieval precedents which
assigned to secular rulers responsibility for the spiritual
welfare of their subjects.

In the later Middle Ages, particularly in the fifteenth
century, the German territorial rulers (both city councils
and princes) had developed a whole complex of personal and
sovereign rights into something very close to complete
control over ecclesiastical affairs in their territories.

3BWKG 32 (1928), p. 21; from a memorandum written
for Duke Christopher in 1548.

4This discussion of the medieval precedents for the
landesherrliche Kirchenregiment is based on the following
works: Karl Rieker, Die rechtliche Stellung der evange-
Iischen Kirche Deutschlands . . . (Leipzig, 1893), pp. 32-
39; Alfred Schultze, Stadtgemeinde und Reformation
(Tübingen, 1918); Bernd Moeller, Reichsstadt und Reforma-
tion (Göttersloh, 1962); Bernhard Schmeidler, Das Spätere
Mittelalter . . . (Darmstadt, 1962), pp. 190-192; Bruno
Gebhardt, Handbuch der deutschen Geschichte, vol. II
First of all, they possessed in varying degrees the *jus patronatus*, or right of patronage, over the churches in their territories. Patronage was the binding right, accorded to lay persons (patrons) who endowed a parish, chapel, or other ecclesiastical foundation, to appoint the clerics who would officiate in the foundation. In theory the church reserved the right to veto the appointment of an unsuitable person. However, German patrons tended to think of patronage in terms of the old Germanic *Eigenkirchenrecht*, the view that if a lay lord built a church it was *his* and that he could consequently appoint whom he pleased to serve in it. Thus in practice patronage gave the possessor the right to appoint and dismiss the priests under his jurisdiction pretty much as he pleased and to exercise extensive control over their clerical activities through regulatory ordinances. The patron did not have to be a ruler; he could be any lay person. But the territorial rulers, intent upon strengthening their control over all aspects of life in their territories, including religious affairs, eagerly sought to gain the patronage of as many ecclesiastical appointments as possible. They did this either by building and endowing churches themselves, or by securing through negotiation the right to administer prebends established by private persons.

In addition to patronage, which was a personal privilege pertaining to specific foundations, the territorial
rulers possessed rights inherent in their office giving them more general powers in ecclesiastical affairs. In the fifteenth century the German territorial rulers had achieved imperial recognition of their claim that they possessed within their territories the same sovereignty which the emperor possessed in the empire, a state of affairs summarized in the maxim, "Every lord is emperor in his own territory." Thus the territorial rulers exercised in their territories the imperial advocatio ecclesiae, the office of church advocate (Kirchenvogt, Schutz- und Schirmvogt, etc.).

As church advocate the territorial ruler had not only temporal jurisdiction over the secular affairs of the monasteries and churches of his territory but also the general obligation to promote the welfare of the church and the true faith. As defenders of the church and of the faith, the emperor and the imperial estates considered themselves obligated and entitled to take the initiative, either

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5"Die Reichsstände stehen geschrieben heilig, denn ihnen ward empfohlen alles Recht und göttliche Gottseligkeit, und ward die Christenheit durch sie gestärkt, und werden ihnen geist- und weltliche Rechte empfohlen als dem Kaiser das Reich . . . Ihr (i.e. the Imperial Estates) habet eure Freiheit von der Christenheit, Ihr seid des heiligen Glaubens Beschirmer, rechte Voigte . . ." From the so-called Reformatio Sigismundi (1436?), cited in Rieker, op. cit., p. 34. In the Imperial Recess of 1512 the Emperor regarded it as necessary "das Wir als rechter Vogt und Schirmherr der christlichen Kirche, auch Kurfürsten, Fürsten und andere Stände des Reichs, sich in die Sachen schlagen und Wege fürnehmen wie solche Beschwerung und Schisma zum förderlichsten und besten abgewendet, verhütet und zur Besserung gestellt werden möge;" cited ibid., p. 34.
singly or in concert, to combat heresy, end schism, or reform monasteries. This attitude carried over into the Reformation period, so that in 1521, for example, the Imperial Diet at Worms considered itself competent to hear and judge the charges against Luther.

Meanwhile the exercise of governmental sovereignty had developed beyond the limited and rather negative function of securing to individuals their traditional, legal rights by repressing injustice and disorder. This had been adequate in the feudal age but was no longer sufficient to cope with the increasingly complex society produced by the revival of commerce and the growth of cities. Above all in the cities but also in the princely territories, governments felt called upon to take all positive measures necessary to promote peace, order, and the common good or common weal (das gemein wohl, der gemein nutz). The fifteenth century marks the appearance of both imperial and territorial police ordinances (Polizeiordnungen), which contained not only the traditional and oft-repeated commands to keep peace and order but also detailed regulations providing for civic well-being and good morals. There were ordinances which forbade begging and required each commune to maintain its own poor, attempts at uniform weights and measures, general provisions for ethical business practices, regulation of coinage, prohibition of cursing, swearing, and overindulgence in alcohol. Moreover, since the secular power was
universally regarded as having its power from God and being therefore responsible to him for the conduct of its office, it was both natural and easy to conclude that the secular ruler was obligated to take positive action to promote the spiritual welfare of his subjects. In the cities, especially, this conclusion was reinforced by the conviction that the temporal and spiritual welfare of the community are inseparable. It was characteristic of the burghers' way of thinking to regard natural catastrophes and man-made disasters as God's punishment upon the city for its sins. Thus it was in the interest of peace, order, and the common good for a city council to take whatever steps seemed necessary to improve public morals and to maintain orthodoxy of doctrine and worship in the city.

The popes themselves contributed to the strengthening of the authority of the German secular rulers in ecclesiastical affairs. In 1439 a number of electors and other princes adopted several of the reform decrees of the Council of Basel as the intended basis of a German church largely independent of papal control. After the dissolution of the council, the papacy, eager to reestablish its primacy within the church, negotiated concordats first with the emperor (1448) and then with many of the other German rulers (a process which lasted for decades). In return for the recognition of papal supremacy within the church, the pope conceded to the territorial rulers extensive rights over
churches and monasteries in their territories, whereby the authority of the bishops, who had been among the principal opponents of papal supremacy, was restricted or weakened. This, together with the exemptions from the diocesan rule of the bishops granted by the popes to various monastic orders, made such a confusion out of the system of church government that ecclesiastical reform was on the whole not possible except on the initiative of the secular rulers.

In the second half of the fifteenth century the secular rulers made increasingly frequent use of their roles as defenders of the church, patrons of the clergy, and guardians of the common weal to justify the reform of clerical abuses by state action. This took various forms: visitation of monasteries by state agents, governmental supervision of the use of church property, mandates against clerical immorality. Often governments also undertook the regulation of the celebration of church holidays in the attempt to prevent them from becoming orgies. In some instances they also tried to curb the excesses associated with the cult of saints and relics, the zeal for pilgrimages, or the sale of indulgences (as in Saxony in 1517). If this was generally regarded as an obligation to be performed only in an emergency, when the church itself could not act, in the last decades of the fifteenth century emergencies seemed to be more and more the rule, with the result that many rulers were in effect exercising independent control over the church in their
territories. The counts of Württemberg, for example, had so often used their powers to reform churches and monasteries and even to extract money from the clergy, that when in 1495 Count Eberhardt was elevated to the rank of duke, he boasted proudly that "the duke of Württemberg is pope in his own territories." Thus it is no wonder that when Luther opened the church door to the secular rulers they rushed in and seized more than he had ever intended to offer them.

Brenz and the Politics of Church Organization

As the native of one imperial city who spent the first twenty-five years of his career in another, Brenz was the product of an environment in which the late-medieval notions of governmental responsibility in religious matters were especially strongly developed. They very likely seemed to him to be self-evidently true. If so, this conviction must certainly have been reinforced by his experience as a Lutheran reformer.

First of all, the exercise of these traditional rights was vital to the success of the Reformation: they provided the legal basis for it. It was crucial for the reformation

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6This phrase was originally applied to the Duke of Cleves and is best known in reference to him, but other princes with similar pretensions soon picked it up. See Rieker, op. cit., pp. 39-40, and Julius Rauscher, Württembergische Reformationsgeschichte (Stuttgart, 1934), p. 34.
of Hall, for example, that the city council had in 1504 acquired the patronage of St. Michael's Church. Brenz owed his position as town preacher and therefore as the city's reformer to the council's exercise of that right.\(^7\) Brenz was responsible solely to the council, which functioned as the highest organ of church government, protecting Brenz from Catholic opposition from within and effectively resisting all attempts at interference on the part of the Bishop of Würzburg.\(^8\) Equally important for the reformation of the Duchy of Württemberg were the patronage rights possessed by the dukes. As of 1534, the year the Reformation was introduced there, the duke was patron of thirty-four per cent of the parishes of the duchy, a relatively high percentage (the Elector of Saxony, for example, did not have nearly so extensive a control over clerical appointments in his territories). Most of the rest were in the hands of monasteries and other ecclesiastical institutions under the duke's ultimate jurisdiction.\(^9\) Thus, having decided to reform the churches in his territory, Duke Ulrich began by dismissing

\(^7\) Herolt, pp. 108-109. Brenz's Lutheran colleagues in Hall, Johann Isenmann (town pastor) and Michael Gräter (pastor at St. Katherine's) also owed their positions to the city council's patronage; ibid., p. 110.

\(^8\) Herolt, pp. 117-118, 189-190.

from the churches under his patronage all those pastors who would not submit to the reform, appointing suitable Protestants in their places and ordering the same thing to be done in all those churches whose patrons were his subjects.  

Later Duke Christopher inherited these patronage rights and proceeded similarly with the appointment of clergymen. He made Brenz provost of the Stuttgart Collegiate Church de jure patronatus. Moreover, both Ulrich and Christopher devoted considerable attention to monastic reform, justifying their action in part on the basis of their advocacy of the monasteries.

In the second place, the course of Brenz's career in Hall shows very clearly to what extent the establishment of a Lutheran church order was a political problem which found its solution in the development of medieval precedents into a territorial state church. The year 1525 was an extremely extreme

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10. Schnurrer, pp. 120-125; cf. Sattler III, Beilagen, pp. 120-122, 132-138 (nos. 16, 24-26); Ernst, Kirchengut, op. cit., pp. 386, 414 (Duke Ulrich's order of March 8, 1535, dismissing all clergy appointed under the jus patronatus of Württemberg during the Austrian regime).

11. See, for example, the CO of 1559; Reyscher VIII, pp. 222-223.


13. In Ulrich's case there was more financial exploitation than general reform; see Schnurrer, pp. 126-128, and Sattler III, Beilagen, pp. 218-219. For Christopher see the introduction to the Klosterordnung of 1556, Sattler IV, Beilagen, pp. 86-89.
important one for Brenz in this respect. Since the reformation of the city churches was nearing completion, he must already have been planning for the extension of the reform to the churches in Hall's subject rural districts, an object which he was to try to achieve in the CO of 1526. But 1525 was also the year of the Peasants' Revolt, in which the city of Hall narrowly escaped being occupied by a peasant army. These events had a profound effect upon the CO of 1526 and left a permanent mark on Brenz's thought with respect to the problem of church order.

Although he was in sympathy with many of the peasants' demands, and regarded the oppressive rule of the princes as in large part responsible for the peasant unrest, Brenz condemned the uprising as unchristian. The revolutionary peasants, he argued, had misused the doctrine of Christian freedom, which was to the Lutheran reformers a purely religious concept without social application, in order to justify a revolt against legitimate authority for the purpose of achieving purely social ends such as the abolition of

14PrColl Ia, 12: Rhattschlag und Gutbedunckhen Hern Johann Brentii über der Bauern gestellte und fur Evangeli­sche dargegebene Zwöllff Articul Ahn Pfaltzgraff Ludwigen bey Reni, Churfursten etc. (June 5, 1525).

serfdom. This allowed the Catholic opponents of the Reformation to charge that Protestant preaching leads to disorder and rebellion. Horrified at the thought of the Reformation being branded as the father of anarchy and revolution, Brenz insisted that it was really false preaching and misinterpretation of the gospel for selfish ends which had led to the rebellion. The Bible, he said, calls the secular authorities God's ordinance and commands obedience to them. Since such things as serfdom are purely secular in nature—they neither help nor hinder salvation—they cannot be rejected on the basis of the gospel, which affirms the right of the government to regulate such matters. Above all, armed rebellion against established authority, no matter how unjust its rule, can never be justified on the basis of the gospel, which forbids Christians to resist evil with evil.

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16 The first article, demanding the right of local communities to elect and dismiss their own pastors, was the only exception.

17 PrColl Ia, 12. Cf. the preface to the Twelve Articles, StL XVI, 17: "Es sind viel Widerchristen, die jetzt von wegen der versammelten Bauerschaft das Evangelium zu schmähen Ursach nehmen, sagend: Das sind die Früchte des neuen Evangelii, niemand gehorsam sein, an allen Orten Empörung sich heben und aufbäumen, mit grosser Gewalt zu Haufe laufen und sich rotten, geistliche und weltliche Oberkeit zu reformiren, auszureuten, ja, vielleicht gar zu erschlagen."

18 PrColl Ia, 12. Von Gehorsam der vnderthonen gegen irer oberkait; Gepredigt durch Johannes Brentz zu Schwebischen Hall (n.p., 1525).
True preaching, therefore, does not produce rebellion but obedience, peace and order.

Brenz concluded from this that the secular rulers, whose duty it is to maintain peace and order, were not simply justified in repressing the uprising by force, but more important, were obligated to provide for the preaching of the true gospel in all the churches in their territories. Thus he wrote in his commentary on the peasants' Twelve Articles:

Because the gospel of our Lord Christ is the only message whereby all peace of conscience, integrity, and salvation are obtained, it behooves a Christian prince above all diligently to see to it that this gospel be preached pure and unalloyed. For it is a message of peace and integrity . . . and God commands every prince to promote peace and integrity. How can this better be done than through the gospel?19

Although, Brenz continued, the gospel is concerned with a higher sort of peace and integrity than the secular variety, the latter is the natural result of the former.20 Similarly, in the CO of 1526 he called upon the city council to cause the "pure word of God" to be preached in every church in its territory, since there is nothing on earth more conducive to

19PrColl Ia, 12.

20Ibid., Ia, 12: "Dan wer mit Got rechtgeschaffen mit friden ist, der pleybt auch leichtlich fridsam ausswendig mit seinem nachpaurn. Es kumpt ye aller eusserlicher zanck und hader daher, das man noch nit mit got zufriden ist. Dar-tzu welcher vor got frum und erbar durch den glauben gemacht ist, der bringt leichtlich mit jm die Burgerliche erberkeit als ein frucht der gotlichen."
peaceful and honorable conduct, whereas nothing is more conducive to violence and insurrection than the misinterpretation and false preaching of God's word, "as events in our times unfortunately have shown."21 At the very end of the church order Brenz took the city council to task for not doing anything effective to provide the rural churches with suitable pastors, admonishing the council not to follow the example of those governments which value their subjects' welfare so little that they entrust their spiritual care to pastors whom they would scarcely trust to herd swine. It is for this reason, said Brenz, that God sometimes uses the peasants as his instrument for punishing the secular rulers. The city council should avoid deserving this punishment by providing for the spiritual needs of its subjects.22

Brenz also argued that governmental provision for uniform preaching would prevent the strife which breaks out among the preachers and in the churches as a result of factious preaching. Both common sense and recorded history reveal the necessity of maintaining uniformity of doctrine.

21 Richter I, 40.
22 Ibid., I, 49.
since "factious teaching produces sects, sects produce strife, and strife leads to violence."

For the same reasons Brenz demanded that the secular government forcibly abolish the celebration of the mass. The Roman mass, Brenz charged in the CO of 1526, is completely contrary to Christ's institution of the Lord's Supper. It is not merely of no value but positively harmful. St. Paul reports that many in the Corinthian congregation became sick and some died because they used the Lord's Supper in a disorderly fashion (1 Cor. 11:29-30). But, Brenz continued, the mass is something much worse than mere disorder. It is a blasphemous, almost idolatrous perversion of the sacrament into a supposed sacrifice for the sins of the living and the dead. This blasphemy so arouses God to anger that he inflicts upon the land whose government tolerates it famine, pestilence, and dangerous wars, as in the case of the Peasants' Revolt. The celebration of the mass is thus not only an affront to the glory of God but also a threat to public peace. Therefore a Christian prince who wishes to fulfill his obligation to maintain peace and order must

23Ibid., I, 40. Brenz cites the Historia Ecclesiastica Tripartita, attributed to Cassiodorus, IV.13 and 18, which records incidents of armed violence between Arians and Athanasians in the mid-fourth century.
abolish the mass and substitute for it forms of worship in harmony with God's word. 24

Brenz supported this argument with a number of examples from Old Testament history. When the children of Israel forsook God to worship Baalim, Baal, and Ashteroth, he angrily delivered them into the hands of their enemies (Jud. 2:11-23). On the other hand, God set the descendants of King Jehu on the throne of Israel for four generations because Jehu destroyed the house of Baal and slew the worshipers of Baal as well as the family of King Ahab, who had established the idolatrous cult (2 Kings 10:18-31). Because King Hezekiah of Judah destroyed pagan idols and kept God's commandments, God prospered him and gave him victory over the Syrian invaders (2 Kings 18:1-2, and chap. 19). And God postponed the destruction of Jerusalem for idolatry because King Josiah destroyed the places of pagan worship in the city (2 Kings 22-23:1-28). Brenz warned against dismissing these examples as mere Old Testament stories no longer applicable in the Christian era, for, he said, the Holy Ghost caused them to be written down in order that every God-fearing ruler might know from the example of the chosen people what grace will be his if he establishes

true divine worship, and what judgment and punishment will come upon him and his people if he promotes or tolerates worship contrary to God's word.\textsuperscript{25}

Another thing which concerned Brenz about the peasants, in addition to the fact that they had risen in rebellion, was their generally wild, lawless, and immoral behavior. He lamented that whereas in the cities many hundreds of burghers could live close together with relatively little strife and immorality, in the rural villages young people behaved shamelessly at dances while nearly every wedding, anniversary of a church dedication (kirchwey), or gathering at an inn (zech) ended up with quarreling, brawling, and violence. Brenz saw as the basic reason for this the fact that in contrast to the burghers the peasants had not had instilled in them from youth up discipline and the fear of God by means of public preaching.\textsuperscript{26} In the circumstances it would have been futile to expect the peasants themselves to take action to fill the need, which is another way of saying that the reformation of the rural districts could not be left to the initiative of the rural congregations. So Brenz turned for action to the city council as guardian of the common weal:

\textsuperscript{25}Richter I, 41-42; Pressel, p. 41; cf. PrColl Ia, 11 (Brenz to Pfalzgraf Ludwig, June 5, 1525).

\textsuperscript{26}PrColl IIA, 17: Das die [sic] underthonen zu uff-
erziehung der Jugent guter prediger noturfflig, vil daran gelegen und damit (sonderlich auf jr selbs bit) zuversehen seyen (ca. 1526).
Since all government (Öberkalt) is ordained for the sake of the common weal (zu einem gemeinen nutz wofurt), and since the common good is best promoted by an honorable, peaceful and godly life among the subjects, the office of government demands that the ruler establish and provide for its subjects the divine word and the preaching of the gospel, by means of which an honorable and godly life are produced. And even though this not be demanded or desired by the subjects themselves, nevertheless, since . . . the subjects are often like sheep gone astray, unable to help themselves, and since governments, as the enlightened parties (als die verstendigen), have been called the shepherds of their people not only by the prophets but also by the heathen, they must take the initiative in providing their subjects with the word of God by suitable means.27

But as Brenz himself was fully aware, there were serious obstacles in the way of fulfilling these demands. One obstacle was the fact that the city council had no effective control over the selection and supervision of the parish priests in its own rural districts. Of the nineteen rural parishes in Hall's territory, only one (and that only a chaplaincy or Frühmesserel) was under Hall's patronage. The rest were controlled by secular or ecclesiastical rulers, such as the Count of Hohenlohe and the Abbot of Murrhardt (just over the border in Württemberg), who were beyond the council's political jurisdiction.28

In the Co of 1526 Brenz urged the council to attempt to purchase all the patronage rights. He urged further that, regardless of the success or

27 Ibid., IIa, 17; cf. Pressel, p. 42.
failure of the attempts to buy the patronage rights, the
city council require all the village pastors in its terri­
tory to preach nothing but the "holy, pure, clear gospel"
and to reject all contrary doctrine, citing as authority for
such action a resolution adopted by the free cities at their
recent diet in Speyer. However, Hall had not nearly the
financial resources to purchase all the patronage rights,
or is it recorded that the council even tried to purchase
at least some of them. And without the right of patronage
no such order given to a clergyman could effectively be
enforced, unless the city council were in a strong enough
position to cope successfully with the opposition of the
Catholic patrons and their allies.

In the period before 1540 there is only one recorded
instance in which the city council acted to provide a rural
congregation with an evangelical preacher. About 1526 the
peasants in the village of Rieden petitioned the city
council in Hall to send them a preacher. Since the local
parish was under the patronage of the abbot of Murrhardt,
the council asked Brenz for his advice. Because he had a
scrupulous regard for the legal rights of the patrons and

29Richter I, 49. Brenz was referring to the Städtetag
zu Speier, July, 1524; see Leopold von Ranke, Deutsche
Geschichte im Zeitalter der Reformation (6 vols., Leipzig,

30Gmelin, op. cit., p. 744.
the priests appointed by them, Brenz recommended that the priest be left unmolested in his living but that the council bear the expense of a special pastor who would travel from the city to Rieden every Sunday and holiday to conduct Protestant services under the guise of offering catechetical instruction. In this case the city council acted on Brenz's suggestion. Whether or not anything similar was done in any of the other congregations is not known. Of the rural pastors only the chronicler Herolt is known to have been sympathetic to the Reformation in this early period. 32

In 1529 the city council tried unsuccessfully to force the rural clergy into conformity with the Hall church order by exerting pressure on the rural chapter. 33 In that year the Bishop of Würzburg instructed the chapter dean, who at the time was the chronicler Herolt, to call a chapter meeting and elect a new dean. Since the chapter had always met at St. Michael's Church, Herolt sought permission from the city council for the meeting. Presumably at Brenz's urging, the council, to which the pope in 1487 had granted the

31 PrColl IIa, 17.
32 Gmelin, op. cit., p. 744.
33 Ruralkapitel, Capitulum rurale, Synodus Diocesana: an assembly of the clergy in a rural deanery, a subdivision of the diocese, presided over by an elected dean. The Hall territory corresponded roughly to one of the deaneries of the bishopric of Würzburg.
advocatio ecclesiae over the chapter, declared that it would not permit the chapter to meet unless all the pastors agreed to adopt the Hall church order and recognize the town pastor and preacher (Isenmann and Brenz) as superintendents. When the pastors from the district of Limpurg refused, the council stuck to its refusal to let the chapter meet. The result was another decade of church disorder in the rural parishes. Herolt's words: "Since then we have had neither dean nor chapter, the rural churches are in complete disorder, everyone teaches whatever doctrine and observes whatever ceremonies suit his fancy."  

The long hesitation of the Hall city council to take bold action to overcome the obstacles to the reformation of its own territory appears to have been motivated in large part by the fear of retaliation from the emperor, Charles V, who considered it his duty as advocatus ecclesiae to defend the traditional faith, and who was consequently determined to see the Edict of Worms (1521) against the Lutheran heresy enforced by the imperial estates. So when in the CO of 1526 Brenz called upon the city council to ban the

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34 Herolt, pp. 189-190; H & J I, 332-333.


36 See, for example, the Nürnberger Reichstagsabschied of April 18, 1524, StL XV, 2253.
celebration of mass, he also offered an argument intended for the council's use in case such action drew a protest from the emperor. In the argument Brenz utilized the traditional notions of territorial sovereignty in order to represent as conservative and legitimate actions which opponents of the Reformation regarded as revolutionary and illegal.

First of all, the argument begins, every imperial city has, according to imperial law, certain "privileges or freedoms" which allow it to take whatever action is necessary to preserve peace and good order. Since the popish mass is tantamount to idolatry and thus causes God to inflict destruction and disorder on the offending land, the city council of Schwäbisch-Hall, in order to avert the wrath of God and to preserve peace and order, has felt constrained to establish in the churches attended by its subjects a form of worship in harmony with the word of God. In doing so the city council certainly intended no disobedience toward the emperor but rather sought to act in conformity with the imperial mandate of 1523 which ordered the estates to see to it that only the pure gospel, according to the approved interpretation of the holy Christian church, be preached in their territories. This pure gospel is being preached in Hall and the city council only wanted to bring public worship into conformity with it. Furthermore, the imperial

— 37 Ibid., XV, 2204. —
mandates also speak of a future council which will reform the order of worship for all Germany, but this intention has not been carried out. Meanwhile, therefore, in order to avoid the scandal of making the gospel appear to be a lie, it has been necessary to establish a suitably reformed church order for the city of Hall. Finally, although the Edict of Worms could be interpreted as an endorsement of every ordinance and regulation previously used in the churches, everyone knows that the emperor, as a good Christian, undertakes nothing contrary to the word of God. It was with this understanding, concluded Brenz, that the imperial estates agreed at the Nürnberg Diet of 1524 to enforce the Edict of Worms. Thus did Brenz interpret mandates clearly intended by the emperor to check the spread of Lutheranism in such a way as to justify actions taken to support it.

However traditional the concepts, Brenz's argument points to a development which was without precedent: the acquisition by the German territorial rulers of the right to determine the religion of their subjects—the right later formulated in the phrase *cuius regio eius religio*. All the territorial rulers had the right and duty to defend the gospel as well as the true church and its ceremonies; all

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40 Richter I, 42-43.
felt justified in repressing heresy or nonconformity. But with the advent of the Reformation and the adherence of a considerable number of princes and cities to it, there were formed within the empire two factions with completely contradictory definitions of such terms as "pure gospel," "true faith," and "true church." Thus as we saw above, the same traditional ideas, the same imperial mandates, could be used by either Catholic or Protestant rulers to justify state action on behalf of their chosen religion. For it was the ruler's personal choice which was the crucial factor. Although no Catholic or Protestant theologians would have admitted the right of a ruler to choose the religion of his territory—they spoke rather of the ruler's obligation to serve the church or to obey God's commandments—the religious cleavage combined with the tradition of governmental leadership in religious reform gave the ruler this option in practice. Thus Brenz's argument defending the city council's hypothetical action in defense of the gospel was in effect a defense of the territorial ruler's right to reject Catholicism ("blasphemy") and opt for Lutheranism ("the pure gospel") as the religion of his subjects. It is interesting that the CO of 1526 preceded by several months the famous recess of the Diet of Speyer (August 1526), which implicitly recognized this right by declaring that each territorial ruler was to act and govern in matters pertaining
to the Edict of Worms "as each would wish to be held accountable before God and the emperor." 41

However, three decades of struggle passed before the Protestant estates were able to force the emperor and the Catholic estates to give definitive recognition to the principle cuius regio eius religio in the Religious Peace of Augsburg (1555). Consequently the story of the success of Lutheranism in Germany is to a large extent the story of the political and military success of the Lutheran territorial rulers. We have seen already how reconquest and the Treaty of Kaaden made possible the reformation of the church in Württemberg 42 and how the defeat of Charles V in the Schmalkaldic War made possible its reorganization after the Interim. 43 Similarly, the completion of the reformation of the Hall territory came only when the city council felt itself strong enough politically to carry it through successfully. Thus not until 1540, after having joined the Schmalkaldic League in 1538, did the council forbid the celebration of mass in any church in its territory and order all pastors to conform to the ceremonies used in the city churches. 44

The sources record the protest of only one patron, the dean

41 StL XVI, 210.
42 See above, pp. 11-14.
43 See above, pp. 20-21.
44 Herolt, p. 190.
of Comberg, a monastery not far from Hall, whose advocate was the lord of Limpurg, a fortress above the city of Hall. He lodged a complaint before the imperial chancery court but the complaint was rejected because in 1540 Hall had purchased Limpurg and received an imperial bill of enfeoffment. 45

When in February, 1541, the parish of Münckheim fell vacant, the patron, the Count of Hohenlohe, failed to appoint a new pastor despite the requests of the parishioners that he do so. So in the fall of that year the city council of Hall collected the grain-tithes and appointed a pastor. The count protested and in January 1543 a conference was held between him and representatives of the city council to settle the matter. The arbitrators were the Elector John Frederick of Saxony, Prince Philip of Hesse (these two were the co-leaders of the Schmalkaldic League), and Elector Ludwig V of the Palatinate. Hall's case was strongly supported by the cities of Nürnberg, Augsburg (in the League since 1537), "and several others." It was agreed that the count would retain the right of appointment but that the pastor would have to conform to the Hall church order. 46 During this same period the old rural chapter was

46 Ibid., pp. 118-119, 133-134.
reorganized as an instrument of church government and the CO of 1543 was issued.

Brenz's Defense of the State Church

From the preceding discussion it is clear that Brenz no more chose the state church than did Luther. It was something given, a political reality no matter what any theologian cared to say about it. But it is also clear that Brenz repeatedly called upon the secular government to assume responsibility for church order in terms which reveal his acceptance of those traditional ideas and practices which were the basis of the state church. It remains to be determined how he fitted this into the context of Lutheran theology.

Brenz published no work devoted primarily to a theological discussion of the state church, although there are relevant passages in some of the church orders and other writings. His most extended and systematic statements relevant to the question are contained in a number of unpublished memoranda written to defend the state church against hostile criticism. The attempt here will be to

47See below, pp. 96-99.
48See above, p. 10.
49On the criticism see below, p. 77. The memoranda are: Ob die weltlich Cristenlich Oberkait gewalt hab, falsch lærer oder Irrig Secten zu wern und in gaistlichen sachau der Kirchen breuch zuordnen (ca. March 1530), FrColl IIIa, 73; Ob ein weltliche Oberkait in gaistlichen sachau (cont'd)
extract from all these occasional pieces a coherent statement of Brenz's defense of the territorial state church.

   Like Luther, Brenz regarded the external ordering of the church's affairs as a matter of Christian freedom. The Christian religion consists of faith in God's word and is not dependent on any particular ceremonies or usages. Christ commanded only that the true word be preached and that the sacraments be administered according to his institution; he did not command any particular ceremonies. But, although no particular church order is mandatory, it is mandatory that the church's business be conducted in an orderly and dignified manner in order that the common man may be attracted to the preaching of the gospel and the administration of the sacraments and thus be brought to the saving faith and kept there. For this reason St. Paul commanded that in the churches everything be done decently and in order and for edification (1 Cor. 14:26, 40). Any church order which achieves this aim and contains nothing contrary to God's word is acceptable. A church order is thus simply a freely chosen method for facilitating the preaching

moge ordnen, falsche lehr wehren und gotloss missbreuch abstellen (ca. March, 1530), ibid., IIA, 74; Brentli Antwort auff die vertzeichnus, So auff disse frag (Ob Ein weltliche Oberkait Recht habe, in des glaubens sachen mit dem schwert zu handeln) gestellt ist (March 1530), ibid., IIA, 75. This last memorandum was written at the request of Lazarus Spengler (see ibid., IIA, 78) in refutation of the above mentioned vertzeichnus (ibid., IIA, 77). The circumstances of the writing of the others are unknown.
and hearing of the gospel as well as the administration of and worthy participation in the sacraments. Brenz thought that the fact that not all the Protestant estates observed the same ceremonies was a good thing in that it emphasized this Christian freedom in matters of ecclesiastical usage.

But very much unlike Luther, Brenz assigned the exercise of this Christian freedom to the secular government:

This church order, i.e. the CO of 1526, is simply a discipline, not a necessity or a constraint, for which reason it may be freely improved, changed, augmented, or diminished for the welfare of the people as the city council may see fit, as long as it conforms to God's word and is of benefit to the church...

For it was one of the great errors of the papists that they prescribed ceremonies in exact detail and made the observance of them a good work meriting grace. But ecclesiastical ceremonies should only be a matter of external order and discipline, and he who observes them can only boast that he is well-disciplined, not pious, for piety pertains to higher things than ceremonies. Therefore, since God is indifferent to the order observed in the churches (save it be completely ungodly), the city council may at all times change, augment, or diminish it, according to the need and benefit of the churches.

Now, the mere premise that external church order is a matter of Christian freedom does not lead with any logical necessity

50 Richter I, 177 (Brenz's preface to the CO of 1533); Pressel, pp. 156: Vorrede D. Johan Brentzen mit etlichen furnemlichen und notigen artickeln auff die Kirchenordnung im Furstenthum wurtenberg gestellt Anno MDXXXV; CO of 1543 (Schwäbisch-Hall, 1543), second Vorrede (no pagination).

51 Brenz to Duke Christopher, June 18, 1551; Ernst I, no. 221.

52 ARG 9 (1911-12), pp. 81-82 (the Beschlus to the CO of 1526). Emphasis added.
to the conclusion that the exercise of this freedom belongs to the secular government. Luther was far more consistent when, true to the doctrine of the priesthood of all believers, he concluded that this freedom resides in the local congregation. But in Brenz no such notion of basic congregational rights is to be found. When in the first of their twelve articles the revolutionary peasants demanded recognition of the right of every community to choose and dismiss its own pastor, Brenz replied that the Bible contains no binding command concerning the mode of choosing pastors; it only describes what sort of character they must have (Tim. 3 and Tit. 1). As long as the pastor in question measures up to these biblical standards, Brenz continued, it makes no real difference whether he is chosen by the government or by the subjects. However, in order that the choosing of pastors be carried on in good order it would be well for the Christian prince to appoint and dismiss pastors with the consent and approval of the officials of the town or village in question. For if the prince alone were to choose, the subjects might often be burdened with pastors whom they dislike, while if the local communities were to choose on their own, disorder and strife would often be the result. Above all, said Brenz, it behooves the Christian prince, who must seek the welfare of his subjects, not to allow any papist or

\[53\text{StL XVI, 18.}\]
unknown person without credentials concerning his life or training to exercise the cure of souls. 54 This remained Brenz's position throughout his career, finding concrete expression in some of his church orders. 55

Thus, although Brenz's position was in harmony with Luther's demand that the local congregation at least have the right to accept or reject the pastor appointed over it, his reasoning was not "Lutheran." According to Brenz the consent of the local congregation is not sought because it has a basic right to be heard; neither here nor, to the best of the author's knowledge, anywhere else did Brenz acknowledge the existence of any inherent congregational right. On the contrary, ultimate responsibility (and therefore fundamental right) is clearly assigned to the secular ruler as the agent responsible for the welfare of the people. Congregational assent, regarded as desirable but clearly not essential, 56 is to be sought simply because this is the wisest way for the government to exercise its responsibility.

54 PrColl Ia, 12.

55 Richter I, 211 (CO of 1533); Pressel, p. 169 (unpub. Ordnung der Visitation, 1535); Reyscher VIII, 228, 231-233 (CO of 1559).

56 Brenz's afterward to the CO of 1533 admonishes the people to accept and honor the pastors whom the government assigns them. They are conceded the right to make their objections known, but both this church order and even more so that of 1559 make it clear that the government will judge whether such objections have valid grounds. See Richter I, 211; Reyscher VIII, 232-233.
This characteristic emphasis on the government's responsibility for the welfare of its subjects is an important clue to the reason why governmental authority rather than congregational autonomy was the basis of Brenz's ideal of church order. Brenz was obviously keenly aware of the fact that in the given historical situation congregational autonomy was an unrealizable ideal of church government. But so was Luther, who would nevertheless do no more than reluctantly accept the state church as an interim expedient. The crucial reason, then, for Brenz's divergence from Luther is apparently the fact that the starting point of Brenz's thought was not the priesthood of all believers but the notions of governmental power which dominated the environment in which he lived. The notion of a church organized apart from state supervision on the basis of autonomous congregations was not merely impractical, it was in direct contradiction to the notion that every public activity, ecclesiastical or secular, is subject to regulation by the secular authorities as guardians of the public welfare, and to the notion that the secular ruler must regulate ecclesiastical affairs in the interest of the spiritual welfare of his subjects. It was thus Brenz's acceptance of the secular government's view of its own prerogatives which precluded an ideal of church order based on congregational autonomy and led necessarily to the conclusion that the exercise of Christian freedom in matters
of church order is the prerogative of the territorial ruler. 57

But not just any territorial ruler. All ecclesiastical matters, even if their regulation be the prerogative of the secular government, must be conducted in a Christian manner, that is, in harmony with God's word and in the spirit of love, Christian service, and the fear of God. Therefore, church order is the prerogative, not of secular authority per se, but of the Christian ruler. 58 Brenz did not deal with the question of what Christian church order would be like under a Turkish or popish government. All his statements on the question presume a state under the rule of a Christian, that is, a Lutheran ruler. 59

57 Heinrich Bornkamm has recently pointed out that in the Reformation period it was Erasmus, not Luther, who championed the idea of the "Christian State" and ascribed to the prince the protection of religion, the basis of the common good. See Jahrhundert der Reformation, op. cit., p. 55. Whether or not Erasmus had a direct influence on Brenz in this respect cannot, for the moment at least, be determined.

58 PrColl IIa, 73: "Noch ist allhie mit hohem freys dises warzunemen, das man in allen sachen, furderlich aber so den glauben, leer, Selen oder Got antreffen und anlangen, nicht auss weltlicher Oberkait mit gewalt allein, sonder vil mer auss cristenlicher diinstbarkeit mit lieb handel und alzeit in forcht got fur augen hab. . . . Hierumb reden wir in diser frag sachen nit von der Oberkeit schlechts hin absolute nach jrem gewalt, sonder von Cristenlicher Oberkait, das ist die jrs gewalts Cristenlich got zu eren und dem menschen zu dienst gern wolt brauchen . . . ."

59 See the passage quoted above, p. 41: "Since God our Savior has graciously permitted the Christians to secure secular power over their own territories," etc.
Brenz's conception of the office of Christian ruler has two sources: (1) the traditional notions of the secular ruler's religious obligations, discussed above; and (2) the distinctively Lutheran notion of the Christian ruler, who, because he shares in the priesthood of all believers, must like other Christians serve God through his office.

In some of Brenz's statements the consideration that secular authority has been established by God leads without need of further argument to the conclusion that the secular ruler is obligated to promote the true faith. In 1525 he wrote, "Since all secular power is from God, it behooves such a power to promote God's word with greatest diligence." In 1529 he made the same point somewhat more elaborately in commenting on the difference between a "heathen" and a Christian prince. The former considers his obligations fulfilled if he maintains the external peace of his territory according to the laws of the empire, while a Christian prince realizes on the basis of God's word that he has received the government of his territory not simply from the emperor but, much more, from God (Dan. 4:17; John 19:11; Rom. 13:1), and that he is therefore obligated to rule his territory according to the "word, law, and command" of God. Hence a Christian prince will avail himself of all appropriate

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60 PrColl Ia, 12.
means for establishing in his territory true preaching and
divine worship.  

Brenz almost always placed this traditional notion
inherited from the Middle Ages in conjunction with the
distinctively Lutheran notion of the secular ruler as a
member of the Christian congregation, sharing in rights and
duties which the priesthood of all believers places on all
Christians. Thus Christ's command to the apostles that they
preach the gospel to all creatures obligates the Christian
ruler to "promote" the preaching of the gospel. And it
is entirely appropriate for a Christian magistrate who
desires to serve his fellow Christians to use his office
of government for the "promotion and administration" of
spiritual matters. What are missing here are Luther's
careful distinction between the prince acting as prince and
the prince acting as foremost member of the church, and his

61 Pressel, p. 40.
62 PrColl Ia, 12: "Gend hin und verkundiget das evang-
gelium allen creaturn. So nu ditz ein befelh Christi an die
Aposteln ist, und aber ein Oberkait ain glid Christi worden,
so gepurt es jr dasselbig als Christen zufur dern."
63 Ibid., IIa, 73: "[E]inem Cristenlichen Magistrat
... der auch umb Gottes Reich sorgt, dartzu Er gehort und
darin Er zukomen gedenckt, Derohalben er nit allein als ein
Oberherr wolt herschen und jm dienen lassen, sonder auch als
ein Crist in seinem ampt der Oberkait, auch den andern auss
cristenlicher lieb gern dienen wolt zu Gottes ere, einem
solchen stet nicht ubel an, das er seins ampts auch zu fur-
derung and handthabung des Gottlichen Reichs in gaistlichen
sachen gebrauche."
limitation to emergencies of the use of the governmental office in spiritual matters. It was not that Brenz rejected the notion of the prince as foremost member of the church, for he sometimes used the term in Luther's sense. Nor was it that Brenz did not see the church faced with emergencies which necessitated state action, for many if not all his statements on the power of the secular government in ecclesiastical affairs were provoked by situations which could rightly be classified as emergencies. Three examples already have been discussed: the Peasants' Revolt, the extremely unreformed state of the rural congregations, and the obstructive tactics of the Catholic opposition. It was simply that Brenz did not see these as the limits of state power. The notion of the ruler as foremost member of the congregation served as one more sanction for powers already claimed by princes and city councils in religious matters.

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64 Actually Brenz appears to have used the term very infrequently. The only example known to the author is in a document cited in H & J II, 230: "Frommer Fürsten Pflicht sei es nicht bloss, die Ruhe und Ehrbarkeit im weltlichen Reich zu erhalten, sondern, da sie vorzügliche Glieder der Kirche seien, auch dafür zu sorgen, dass gottlose Gebräuche abgeschafft und das Heil der Kirche gepflantzt werde," Consilium de abroganda missa... (1552). The words are presumably Brenz's own, translated from the Latin and set in oratio obliqua, as was H & J's custom. Brenz also subscribed to Melanchthon's De potestate et primatu papae (adopted as a confession of faith by the theologians of the Schmalkaldic League in 1537, Bugenhagen signing as proxy for Brenz), in which the kings and princes, as praecipua membra ecclesiae, in view of the persecution of the gospel by the papal Anti-christ and his agents, are charged with special responsibility for seeing to it that errors are removed and consciences healed; Bekenntnisschriften, pp. 484-488, 495.
while emergencies not only demanded immediate action but provided vivid examples of what happens if the secular government neglects its normal responsibilities with respect to church order.

It was hostile criticism of the developing state church which forced Brenz to define more precisely the limits of secular power in spiritual matters. On the one hand, Catholic critics argued that all spiritual affairs are the responsibility of the episcopal hierarchy and that secular rulers may under no circumstances interfere in such matters. This argument was already largely undermined by Luther's elimination of the distinction between laity and clergy. Much more serious was the charge of Protestant critics that by requiring adherence to uniform church orders and by abolishing unorthodox worship and preaching, secular rulers were exercising tyranny over men's consciences. In sixteenth-century terminology both the Catholic and the Protestant criticism amounted to the assertion that the territorial state church was a violation of the divine world order because it confounded secular authority and spiritual authority. 65

Benz accepted the definition of the relationship

65 With the exception of PrColl IIa, 74 (see above, note 49), we have only Brenz's replies to the charges. These replies give no precise information as to the origin of the criticism or the circumstances which provoked Brenz's reply.
between spiritual and secular authority which Luther had set forth in his book On Secular Government, To What Extent It Must Be Obeyed. God has instituted the spiritual authority (geistlich Regiment) to govern the spiritual realm (geistlich Reich), that is, the realm of men's souls. This is the realm in which consciences are instructed and shown the way to salvation. Its citizens are God's elect, those who respond to the word in true faith. It is thus something entirely internal, neither bound nor characterized by time, place, or external circumstance. In St. Paul's words it is "righteousness, peace, and joy in the Holy Ghost (Rom. 14:17)." In this spiritual realm God has reserved all authority to himself (Is. 33:22) and governs through his word alone. No human authority may command in the spiritual realm of the conscience. Hence, although God employs officials (Amtleut) such as pastors and bishops in his realm, he has given them no power to command human consciences but only to serve the community by proclaiming the word through which he himself rules (Mt. 20:25-28; 1 Cor. 4:1).

To govern the secular realm (weltlich Reich) God has instituted the secular authority (weltlich Regiment). The secular realm is the kingdom of this world, of all things which men can perceive, understand, and judge. Within this

66 See above, p. 32, footnote.
67 PrColl Ia, 12; ibid., IIa, 34; Richter I, 196.
realm the secular authority's power is supreme and has divine sanction. Whatever regulations it makes to preserve peace and order and to promote the common good, so long as they are not contrary to the gospel, are to be regarded not as human but as divine ordinances. But the secular government has no power whatever in the spiritual realm: "That which is on earth and belongs to the temporal, earthly realm, God has placed under the power of the secular government. But that which is divine and belongs to the eternal kingdom is solely under the power of the heavenly lord." Thus no one owes obedience to a ruler who interferes in matters of conscience.

Brenz's task thus was to demonstrate that the state church did not violate this fundamental distinction. His argument has two closely related parts: (1) an analysis of ecclesiastical affairs which comes to the conclusion that the external ordering of the church properly is a matter of secular jurisdiction; and (2) an analysis of the origin and purpose of secular power which comes to the conclusion that God established it primarily for the purpose of upholding and furthering the spiritual realm.

First of all, "church" is an ambiguous term which is

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68 Richter I, 196; ibid., II, 21; Von Gehorsam, op. cit. (see note 18 above); PrColl Ia, 12; ibid., Iiia, 73.

69 PrColl Iiia, 73.
not necessarily the equivalent of "spiritual realm." In so far as "church" refers to the invisible fellowship of the elect, the two terms are synonymous. But "church" is also used with reference to visible, earthly institutions whose membership includes not only the elect but also hypocrites, and which are characterized by external ceremonies and practices which, though useful and necessary, are not in themselves a necessary part of the spiritual realm. On the basis of the following principle Brenz assigned the conduct of the affairs of the visible church either to the spiritual or to the secular authority:

Although things which pertain directly and of necessity to the spiritual realm should be dealt with in a spiritual manner and entrusted to the clergy, who have the ministry of the word: nevertheless, to the extent that such things are external or temporal and can be separated from the spiritual realm, a Christian magistrate may and should deal with them in the defense and promotion of the truth.

According to this principle certain matters belong indisputably in the one realm or the other. On the one hand, Brenz assigned to the secular government full responsibility for the administration of church property and income. These things, he argued, were not established by God in his kingdom. Rather, all church property originated as gifts from lay persons while church taxes are enactments

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70 Ibid., IIa, 34: Vorred hern J. Brentzen die zweispaltigen artickel Cristenlichs Glaubens belangend (ca. 1526).
71 Ibid., IIa, 73.
of human law. There can thus be no question that these are
temporal and external affairs which belong under the juris-
diction of the secular government.\textsuperscript{72} However, ecclesiastical
property and income must not be expropriated for purely
secular uses but devoted exclusively to appropriate ecclesi­
astical and charitable uses, such as the upkeep of church
buildings, payment of the clergy, education of youth, and
the care of the sick and needy.\textsuperscript{73} On the other hand, Brenz
assigned to the regularly called and ordained clergy the
ministry of the word: preaching, administration of the
sacraments, the exercise of excommunication and absolution,
and judgment in matters of doctrine.\textsuperscript{74} For the secular ruler
to presume to pronounce on matters of doctrine or otherwise
to arrogate to himself the prerogatives of the clergy in the
cure of souls would be to ignore the office to which he has
been called and to interfere in an office to which he has not
been called and for which he has not been trained.\textsuperscript{75}

\textsuperscript{72}Ibid., IIa, 73.

\textsuperscript{73}ARG II (1914), pp. 285-286: Gutachten wegen Verwert­
ung des Kirchenguts (1526); Brenz to the city council of
Schwäbisch-Hall, January 28, 1531; Köhler, pp. 390-391.

\textsuperscript{74}FrColl IIa, 73; "\textsuperscript{f}/\textsuperscript{f} an sol solche ding \textsuperscript{i.e.} the
ministry of the word/\textsuperscript{o} den gaistlichen selsorgern bevelhen,
die als ordentlich diener dartzu bestellt sein, von dero mund
man Gottes willen and gesetz sol erforschen . . ." On the
content of the ministry of the word see Bekenntnisschriften,
pp. 123-124 (Augsburg Confession, Art. XXVIII); Heyscher
VIII, 159 (Württemberg Confession, Art. XXIX); FrColl IIa,
34.

\textsuperscript{75}FrColl IIa, 73.
However, although preaching and the administration of the sacraments have been instituted by Christ and certain of necessity to the spiritual realm, they are also external in that they are performed at particular times and places according to certain ceremonies. In Brenz’s view these external aspects of the ministry of the word fall by definition under the jurisdiction of the secular government. Thus it is the government’s task to provide for such things as suitable times and places for public worship, for suitable orders of worship for various occasions, for means of training and selecting qualified clergymen, as well as for means of enforcing the regulations thus established. For the government to do so is by no means an interference in the spiritual realm, for it is one thing to say, for example, that preaching is most effective in the morning because at that time people are more alert than they will be after dinner, and quite another to say that preaching in the morning is necessary to salvation or that preaching in the afternoon is a sin. The regulation of such external

76 Ibid., IIA, 74: “Gottes Reich ist im hertzen, wie Cristus sagt, da kan kein Oberkeit regirn, aber lerren, predigen, Ceremonien uben, ist eusserlich, daruff Gottes Reich nit stet, obs gleych dartzu hinderlich oder furderlich sey. Darumb sol die Oberkait da regirn und zu gottes eren nach seinem bevelh handeln.” Ibid., IIA, 73: “/Gottes Reich kumpt nit mit eusserlichen geberden, man kan auch nit sprechen: sihe hie oder da ist es. Darumb alles, was mit observation oder eusserlich geberden zugez, das gehort zum weltlich Reich, als da ist alles, was personen, zeit, stet und derglychen hat.”

77 Richter I, 197.
matters is simply a legitimate exercise of the government's
duty to provide for the peace, order, and general welfare
of its realm. 78

Closely related to all this is the second element in
Brenz's argument. Not only do external matters of church
order fall by definition under secular jurisdiction but
secular authority was instituted primarily for the purpose
of serving the Kingdom of God by exercising this jurisdic-
tion. Here again Brenz had recourse to an argument bor-
rowed from Luther's booklet On Secular Government. If all
the people in the world, runs the argument, were true
Christians, that is, if they were really governed by the
word of God, they would keep peace and harmony among them-
selves. There would be no murdering, cheating, revenge-
seeking, suing in court, and the like. Thus the preaching
of the gospel alone would be sufficient to govern the world
and external force would be superfluous. In reality,
however, true Christians are very rare, nor can they all be
brought together in one place in order that they may be
ruled by the gospel alone. They are a minority of sheep
among a majority of wolves, and unless forcibly restrained
the evil majority would devour the few that are good as
wolves devour scattered sheep. In these circumstances the
word could not even for long be preached, let alone make

78Richter II, 21.
any headway in the world. To prevent this God has established the secular government and given it coercive power ("the sword") to be used in the maintenance of peace and order. 79

For Luther this meant first of all that the office of government is a high calling because its rule makes possible the survival of the church, and second, that when in an emergency the prince uses his secular authority to reestablish good order in the church he thereby acts to uphold the natural order of the world established by God. As usual Brenz did not deny this but went beyond it. He concluded that secular authority was created primarily for the purpose of "serving God's kingdom." This, he said, is why St. Paul refers to the secular authorities as God's servants for the benefit of the good and the punishment of the wicked. 80

Thus, although the secular rulers have authority only in the secular realm, God has commanded them to exercise their rule

79 PrColl Ia, 12.

in such a way as to serve his kingdom and has threatened them with his wrath if they do not (Ps. 2:10-12; Wisd. 6: 1-6). Specifically this means that the secular ruler's first duty is the ordering of the church according to God's word, and that the maintenance of secular peace and order is subsidiary to this and indeed dependent upon it.

Brenz's conclusion is the one more consistent with the

81 Ibid., IIa, 73: Richter I, 196: "Gott hat die weltlich Oberkeyt eingesetzt und bestettigt und jr doch gar wenig gepot geben wie sie regieren sollen, Das aber hat er jnen fleysig und fürnemlich befolhen, das sie sich seinem wort und gaystlichen Reich, das ist seinem eingebornen Sun Jesu Christo dem Herrn aller Herrn, unterwerffen sollen, wie er spricht im andern Psalm." The preface to the Württemberg Confession, Reyscher VIII, 114, reflects the same view: "Dann wiewohl Wir (i.e. Duke Christopher) wohl wissen, dass zwischen dem weltlichen und geistlichen Regiment sein Unterschied ist, jedoch deweil der Psalm 2: 10-12 uns ganz ernstlich ermahnet und sagt: '. . . dienet dem Herrn mit Forcht . . . /etc./', so haben Wir die göttlich Stimm nit verachtet, sonder all unser Fürnehmen und Fleiss unsers besten vermügens der rechten wahren Kirchen des Sohns Gottes zu helfen anrichten sollen."

82 Reyscher VIII, 167 (Introduction to the CO of 1553): "Wir (i.e. Duke Christopher) halten, das alle Weltliche Regiment . . . fürnemlich zur erhaltung und förderung der rechten, waren, Christlichen Kirchen von Gott gestift, verordnet und gegenben werden." Ibid., VIII, 110 (introduction to the CO of 1559): "Wie wir uns dann (ungeacht das etzlicher vermeinen, nach der Weltlichen Oberkeit allein das Weltlich Regiment zusteen solt) vor Gott schuldig erkennen und wissend, unsers Ampts und Beruffs sein, wie auch des Gott der Allmechtig in seinem gestrengen Urteil von uns erfordern würdet, vor allen dingen unser Undergebne Landschaft mit der reinen Leer des heiligen Evangelij . . . versorgen, undn also der Kirchen Christi mit ernst und Eifer annemen, Dann erst und darneben in zeitlicher Regierung, nutzlicher Ordnungen unnd Regiment, zu zeitlichem Friden, Ruh, Ainigkeit und Wolfart, welche auch von Gott dem Allmechtigen umb des vorgehenden willen geben würdet, anzustellen . . ."
notion of the Volkskirche. If all the members of the church were true Christians they would conduct the affairs of the church decently and in order simply because Christ has commanded them to do so. External constraint is no more needed to make Christians do this than it is to make them keep peace and order in secular affairs. But, as Brenz pointed out, not all church members are true Christians. On the contrary, many are hypocrites— in Christ's kingdom, so to speak, but not of it. This is a consequence of the equation of the membership of the visible church, not with that of the invisible church, but with that of the political community. Thus the coercive power of the secular ruler is essential to the maintenance of church order for very much the same reason that it is essential to the maintenance of secular peace and order. Just as the true Christians would be destroyed in a war of all against all if the secular sword did not coerce the non-Christians to keep peace and order, so the ministry of the word would not long survive the assaults of faction, heresy, or just misinformed good intentions, if the secular government did not enforce the observance of decent and proper church order on those of its subjects and fellow church members who do not make such observance freely, in obedience to Christ's command.

Here Brenz has argued, in effect, that the welfare of

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83 PrColl IIa, 74 and 75.
the spiritual realm depends on the proper functioning of the secular authority, just as we earlier saw him argue that the welfare of the secular realm depends upon the proper functioning of the spiritual authority. Thus, although the two realms are distinct, each governed by its proper authority, they are nevertheless inextricably bound together like law and gospel or body and soul, each performing its appointed function nor merely for its own sake but also for the welfare of the other. Through the ministry of the word the spiritual authority seeks not only to bring consciences to the saving faith but also to cause men to conduct themselves unimpeachably in all civic affairs and to render Caesar his due. On the other hand the secular government uses its authority not simply to promote civic peace and welfare but also to facilitate and to maintain the preaching of Christian doctrine. In so doing each authority remains in its own realm where it belongs, Moses stands by Aaron and all is in order.84

However, a Christian ruler may interfere in spiritual matters normally under the administration of the spiritual authority if such action is necessary to abolish false preaching or abuses in worship. It is true that the secular government does not have authority to destroy unbelief by force. Indeed it cannot, for, like faith, heresy is a

84Ibid., IIa, 73.
spiritual thing which no iron can hew, no fire burn, no worldly power destroy. Only "divine power and the spiritual armor of God's word" can combat it. The most that physical force can produce is a false confession. Still, a distinction must be made between false doctrine and the "external works and deed" of false doctrine. As long as the heretical beliefs of a Roman Catholic or an Anabaptist, for example, remain nothing more than a matter of personal conviction, they are no concern of the secular government. But if these private convictions find expression in the preaching of false doctrine or the holding of ungodly worship, these external works and deeds are the proper concern of the secular government. If such abuses cannot be eliminated through persuasion on the basis of God's word, then the government must forcibly abolish them. In so doing the government punishes not the false belief but the evil deed. Brenz, incidentally, consistently opposed the use of the death penalty except in the case of leaders of rebellion, preferring instead banishment as the maximum penalty for obstinate refusal to conform. 

85 Ibid., IIa, 73.

86 Ibid., IIa, 73-75. See also ibid., IIa, 46: Vom Unterschied der Widertauffer (ca. 1528); and Felix Bidentbach (ed.), Consiliorum Theologicorum Decas III (Lausingen, 1607), pp. 196-202: Ob ein Obrigkeit, wann sie falsche Lehr aussrottet, darumb uber die Gewissen herrsche, und ob von der Obrigkeit die Irrige wider jr Gewissen konnen zu anderem Glauben gezwungen werden? and in Decas IV, pp. 211-234: Ob ein Weltliche Obrigkeit in Gtltlichen vnnnd billichen Rechten die Widertauffer durch Fewr oder Schwert vom Leben zum Tod richten lassen möge.
As was seen above, the argument Brenz most frequently used when urging governmental action against false preaching or worship was that such practices are a threat to peace and order. However, in his theological defense of the state church he emphasized that the Christian ruler's chief concern in such cases should be, not the temporal welfare of his territory, but the glory of God and the salvation of souls. Thus, even if false preaching were to produce great temporal benefits, the love of God and his fellow Christians would obligate the Christian ruler to abolish it.\(^{87}\)

Furthermore, Brenz repeatedly warned that the ruler must not act hastily in such matters but "thoroughly examine the matter" (i.e., consult the theologians) beforehand in order to make absolutely sure that it is error and not truth which he is combatting. He must not be guilty of condemning Jesus and freeing Barrabas. For he has power not to encourage or forbid this or that doctrine as suits his individual pleasure but only to serve God's kingdom by defending the truth.\(^{88}\) Brenz was of course completely innocent of doubt that "truth" was the equivalent of the Christian gospel as the Lutheran reformers understood it. It therefore followed that whereas a Lutheran prince who

\(^{87}\) PrColl IIa, 73 and 74.

\(^{88}\) Ibid., IIa, 73 and 74.
forbade the mass and expelled Catholics from his territory was making proper use of his office to defend truth, a Catholic prince who banned Luther's writings and banished Lutheran preachers was persecuting the gospel and exercising spiritual tyranny.

The alliance between Lutheranism and the territorial rulers which Brenz so stoutly defended made a vital contribution to the Protestant cause by permitting the growth of churches both "pure" in doctrine and at the same time able to survive in a hostile world. But the acceptance of the territorial rulers' own view of their power in religious matters, which Brenz's defense so clearly involved, necessarily meant that the implications for church government of Luther's doctrine of the priesthood of all believers were simply cancelled out without even being retained as future goals. Instead of a self-governing church with a clergy responsible to autonomous congregations of actively participating laymen, Brenz pictured a church in which initiative and decision rested with the secular government and a clergy responsible to the government, the ordinary laymen in the local congregations being left to an almost entirely passive role:

Jesus Christ has earnestly commanded that everyone to the best of his ability diligently serve the building of Christ's church in his calling, namely: the common
people with prayer and other suitable deeds, the pastors with preaching and administration of the sacraments, and the government with supervision of the clergy and church order.\textsuperscript{89}

It now remains to trace the development of the institutions of church government which this view produced.

\textsuperscript{89}Pressél, p. 167.
CHAPTER THREE

CHURCH ORGANIZATION IN THE HALL PERIOD

Having analyzed at considerable length Brenz's justification of the territorial state church, it now remains to study his contribution to the development of the institutions of that church. This will be done in two chapters, the present one, covering the pre-Interim period in Hall, and the subsequent chapter, covering the post-Interim period in Württemberg. Not every aspect of every church order to which Brenz contributed will be analyzed; liturgical and doctrinal measures in particular will not be considered per se. Rather, attention will be concentrated on the measures and policies adopted to administer and enforce the doctrinal and liturgical provisions. These fall roughly under three headings: institutions of central church government, ecclesiastical discipline, and education.

Because the sources are so scarce and often so distressingly vague, it is extremely difficult to give a coherent account of Brenz's efforts and achievements in these three areas during the pre-Interim period. Time and again one is forced to resort to more or less well-founded conjecture. Concerning the period as a whole, the most that can be asserted with some degree of confidence is that
Brenz elaborated in theory, but only partially achieved in practice, all the basic elements later included in the Württemberg consistorial system.

Organs of Central Church Government

Once they had assumed responsibility for external church order, the Protestant princes and city councils eventually had to establish specialized governmental agencies through which this responsibility could be exercised. Because Brenz was later to be one of the principal architects of the Württemberg consistorial system, it is at first glance somewhat surprising that he included in his draft CO of 1526 no section providing for any special organ of central church government. But the absence of any such provision is readily explained by the fact that because the sphere of activity in the city of Hall was so small, ecclesiastical affairs were controlled directly by the city council acting on the advice of Brenz and the other ministers. Therefore, the establishment of a bureau of ecclesiastical affairs distinct from that which dealt with purely secular matters was not necessary. There was, however, a suggestion of things to come in Brenz's somewhat vague proposal that the commission he wanted established to administer ecclesiastical discipline (see below) also serve as the body through which special matters not covered in the church
order be referred to the city council for its consideration. ¹
And when he turned his attention to larger, more complex political units (Brandenburg-Ansbach, Württemberg, and Hall after the reform of the rural parishes) he elaborated definite proposals for special organs of central church government, proposals, moreover, which illustrate the tendencies which were to issue in the consistorial system.

The demand for these organs of central control had its origin in the need for means of enforcing the uniformity of doctrine and religious practice which church orders sought to impose. In their last memorandum on the proposed Brandenburg-Nürnberg church order (December 1531), Brenz and his Ansbach colleagues asserted that no church order could long remain effective without some established means of enforcement and recommended for this purpose the appointment in each administrative district (Refler) of a commission of clergymen and laymen, to be called "visitors, superintendents, presbyters, Judices rerum ecclesiasticarum,

¹Richter 1, 46: "Vnd ob etwas anders in der kirchen ausserthalb der gemeinen ordnung zu thon were solt es vorhin an die bestimpfen von der Oberkait gelangen von den selbigen einer gantzen Oberkait furgebracht werden. Welche so es nutzlich fur die kirchen wurd angesehen approbirt oder so es fur untuglich geacht verwurffe Darmit mit einer Itliche sonderliche person Irs gefallens in der kirchen ordnung zu stolziern vnd leben gestat wurd."
or what have you." In Nürnberg such a commission was created soon after the church order was published. What was done in Brandenburg-Ansbach is not known. In 1535, while in Stuttgart for consultations on the church order that was to be issued in 1536, Brenz submitted to Duke Ulrich a much more detailed memorandum on the same subject. He argued that the proposed church order, like a comparable secular law, would remain a dead letter unless actively enforced. Individual clergymen would follow their own lights in doctrinal and ceremonial matters unless conformity to the church order were enforced by means of regular visitations. The importance of such visitations, Brenz continued, is illustrated by the fact that the

\[\text{2Bedenken der Marggräfischen Theologen über die Marggräflich-Brandenburg-und Nürnbergerische Kirchenordnung, printed in Georg Theodor Strobel, Miscellanea Literarischen Inhalts, grösstenthuls aus ungedruckten Quellen; zweite Sammlung (Nürnberg, 1779), pp. 151-152. H. Westermayer, Die Brandenburgisch-Nürnbergische Kirchenvisitation und Kirchenordnung, 1528-1533 (Erlangen, 1894), p. 92, gives the date and supplies the information that the Margrave's councilors attributed authorship of the memorandum exclusively to Brenz.}\]


\[\text{4Brent's conclusion to the CO of 1533 does speak of it as a "Visitation Ordnung," suggesting that it was to be enforced by the "verordneten Visitatores" who are mentioned as the body which was to examine prospective clergy. Richter I, 211.}\]

\[\text{5Ordnung der Visitation, Pressel, pp. 166-170.}\]
apostles conducted them in the face of mortal danger, and by the spectacle of the great spiritual damage wrought by the neglect of visitations on the part of the bishops of the pre-Reformation period. Therefore, the duke should establish a commission of several learned men and several of the gentry (Ritterschaft) to conduct a special visitation for the purpose of inaugurating the new church order, and thereafter to conduct an annual visitation in every prefecture (vogtey). For the routine supervision of the pastors, Brenz recommended that in every prefecture one pastor be appointed superintendent in place of the old rural dean and that the income of the old rural chapters be used to defray the expenses of the superintendents. Brenz had here proposed what were later to become the basic ingredients of the Württemberg consistorial system: a permanent ducal visitation commission and a network of centrally appointed local superintendents. But it was only about a decade later that the beginnings were made in Württemberg of a system of visitation and superintendence for the purpose of governing the church. We shall return to this subject in the next chapter.

Meanwhile in Hall the long-delayed reformation of the rural parishes had created a similar need for some means

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6Ibid., pp. 167-168.
7Ibid., p. 170.
of centralized control. Here the means adopted was the revival and reorganization in 1541 of the old rural chapter, which had been defunct since 1529.\(^8\) The fact that six years earlier Brenz had recommended the abolition of the rural chapters in Württemberg indicates that unknown factors in the local situation in Hall may have forced him to accept an institution which he would have preferred to leave defunct. At any rate, Brenz's mistrust of the parish clergy\(^9\) was such that he would not permit the chapter to function, as it might have, as a genuine synod, through which the clergy could elect their own supervisors and otherwise participate actively in the government of the church. Instead the chapter was revived under Brenz's leadership\(^10\) as an instrument through which the will of

\(^{8}\) See above, pp. 60-61.

\(^{9}\) In the preface to the CO of 1543 Brenz wrote: "Dann, auch das wie bey diser rohen, frechen, und undanckbarn welt, durch versaumnus der Schulen und kirchen zubesorgen, die Ministeria der kirchen nit allerdings, mit so geleerten personen, wie die notturft wol erfordert, und man gleichgern wollte, versehen werden möchten . . ." etc. (1543 ed., no pagination in the preface). This same situation is also reflected in the fact that the chapter (see below) ordered the "Schwachen am Geiste" among the clergy to read aloud Brenz's Gospel Homilies in lieu of their own sermons (H & J II, 78-79). Similarly, the CO of 1543 contained complete sermons on absolution and the Lord's Supper, for the use of the pastors who could not prepare their own (1543 ed., pp. XX-XXX, XXXIII-XLI).

\(^{10}\) H & J I, 78, state that the city council assigned the task of reorganization to Brenz.
the city council and its theologians could be imposed on the village pastors and their congregations.

Concerning the constitution of the reformed chapter only the following is known: It was authorized to install pastors, to conduct visitations, and to supervise the doctrine and conduct of the clergy. But the performance of these functions was subject to the minute control of the city council and its agents. Already before the Reformation it had been customary for members of the city council to sit in from time to time on the sessions of the chapter, since this was part of the exercise of their right of advocacy. Now Isenmann was appointed superintendent (the old elected dean disappeared) and Brenz together with two members of the council became "chapter visitors" (visitatores bey dem capittel). These four constituted an executive committee called the "visitation." At the very first chapter meeting Brenz informed the assembled clergy that no pastor, regardless of who the patron of his parish was, was to be allowed to hold a pastorate in Hall's territory until he had appeared before the council, had presented trustworthy

11 Unfortunately, all that can be offered here, beyond the scanty information in Herolt and the CO of 1543, is the information reported by H & J, 78-80, and Julius Gmelin, Hällische Geschichte (Schwäbisch-Hall, 1899), pp. 757-758. In neither work are any sources cited.

12 Herolt, 119. H & J II, 80, and Gmelin, op. cit., p. 757, assert that Brenz was made superintendent and that Isenmann was henceforth his subordinate.
credentials concerning his past teaching and life, and had passed an examination administered by the superintendent and visitors. Furthermore, although the chapter elected from its own membership those who were to conduct the visitations of the local congregations, the election had to be confirmed by the council and permission for each visitation had to be obtained in advance from the council, a member of which participated in the visitation. The tendency toward centralized control is further illustrated by the fact that the chapter's powers (e.g., the censure of errant clergy) came more and more to be exercised by its executive committee, the "visitation," a tendency reinforced by the fact that the full chapter apparently only met once a year.\textsuperscript{13}

Thus even though the external forms of a synodal system were retained, the actual substance was the embodiment of Brenz's predilection for retaining all initiative and control at the center, relegating the congregations and even their pastors to a largely passive role. The only essential difference between this system and the consistorial system later established in Württemberg is that between a small, more or less directly governed city-state, and a much larger, bureaucratically administered principality.

\textsuperscript{13} The CO of 1543, Richter II, 21, speaks of "dess jährlichen Synodi radt."
Ecclesiastical Discipline

Ecclesiastical discipline (Kirchenzucht) is the employment of ways and means for securing the conformity of the faithful to the moral precepts of the church. The means of discipline on which the reformers relied most heavily were persuasive rather than coercive in character: preaching, pastoral counseling, and catechetical instruction in home, church, and school. But there were bound to be persons who obstinately and knowingly persisted in publicly scandalous conduct despite the application of these persuasive measures. Since such persons could not be tolerated in the church, and since the pastors could not knowingly admit them to the sacrament without becoming accomplices in the sin of unworthy communion, the reformers prescribed for such extreme cases the more drastic penalty of excommunication.

Medieval practice had distinguished between two sorts of excommunication, the lesser and the greater (kleiner Bann, grosser Bann; excommunicatio minor, excommunicatio major). The lesser deprived a person of the sacraments; the greater cut him off from Christian society altogether, so that, for example, mass could not be celebrated in his presence, the faithful were forbidden to associate with him, and Christian burial was denied him. Furthermore, canon law required the state to impose secular outlawry on the person thus expelled from the Christian community. The measure of the secular state's subservience to the church in
this respect is shown by the fact that down to the Reformation the Imperial Ban was normally imposed upon a person who proved obstinate after the imposition of the greater excommunication, witness the case of Luther in 1521.  

Luther rejected the greater excommunication as a purely secular penalty whose use is therefore inappropriate in the church, though permissible to the secular government. He retained only the lesser excommunication as a means whereby obstinate, public sinners could be barred from the sacrament and the church until they changed their way of life. Although the confessional writings assigned its exercise to the pastors, Luther argued that scripturally they ought to exercise it only in consultation with the congregation. However, he failed signally to show by precept or example just how this should be done. The nearest he came to a definitive statement on what ought to be done is contained in two letters written in 1543, one indicating his approval of the Hessian Zuchtordnung of 1539, which placed the exercise of ecclesiastical discipline

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15 Vermahnung an die Geistlichen, versammlet auf dem Reichstag zu Augsburg. 1530, WA XXX, pt. 2, 309-310; see also Bekenntnisschriften, pp. 456-457 (Schmalkaldic Article no. IX), and 493 (Tractatus de potestate papae).

16 Bekenntnisschriften, pp. 457, 493.

17 Vermahnung von der Excommunication . . . 1539, WA Tischreden IV, 278-280.
in the hands of the pastor and a board of elders elected in each congregation; and the other strongly objecting to Duke Maurice of Saxony's Landesordnung of 1543, by which the duke assumed supervisory control of the clergy in the matter of excommunication. But largely because of his fear of anything smacking of legalism or compulsion in religion, Luther never established a fixed order for the exercise of ecclesiastical discipline; indeed, he only imposed the penalty of excommunication five times in his whole career as a pastor.

Meanwhile, Brenz, who was not nearly so squeamish about legalism or compulsion, made a determined effort to establish a fixed order of ecclesiastical discipline. Like Luther, he did not wish the pastors alone publicly to exclude anyone from the sacrament. But neither did he find in the local congregation the suitable authority for exercising excommunication. Nor, as we shall see in the next chapter, did he preserve in theory or in practice the traditional distinction between the greater and the lesser excommunication. In the period 1526-1531, Brenz made a futile attempt to bring about the establishment of the exercise of

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19 WA Briefe X, 436-437.
20 Ruth Goetze, Wie Luther Kirchenzucht übte (Göttingen, 1959); Bornkamm, op. cit., p. 194.
ecclesiastical discipline by a Protestant ecclesiastical court modeled on the old episcopal synod.21

The function of the synod, which had developed in the course of the ninth century out of episcopal visitations, was to try cases involving offenses against the moral precepts of the church. In the course of the Middle Ages, elaborate judicial procedures were developed for the collection of evidence and the administration of punishments, which included various penitential acts in addition to excommunication. These courts came to be intensely hated, not only because people inherently dislike being punished publicly for their moral lapses, but also because in the later Middle Ages, with the addition of money fines, they often functioned more as a means for raising money than for correcting sin. Consequently no opportunity was lost to reduce their influence. In the cities and principalities, where they were resented as an interference in the territorial sovereignty of the ruler, their competence, except in the case of a few moral offenses not covered by secular law, was taken over by the civil courts. During the Reformation the Protestants generally got rid of them altogether. Among the major reformers only Brenz saw in them the possible

21 In Latin "synodus," in Brenz's German "synod" or "send(t)." The latter term can only refer to the synodal court. The former can refer not only to the synodal court but to any sort of solemn church assembly.
basis for a reformed order of ecclesiastical discipline.  

Brenz twice proposed the establishment of a Protestant synod, first in the CO of 1526, and then in a synodal ordinance (Sendordnung) written in January, 1531, at the request of the Hall city council. He also sent a copy of the 1531 ordinance to Margrave George of Brandenburg-Ansbach, recommending its inclusion in the Brandenburg-Nürnberg church order then in preparation.

Although, for reasons to be discussed below, the two proposals varied considerably in detail, the rationale behind them was the same. Brenz proposed the synod as a means for dealing, not with every offense against Christian morals, but only with those not dealt with by the secular authorities. Certain major offenses, wrote Brenz, such as murder, theft, and adultery, are a source of civil disorder and are therefore proscribed by the secular law and

\[22\text{RE}^3, \text{vol. 18, 209-215. See also Alfred M. Koeniger, "Brenz und der Send," in Beiträge zur Geschichte der Renaissance und Reformation (Munich and Freising, 1917), pp. 208-224.}

\[23\text{Richter I, 45-46: "Von der Kirchen Straff vom Ban und Synodo."}

\[24\text{Von Christlichem Send oder landtzucht, wie die zu halten sei, Köhler, pp. 391-396.}

\[25\text{Brenz to the Hall City Council, January 28, 1531, Köhler, pp. 390-391.}

\[26\text{H & J I, 396; see also Brenz’s Verzeichnuss auff die Nürnbergisch passerung in der gestellten ordnung der Kyrchenbreuch, Pressel, pp. 112-119, esp. 116-118.}
punished in the secular courts. But there are many grievous sins which arouse no public disorder, so that either there are no laws against them or the extant laws are negligently enforced: swearing and cursing, nursing of envy and hatred, gluttony and drunkenness, fornication, gambling, usury, and the like. Furthermore, even when the secular government does administer penalties, genuine repentance and improvement of life do not necessarily result. Consequently, if the evil behavior of a few Christians is not to bring disgrace upon an entire congregation as well as the good name of Christianity, and if the sacrament is not to be desecrated by the participation of the unworthy, the church has to employ some means either to bring such persons to repentance, or if they remain unrepentant, to excommunicate them.\(^\text{27}\) This was the role Brenz assigned to the synod.

Both in 1526 and in 1531 Brenz argued that the synod he was proposing was an institution established by the fathers of the ancient church, a claim intended to justify in Protestant eyes the revival of an institution generally dismissed as arrant popery. In the CO of 1526 Brenz wrote that since the church may not on its own authority impose secular penalties, Christ has instituted the penalty of excommunication for use by the church against wayward Christians (Mt. 18:15-18). The saints of the early church,

\(^{27}\text{Richter I, 45-46; Kühler, pp. 392-393; Pressel, p. 117.}\)
he continued, exercised excommunication in the following manner: In each congregation or parish several "elderly, experienced, brave, honest men" were elected, one to serve as pastor and the others to be presbyters or councilors. When pastor and presbyters met to conduct church business, this was known as a synod, that is, an assembly. The duties of the synod were to see that the congregation was regularly provided with the word of God and the sacraments, and to administer ecclesiastical discipline in the case of public misconduct by any member of the congregation. If after two private admonitions by members of the synod the guilty person would not repent, he was admonished in front of the entire congregation to mend his ways. If he refused, he was publicly excommunicated, that is, barred from the sacrament until he regained admittance to the Christian community through improvement of life and public confession. Meanwhile, everyone was to avoid his company while praying for his repentance.

Brenz regarded the medieval synodal courts as a continuation of the early church synod in so far as the latter functioned as a means of ecclesiastical discipline. However, he said, since the episcopal synod has become more of an encouragement to sin than a check on it, it is necessary to reinstitute a useful, Christian synod in its place. Accordingly Brenz urged that the city council, mindful of Christ's institution and the practice of the
early church, designate several honest persons from the citizenry who, when need arose, would join with the pastor and preacher (Isenmann and Brenz) to hold a synod. Dealing only with the cases of persons guilty of public sins not punished by the secular authorities, or persons still impenitent after the imposition of secular penalties, the synod was to admonish and, if necessary, to excommunicate the guilty party according to the procedure described above. Since the text speaks only of the effect of this order on the "city" and the "citizenry," it must be assumed that it was expected to operate only in the city congregation.

While this proposal would seem to indicate that Brenz was a champion of congregational self-regulation in matters of ecclesiastical discipline, all the subsequent evidence contradicts this impression. Brenz did indeed believe in the right of the church to discipline its own members, but as analysis of the 1531 proposal will show, he was far from regarding the exercise of this discipline as the inherent right of each congregation. The fact that the sphere of activity of the synod proposed in 1526 was limited to the

28 Richter I, 45-46.

29 For example: "Es wurde darumb auss der Stat kein closter Sonder ein zuchtige Burgerschaft." Richter I, 46.
city congregation was probably due to the fact that practical circumstances excluded it from the rural areas. Thus Brenz's sole motive in citing the example of the ancient church, which might have been used to prove the necessity of placing the exercise of ecclesiastical discipline in the hands of congregational synods, or presbyteries, or consistories, was to establish the alleged antiquity of synodal courts.

The synod proposed in 1526 was clearly not a very close copy of the old episcopal courts; the name and the function were the same, but Brenz omitted the elaborate judicial procedures and retained only the penalty of excommunication. In the 1531 proposal, on the other hand, the procedures and penalties of the episcopal synod were closely copied, indicating that the author had an extensive, detailed knowledge of his model. The reason for this contrast is the fact that whereas the earlier synod was apparently meant to operate only in the city, this one was aimed specifically at the rural congregations, where the problem of

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30 See above, pp. 58-59.

31 Koeniger, op. cit., pp. 214-215, 220-224, demonstrates this in detail and indicates the probable sources of Brenz's information.

32 The title of the ordinance (see note 24 above) calls it a "Send oder Landtzucht," and in the text Brenz recommends the use of "landtzucht" or "dorffstag" in preference to "send," a name too closely associated with the abuses of the episcopal courts. Köhler, p. 392.
ecclesiastical discipline was much tougher. The situation, as Brenz described it, was as follows:

The way of life among the people is so dissolute and undisciplined that a person who one night gets himself so full of wine that he has to be carried home, comes the very next morning, alleging that he will never do it again as long as he lives, and demands the sacrament. If one withholds the sacrament from him for a week or so he complains before God and man that he is being denied the sacrament. If one gives him the sacrament he goes out that very night and gets just as drunk as he was the night before, but returns once more, promising never to do it again, until finally he is once again given the sacrament. So he lives perpetually in his intemperance... perpetually demanding grace and forgiveness without sincerity.

The government, Brenz continued, does not punish such sins, never has, and apparently does not want to. But the church cannot ignore them. However, to excommunicate such a person as soon as he sins would be a misuse of excommunication, which should only be imposed on those who are impenitent, not on those who confess their guilt. On the other hand, to admit him to the sacrament immediately upon his confession would be offensive to the church and harmful to him, because he would simply run off and commit the same sin again. The best thing to do would be to deal with him in the manner of the old synodal courts: readmit him to the sacrament only after a period of probation during which he performs certain penitential acts imposed on him by the court. Although Brenz admitted that this method was

33 See above, p. 57.
34 Pressel, p. 117.
not specifically commanded in Scripture, he insisted that neither was it contrary to Scripture, but was in fact a "not unchristian" institution of the early church fathers. Thus, although the synod was exploited by the papists more for purposes of monetary gain than for the improvement of the church, it could be revived and used according to the order summarized below.36

First of all, a commission of three or four men versed in both secular and religious matters should be "chosen and appointed" (erwelt vnd verordnet), presumably by the city council as in the 1526 proposal, for the purpose of conducting a synod once a year in each parish. In each place where a synod is to be held, the commissioners should select from the local congregation three or four of the most trustworthy men, place them under oath, and question them concerning all public and disgraceful sins and injustices which have thus far gone unpunished. Where the charges are well-founded appropriate penalties are to be administered. However, only public sins, not those in the mind or heart (which only the individual can know and only God can judge) are to be dealt with. Furthermore, since no one should be punished twice for the same offense, the synod should punish only those offenses not punished by the secular authorities,

36Köhler, p. 392.
unless the secular penalty produces no real repentance or improvement of life in the person affected. On the other hand, care must also be taken that misconduct penalized by the church court not be punished again in the secular courts. 37

Moreover, the penalties meted out by the synod should be appropriate to an ecclesiastical court: several days' fast on bread and water, prohibition of meat or wine, suspension of the right to ride in a wagon or on a horse, going barefoot for several days, praying of several psalms, and the like. In addition to these penalties, every person sentenced by the synod should be fined an appropriate amount to be contributed to the church poor chest, and the local pastor should be instructed not to admit him to the sacrament (except he be in imminent danger of death) for the duration of a probationary period to be set by the court. These penalties are not intended as satisfaction for the guilt incurred in the commission of sin—that was a popish distortion of the institution of the fathers—but merely as an external discipline whereby the sinner gives public evidence of his repentance as well as compensation for the public scandal he has caused and in so doing acts as a deterrent example to his fellows. Finally, should anyone not conform to the sentence of the synod but continue

37 Ibid., pp. 392-393.
obsolutely in his evil ways, the synod, after two or three warnings, should formally and publicly excommunicate him, ordering everyone to regard him as a sundered member of the church. 38

Neither of the proposed synods was ever established in Hall, nor was anything like the 1531 ordinance included in the Brandenburg-Nürnberg CO of 1533. In neither case is there any document explicitly stating the case of the secular authorities against the synod. But a fairly safe conjecture can be offered. Naturally, the authorities had grave misgivings about proposals which, especially in the case of the 1531 ordinance, were modelled so closely on a hated papal institution against which they had waged a long and successful struggle. In his last defense of the synod before abandoning the idea altogether, Brenz still found it necessary to argue at some length that the revival of the synodal courts would not lead to "popery" provided true doctrine were substituted for the accretions of papal doctrine. 39 But from the government's standpoint it was not so much a question of true or false doctrine as of its position as supreme authority in ecclesiastical and secular matters. From this point of view they could not but regard the synod as a potential infringement upon their preroga-

38 Ibid., pp. 393-396.
39Pressel, pp. 117-118.
tives. For, whether he thought of it in such terms or not, Brenz had in effect limited the role of the secular government to that of foremost member of the church, since in neither case was it called on to do more than act as the constituting authority. Both proposed synods, even that of 1531, which was clearly to be imposed on the congregations from above, were conceived of as independent ecclesiastical courts operating in a sphere carefully marked off from the jurisdiction of the secular authorities. Thus, whereas in his justification of the state church Brenz emphasized the close alliance between secular and spiritual authority, here the sharp contrast drawn between church courts and secular courts tended to emphasize their independence from one another.

Brenz clearly did not intend to establish an ecclesiastical court which would even conflict with, let alone usurp from, the jurisdiction of the secular government or its courts. He was merely asserting the right of the church to exercise its peculiar means of discipline in all cases where the operation of secular law did not render such action superfluous. To the extent that the secular government was unwilling or unable to maintain a decent standard of Christian conduct among the people and prevent

40 Cf. Walther Köhler's comments on the 1531 ordinance in ARG 9 (1911-12), pp. 82-83.
unworthy persons from desecrating the sacrament, the church itself would have to do so. However, in so far as the synod was intended as a means for disciplining a large category of moral offenses it did represent an infringement in an area over which the secular authorities claimed jurisdiction by virtue of their police powers.\textsuperscript{41} Thus, even though his charge that the secular authorities were lax in enacting and enforcing appropriate legislation was no doubt well founded, the secular authorities were not on that account persuaded to surrender their jurisdiction to a church court, especially to one not operating under their authority.

There was thus no option but to call upon the secular authorities to exercise this jurisdiction. Thus in 1529, at Brenz's instigation, a statute against blasphemy, cursing, immoral dancing, and drinking was issued by the city council and read from the pulpits.\textsuperscript{42} And within a few months of proposing his 1531 synodal ordinance Brenz had once again reluctantly accepted the fact that the only hopeful course open to him was to urge the secular authorities to perform the task they had insisted on reserving to themselves. So when in August 1531 Brenz wrote to Margrave George advising him on measures to curb the profligate lives of the "common herd" (\textit{das gmein pöbell}), he made no mention of any

\textsuperscript{41}See above, pp. 45-46.

\textsuperscript{42}H & J I, 219ff; Koeniger, \textit{op. cit.}, p. 218.
synod but recommended that apart from provision for true preaching the best thing for the margrave to do would be to see to it that his officials actually enforced the mandates he had already issued against cursing, blasphemy, immoderate drinking, and the like, especially when the pastors sought their help in this regard.\(^\text{43}\)

Similarly, when the Reformation was introduced into the Duchy of Württemberg, the duke assumed direct responsibility for punishing public immorality,\(^\text{44}\) and in 1535 Brenz advised Duke Ulrich that one of the tasks of the visitation ought to be to determine whether the ducal officials were diligent in carrying out this responsibility.\(^\text{45}\)

But this was at best a partial solution to the problem of ecclesiastical discipline. It is all very well, Brenz wrote, for the secular government to assume responsibility for disciplining public morals, but what if it is negligent in performing its duty? Or what if the secular penalties

\(^{43}\)Pressel, pp. 110-111.

\(^{44}\)In a letter to Blarer, December 22, 1534, Duke Ulrich wrote: "Ein Censur und straff zu abstellung etlicher grober unchristlicher Laster, als gotslästern, Eebruchs, Zutrinken, Wuchern, uneelich beysitz etc. anzurichten, sind Wir genaigt, wollen auch diss durch Maister Erhard Schnepfen und ander Christlich und der Erbarkeit lieben menner begryfen und ausgehen lassen." Cited in Schnurrer, p. 171. No special ordinance of this type appeared, but the sections of the Landesordnung of 1536 (Reyscher XII, 84-122) dealing with the punishment of such offenses (pp. 85-92) were apparently the outcome of this intention.

\(^{45}\)Pressel, pp. 169-170.
effect no genuine repentance? Must the pastor nevertheless cast the blessed sacrament before pigs, drunkards, gamblers, and whoremongers? If not, then some way must be available for excluding unworthy persons from the sacrament. The performance of this function was the other task which Brenz had assigned to the synod. But the secular authorities saw in this, too, a threat to their prerogatives. The direct evidence of this fact from Hall itself is scant indeed: aside from the fact that neither of Brenz's proposed synods was established there, it consists simply in the observation, which Brenz felt constrained to make in the CO of 1526, that Christ was certainly not drunk when he instituted excommunication in the church. However, there is plenty of contemporary evidence from Nürnberg to indicate what the objections of the secular authorities were.

In 1531, during the deliberations of the Nürnbergers on the proposed Brandenburg-Nürnberg church order, Osiander proposed for inclusion an article on excommunication. Using simply the term *Bann* and not defining it very precisely, Osiander assigned its exercise to the clergy alone. The city council immediately took offense at this, seeing in it not only a violation of its position as supreme ecclesiastical authority but also an attempt on the part of the

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46 Ibid., pp. 117-118.
47 Richter I, 46.
clergy to interfere in its prerogatives as secular ruler. For in the minds of the councilmen the whole conception of excommunication was colored by bitter memories of the *grosser Bann*, according to which the secular government had been required to impose civil penalties at the behest of the clergy. The city's theologians did their best to defend Osiander's proposal, arguing that the excommunication they wanted was not the old worldly penalty employed by the papacy, but a purely spiritual and ecclesiastical form of discipline instituted by Christ and therefore not to be forbidden; that in any case it was not for the secular government to decide whether or in what cases ecclesiastical discipline is to be applied; and that since the secular government did not punish all public sins as it did thievery, for example, the administration of this spiritual and pastoral discipline was absolutely essential. But since public excommunication, even without the imposition of secular penalties, was looked upon as a social disgrace and therefore not as something purely spiritual and ecclesiastical, the council sided with the majority of its lawyers, who took the position that the clergy should not be conceded the right to exercise any form of ecclesiastical discipline. The ensuing deadlock between the council and the city's theologians was resolved only by the decision to omit the article on excommunication from the church order altogether,
while permitting the pastors to exercise certain non-coercive forms of ecclesiastical discipline (see below).

In their last memorandum on the Brandenburg-Nürnberg church order, Brenz and his Ansbach colleagues commented at some length on the problems raised by the debacle of Osiander's article on excommunication. First of all, they decried the fact that excommunication was falsely labelled an odious practice prejudicial to the secular government. After all, they argued, it was instituted by Christ and practiced by St. Paul, both of whom sanctioned secular government and certainly never would have established anything contrary to it. Nevertheless, since they felt that the church was in too great a state of disorder to permit an orderly administration of excommunication "in the church" (*in der Kirchen*), Brenz and his colleagues consented to the exclusion of the article from the church order. For no one, they wrote, should be excommunicated publicly except on the basis either of a free confession of public misconduct, or, if the charge be denied, of a judicial finding based on the testimony of witnesses. But now Christian freedom (*freiheit*) has degenerated into impudence (*frechheit*), so that almost no one will even present himself for private confession prior to taking the sacrament, or suffer himself

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to be admonished or disciplined in private by a pastor as his office requires. Moreover, the pastors have no established ecclesiastical courts to which they can appeal the case, since the existing episcopal courts are opposed to the gospel; nor can they appeal to the secular courts, which do not punish many sins that render the perpetrator liable to excommunication in the eyes of the church. And it certainly would not be proper for an individual pastor, acting alone on the basis only of his personal knowledge of the case, to excommunicate anyone. 49

What Brenz and his colleagues seem to have been saying, in effect, was that Osiander's article would have been acceptable to them only if modified by the inclusion of provision for a synod. This was clearly impossible, for from the government's point of view the exercise of excommunication by an independent church court was intrinsically just as bad as its exercise by the pastors alone. Hence they concluded that the administration of excommunication "in the church" was likewise not possible. Yet they insisted that somehow or other excommunication had to be administered. For just as no secular authority can long endure, they said, without the imposition of secular penalties, so as Christian church order cannot long endure

without an orderly exercise of excommunication. A government which will not allow the establishment of an order of excommunication makes itself an accomplice in all the resulting disorder and unpunished wickedness. Therefore Brenz and his colleagues urged that the authority to excommunicate be vested in the same commissions which they proposed be set up to administer and enforce the church order. The idea behind this proposal would seem to have been that since excommunication could not be exercised "in the church" by an independent ecclesiastical jurisdiction, it would have to be exercised by a body operating within the jurisdiction of the secular government. But, for the time being at least, even this was not enough to remove the prejudice of the secular authorities against excommunication. In none of the pre-Interim church orders with which Brenz was associated was any provision made for public excommunication. The only disciplinary measures permitted to the clergy were of a persuasive rather than a coercive nature, especially the practice of privately interviewing all persons who intended to take the sacrament, pronouncing absolution on those judge worthy to partake, and privately admonishing those guilty of publicly scandalous conduct not to commune until they had shown signs of true repentance.

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50 Ibid., pp. 155-156.
and improvement of life.\textsuperscript{51} Cases in which such methods did not work presumably had to be referred directly to the secular government.\textsuperscript{52}

Not until two decades later, in Württemberg, was Brenz able to secure the establishment of the compromise solution to the problem of excommunication which he originally proposed in 1531. Moreover, not until the Württemberg period did he produce, in the midst of controversy, something approximating a reasoned explanation of his preference for the exercise of excommunication by a supra-congregational church court over its exercise by the pastors themselves or by congregational agencies.

**Education**

It is a well-known fact that the Protestant Reformation had an especially strong influence on the development of education.\textsuperscript{53} The emphasis on regular preaching and on the Bible as the sole authority in doctrine meant that the church needed pastors sufficiently learned in the Scriptures to be

\textsuperscript{51}CO of 1533, Richter I, 202-204; CO of 1536, \textit{ibid.}, I, 268; CO of 1543, \textit{ibid.}, II, 15-16.

\textsuperscript{52}Thus the CO of 1533, \textit{ibid.}, I, 211: Und ob die gedachten Pfarrherr Prediger unnd unterthanen, gegen einander, Oder sunst aynichen mangel oder beschwernuss haben . . . Das sie ein yedes mals an die Oberkeyten gelangen lassen."

\textsuperscript{53}For a good summary see H. J. Grimm, "Luther's Impact on the Schools," in \textit{Luther and Culture} (Decorah, Iowa, 1960), pp. 73-93.
able to expound true biblical doctrine to the people. Since in the view of the reformers this sufficient learning could be acquired only through the study of the biblical texts in the original languages, they readily appropriated for their own use the splendid achievements of the humanists in the field of classical education. But the Reformation also produced educational needs for the satisfaction of which the humanists had done little to prepare the way. The doctrine of justification by faith alone put an unprecedented emphasis on every individual's understanding of Christian doctrine. It therefore followed that every Christian ought to possess at least that degree of literacy sufficient to enable him to read the Bible in his native language and to teach his children the catechism. In this area the reformers had to start from scratch. Since the need of the church for learned clergymen coincided with the similar need of secular society for lawyers, doctors, and other professional men; and since, moreover, the Protestant secular rulers had taken over the monastic and other ecclesiastical income out of which the cost of education had been borne, Luther and the other reformers assigned responsibility for establishing and maintaining schools to the secular authorities. But they by no means advocated a complete secularization of education. Not only did the curricula they drew up put heavy emphasis on the religious and moral training of the pupils, but teachers were generally looked upon as a part
of the clergy, and the maintenance and supervision of schools was commonly treated as a part of church order.

Throughout his career Brenz devoted himself to efforts in the field of education which exemplify the general trends outlined above. During the Hall period he proposed, but only in part achieved, all the basic elements of the system of education described in the Württemberg CO of 1559. His first proposal in the field of education is contained in the CO of 1526, in a section entitled "Von der Schul," which is largely a brief summary of the arguments and proposals in Luther's pamphlet, To the Councilmen of all Cities in Germany that they Establish and Maintain Christian Schools (1524). A "public school" (gemeine Schul), Brenz began, in which "moral discipline and the arts" (zucht und kunsten) are taught, is of fundamental importance to the Christian community and church. In the past the heathen maintained public schools in order to "propagate the civil community," and the Jews maintain to this very day the custom of educating their sons and daughters in Holy Scripture. But the Christians, by contrast, woefully neglect the education of their children in discipline and the arts. Formerly there were a large number of children in school, but now that the old clerical order

54 Richter I, 48-49.
55 WA XV, 9-53.
(das pfaffenwerck) has suffered injury, parents are keeping their children at home. From this it is clear that previously parents sent their children to school solely so they could take orders and get a prebend, whereas the motive ought to be concern for the glory of God, discipline, and the common weal. Therefore, since so many parents neglect the education of their children, to the great injury of posterity; and since many parents are in any case too poor to pay for their children's schooling, responsibility for the education of children, like all other matters vital to the common weal, falls to the secular government. Failure to carry out this responsibility would be a derelict squandering of society's most precious resource, the next generation of citizens. A city which willingly spends large sums on canons for defense can certainly devote a suitable amount to the education of young people. The cost will be amply repaid in benefits to society if only one turns out well every ten years.56

Therefore the city council, Brenz suggested, might establish a school according to the following order, or one similar to it. First of all, a scholar trained in languages should be appointed schoolmaster, supplied with an assistant,

56 Richter I, 48.
either a provisor or a cantor, and both should be given a regular stipend, out of prebendary income, if necessary, so that the parents will not have to bear the burden of school fees. Supervision of the school should be entrusted to the town pastor and preacher (Isenmann and Brenz), "for it belongs to their office to care for young people as well as adults." In the second place, the appointment of the schoolmaster should be announced from the pulpit with an admonition to the citizens to send their children to school. Further, since most children will become manual tradesmen, there should be a total of two hours of school per day, one mornings and one afternoons, during which they are taught reading and writing in German. The rest of the day could be used by parents to teach the boys whatever trade they wish. However, those boys whom the schoolmaster, preacher, or pastor perceive to have an aptitude for Latin and other languages should be educated in Latin so they can one day be trained as pastors, teachers, scribes, and as other officials essential to society. Finally, it would also be an excellent idea to have the little girls taught discipline,

57 A provisor was simply an assistant schoolmaster; a cantor not only taught the regular academic subjects but also trained the schoolboys for choir duty at church services.

58 Richter I, 48. In his Ordnung der Visitation of 1555 (see above, p. 122, note 5) Brenz made supervision of the schools a task of the ecclesiastical visitation. Pressel, pp. 168, 170.
reading, and writing for two hours a day by a trained woman. For since women also are destined for eternal life, Scripture should be open to them as well as to men. 59 Although Brenz spoke only of a school for the city and made no specific recommendations concerning the education of the peasant children in the rural villages, he clearly foresaw, at least, the provision of such education. For he mentioned the need for schoolmasters in the rural districts, 60 and in another section of the church order referred to "country children" educated "in the school." 61

It is not clear precisely what the school situation in Hall was when this proposal was put forward. Latin schooling had been available in Hall at least since the thirteenth century. 62 Sources dating from the period immediately preceding the Reformation indicate that the Latin school in Hall was typical of similar institutions in many other

59 Richter I, 48-49.

60 Ibid., I, 49: "Man muss doch gelert lewt haben In der Stat auch auff dem land pfarer prediger Helffer Schulmaister Schreiber vnd andre."

61 Ibid., I, 49: "Auch mocht man damit refering to the rural parishes/ die Burger oder Lands kinder so fleuyssig in der schulen aufferzogen versorgen."

German cities, both with regard to the intimate connection between church and school and to the influence of humanism on the curriculum. A schoolmaster's contract drawn up in 1513 shows that he was charged with teaching his pupils singing, reading and writing in Latin, and honorable and disciplined conduct. Singing headed the list because the boys served in choir at church services. A school ordinance of circa 1514 shows the influence of medieval tradition in the retention of certain standard texts but the predominant influence of the humanists is shown in the emphasis on good Ciceronian style, strictures against the "hallucinations" of medieval commentators, and the emphasis on simple, clear explanations suited to the needs and capacities of the pupils. This is almost certainly the sort of education Brenz received as a child.

In 1524 the city council established in the former Franciscan monastery a school in which boys were taught Greek, Latin, and German. The schoolmaster and his assistant were paid out of monastic income so that the boys did

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63 Ibid., p. 496.
64 Ibid., pp. 497-500.
65 Assuming that, as H & J I, 17-18, suggest, the Stuttgart Schulordnung of 1501 (Sattler I, Beilagen, pp. 76-82), with its emphases on training in Latin, morals, and choir service, indicates the sort of instruction given in nearby Vaihingen, where Brenz went to school.
not have to pay fees. Whether this action was simply a relocation of the already existing Latin school, or the establishment of a separate institution which was later (ca. 1526) merged with the Latin school, is not clear, though the former seems more likely. The schoolmaster appointed in about 1524 seems to have held his job for only a few months. His successor, Sebastian Coccius, who was to serve until 1548, was probably not appointed until 1526 in response to Brenz's appeal in the church order of that year. It is thus possible that Brenz's 1526 proposals had as their background a period of a year or more in which education in the city was seriously disrupted. If this is the case, then the section of the church order devoted to education can be read as a proposal to reestablish the Latin instruction which had existed previously and to add, in response to the needs of the reformed church, provision for general public education in German.

It is impossible to say what action, if any, was taken...
in response to Brenz's proposal for the establishment of German instruction. Since such instruction would seem to have been the prerequisite for the catechetical instruction on which the CO of 1543 laid such stress, one is tempted to assume that such instruction was in fact offered, perhaps by the catechists themselves if not in a public school. But there is not a shred of positive evidence to support the assumption. The only extant source relative to the organization of education in Hall between 1526 and 1548 is the school ordinance of 1543, in which Coccius set down the curriculum he had developed over the years. Similar to the ordinance for Latin schools later included in the Württemberg CO of 1559, it continues the traditions of humanist pedagogy and close coordination of school and church established before the Reformation. The six to eighteen year old pupils were divided into eight classes and given a thorough classical education designed to prepare them for university entrance. The language of instruction, at least by 1543, was Latin throughout. Texts by modern authors like Erasmus and Vives were used along with those of Cicero, Vergil, Ovid, and other classical authors. Two hours per week of Greek were introduced in the eighth class. The ordinance also placed strong emphasis on the moral and

71 Richter II, 15, 19.
72 Summarized in Kolb, op. cit., pp. 506-511.
religious training of the pupils. In typical humanist fashion the ethical content of the classical and modern texts was emphasized. Latin catechisms by Brenz and Melanchthon were also studied, and in the upper classes dogmatic exposition of the New Testament was added to the curriculum. The pupils were also to be trained in singing since, according to the CO of 1543, the school choir participated in no fewer than ten regular church services per week.73

A further indication of the spirit which pervaded the Hall school is a letter by Brenz, also written in 1543, in which he elaborated his conception of academic education as an integral part of a general program for the inculcation of "true doctrine and good morals." In the letter he distinguished among three types of "schools." The first he called the schola domestica, in which the head of the family gives his children their first catechetical instruction in the rudiments of the Christian faith. Brenz wanted fathers to be admonished earnestly in public sermons not to be negligent in performing this office. Next comes the schola literaria, in which letters (literae) are taught. This is to be done in such a way that the teacher not only instructs his pupils in the connection of syllables and comprehension of authors but also teaches them the elements of religion

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73 Richter II, 18-20.
and expounds the Gospels, emphasizing true faith in Christ and good morals. "For the purpose of a school is to produce not simply learned men but, much more, pious men."

Third and last comes the schola ecclesiastica, in which public preaching is supplemented by catechetical instruction, particularly of the young, since a correct understanding of the elements of Christian doctrine is a prerequisite for admission to the sacrament.  

Brenz's personal enthusiasm for the promotion of Latin learning in particular is illustrated by his insistence that the use of Latin not be entirely eliminated from Protestant church services. Valuing Latin as the indispensable key to higher learning, including theological studies, Brenz feared that if Latin were altogether eliminated from the church as a "popish" language this might encourage its exclusion from the schools as well, or at least deter many good minds from studying it. Therefore he insisted that wherever there was a Latin school, Latin as well as German should be used in the church services to incite the young to the study of Latin and to give them practice in it. Thus, for example, the CO of 1543 provided that because of

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74 Brenz to Johann Gast, September 4, 1543, Pressel, pp. 233-234.
75 Vorred . . . auff die Kirchenordnung im Furstenthum wurtenberg . . . (1535), Pressel, pp. 161-162; CO of 1533, Richter I, 208-209; CO of 1543, ibid., II, 17.
the existence of the Latin school in Hall, Saturday vespers at St. Michael's were to be entirely in Latin, while a generous sprinkling of Latin hymns and responses, sung by the school choir, was prescribed for the other services during the week. The same services in the villages were to be entirely in German. 76

As the above suggests, Brenz was greatly concerned with the task of providing the church with an educated clergy. One of his major contributions to the fulfillment of this task, the reformation of the University of Tübingen in 1537-38, has already been discussed. 77 Several years before he already had formulated the basic conception of what was to be a more uniquely individual contribution.

When the Reformation already had made considerable progress in his principality, Margrave George of Brandenburg-Ansbach sought Brenz's advice concerning what to do about the still unreformed state of his monasteries. 78 Brenz's proposals were set forth in a memorandum which he sent to the margrave on June 1, 1529. 79 In this memorandum

76 Richter II, 18-20.
77 See above, p. 16.
Brenz suggested that probably the best way to restore the monasteries and other ecclesiastical corporations to their original purpose would be to transform two or three of them in each principality into advanced schools of universities in each of which thirty, forty, or more boys chosen from all the schools of the principality would be taught languages, liberal arts, theology, and jurisprudence by qualified teachers. In this way the principality could supply its need for counselors, pastors, preachers, scribes, schoolmasters, and the like. This proposal was fully in accordance with the conviction of the reformers that monasteries and other ecclesiastical corporations had originally been founded as educational institutions for the purpose of supplying educated persons for the most important offices of church and state. But in his memorandum Brenz added that there was no need to draw up a detailed ordinance for such schools at the time, since their establishment must await the death or departure of the present monastic personnel.

80 Ibid., p. 39.
81 Ibid., pp. 33-34; cf. the third Schmalkaldic Article, Bekenntnisschriften, p. 426. In pursuit of this aim about one hundred classical schools (Gelehrtschulen) were established in former monasteries in Protestant Germany prior to 1580; see Werner Elert, Morphologie des Luthertums (Munich, 1952-53) II, 402.
82 Pressel, p. 39.
In the meantime, Brenz recommended, a "beginning" in monastic reform could be made through the adoption of the order which constituted the bulk of his memorandum. Since the monasteries are by origin institutions for the education of those who will undertake "the instruction of the common people or other important offices," it would be appropriate if in each monastery or similar foundation the entire Bible would be studied in Latin each year. The learned bishops of the early church established the following order for this regular biblical study: first, heart and mind were aroused through the singing of psalms; then came the reading of appointed chapters out of the Bible, concluding with a prayer for grace and understanding. By assigning a certain number of chapters to each of the daily services at the canonical hours, the whole Bible, including the Apocrypha, was covered in one year. Since under the papacy the observance of the canonical hours lost its original character as a course of study and became simply a hypocritical round of meritorious works, it should now be restored to its original form. Brenz included a detailed schedule for this purpose in his memorandum.

But the Bible, Brenz continued, is not simply to be read through; it must also be correctly understood. Furthermore, those who aim to become clergymen must be able

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83 Ibid., pp. 34-37.
to communicate this understanding to others. Therefore, in every monastery or chapter in which the above order is established, a learned "reader of the Holy Scriptures" should be appointed to explain and comment on the biblical passages read each day and to give instruction in rhetoric and dialectic. Finally, in addition to the regular monastic or collegiate officials, a commission must be appointed to supervise the new order, presumably through regular visitation, though Brenz did not specifically say so.

Luther, whose opinion the margrave sought, found Brenz's proposed reform of the canonical hours both impractical and undesirable. Not only did he see little hope that the monks would peacefully endure the changes Brenz proposed, he also was convinced that the proposed order of study would sooner or later degenerate into "an unfruitful thing" just as it had before. Consequently he recommended that the monasteries be left as they were until their inmates died.

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84 Ibid., p. 37. A procedure similar to that outlined by Brenz in this memorandum may have been observed in the Franciscan monastery in Hall, at least for a time. At any rate, Herolt, p. 199, reports that in 1524 a "preceptor" was appointed to teach the young monks who had remained in the monastery. There were thus two schools in the monastery, the city's Latin school (see above, p. 127) and the monastic school.

85 Pressel, p. 39.

86 See the letter cited above in note 78.
out. Meanwhile, Luther added, it would indeed be a fine thing not only to establish in each principality one or two universities financed out of monastic income but also to establish good elementary schools in every city and village. The clear implication of his remarks was that this was too important a task to be postponed until the schools could be located in the monasteries themselves.

Although Luther had branded his proposal an impractical and had presumably prevented its adoption by the margrave, Brenz did not abandon it. It was to bear fruit nearly a generation later in the establishment of the cloister schools (Klosterschulen) in Württemberg.

87Luther to Margrave George of Brandenburg, July 18, 1529, WA Briefe V, 119-121.

88Duke Ulrich's "Clauster ordnung" of July 4, 1535 (Schnurrer, pp. 547-558), prescribes an order of study much like that outlined in Brenz's memorandum, the chief difference being that the canonical hours are not mentioned. The fact that the ordinance was issued before Brenz arrived in Stuttgart to advise the Duke on the establishment of a reformed church order counts against, but does not absolutely rule out, the possibility that Brenz had some influence on its provisions.
CHAPTER FOUR

THE REORGANIZATION OF THE CHURCH IN WÜRTTEMBERG

In Duke Christopher of Württemberg Brenz found a master who, more than any other he had served, not only shared his views but was determined to put them into practice. Thus in the first ten years of Christopher's reign, culminating in the issuance of the CO of 1559, there was established in Württemberg a church order which, on paper at least, was the realization of everything Brenz had struggled for in the first quarter-century of his career.

The sources for this period consist primarily in the relevant ordinances, which describe, often in great detail but not always with clarity or precision, the institutions created. Since all but a very few of the protocols and other records which would have thrown additional light on the actual functioning of those institutions were lost when Catholic troops ransacked the Stuttgart archives during the Thirty Years War,¹ it is in many cases possible to offer only a summary of what the particular ordinance intended without being able to judge how well it was carried out in practice.

The Establishment of the Consistorial System

The fact that the consistorial system of church government was first established in Württemberg was due in large measure to the existence there of unusually favorable circumstances. In contrast to the Lutheran territories of northern and central Germany, Württemberg was small and compact, and since the duke's authority was not limited by the privileges of a powerful nobility or of semi-autonomous towns, his officials enforced his will unhindered everywhere in his domains. In particular, since control of ecclesiastical affairs was largely concentrated in the duke's hands, no class of powerful, noble patrons stood in the way of ecclesiastical centralization, as was the case in Saxony, for example.

One important prerequisite for the establishment of the consistorial system was the reform of the central administration carried out by Duke Ulrich after his return to Württemberg in 1534. Prior to 1534 the ducal counselors had lived scattered about the duchy on their family estates or in ducal fortresses, coming together only occasionally to deal with important matters. Now Ulrich, applying the principles of centralized administration introduced by

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3 See above, p. 49.
Maximilian I into Austria from his Flemish-Burgundian territories, called a number of noble and legal counselors to his chancery to serve as a permanent "supreme council" (Oberrat). The administration of fiscal matters was assigned to a separate treasury department (Rentkammer). 4

Although the consistorial system was to be formed by the application of the same principles of administration to the government of the church, duke Ulrich never got that far. Indeed, Ulrich was very slow in giving the Württemberg church any stable constitution at all. No immediate action was taken in response to Brenz's recommendation, made in 1535, that the new church order be enforced by means of superintendents appointed to each prefecture and an annual visitation of the entire duchy by a ducal commission. 5

While the clergy were supervised locally by the prefects, apparently until as late as 1547, 6 the first evidence of the use of visitations to supervise the clergy dates from the mid-1540's. 7 Furthermore, these visitations were not

4Friedrich Wintterlin, Geschichte der Behördenorganisation in Württemberg (Stuttgart, 1904), pp. 24-26; Müller, op. cit., p. 15.

5See above, p. 96.

6Schnurrer, pp. 124, 181.

7The first known Visitationsordnung for Württemberg dates from 1544; Lempp, op. cit., p. 23. Another, dated 1546, is given in Sattler IV, Beilagen, pp. 270-274: Instruction, was die Räthe und Abgeordneten, so von wegen der Visitation in alle Aemter umbreyten werden, zu thun haben. Another form of visitation, established in 1536, had (cont’d)
conducted annually by a standing commission, but at irregular intervals by commissions especially convened in each case. In so far as there was any permanent central organ of church government, it was the ducal treasury which not only managed ecclesiastical finances but, on occasion at least, rendered judgment in ecclesiastical matters of a non-fiscal nature.  

Not until the eve of the Schmalkaldic War and in its early stages did Ulrich begin to establish an adequate ecclesiastical constitution for his duchy. On May 4, 1547, he issued a new Visitation Ordinance, which provided for a board of three "inquisitors" (one theologian, one noble, and one burgher) whose duty was to conduct an ecclesiastical visitation of each parish in the duchy. Reports of the visitation in each prefecture were to be forwarded to the duke and kept in his chancery. Every month to six weeks a

nothing to do with supervision of the clergy but was rather the activity of secular officials aimed at provision for the financial and material needs of the church. See Julius Rauscher (ed.), Württembergische Visitationsakten, vol. I (Stuttgart, 1932).

Thus the 1546 instruction to the visitors, cited in note 7 above, contains the following provision: "[W/a Widerteufferisch Schwenckfelderisch und ander /r/otten gaister, besonder auch Wer jr einschlaiffer und vorsteher sein dieselbigen auch jrer Lehr und anhenger und in was stadt oder Wesen die seind, uff der Rentkammer anbringen, alsdann werden die Rentcamerrätte sampt andern darzu geordneten ain gepürllich einsehen haben und was sich gepürt daruff beschaid geben." Sattler III, Beilagen, pp. 271-272.

Reyscher VIII, 69-80.
consultation (Beratschlagung) was to be held to determine on the basis of the visitation reports what remedial action was to be taken. The participants in this consultation were to be one theologian, one lawyer, two nobles, two burghers, and the inquisitors. Although no official, high or low, could be dismissed from office without the duke's prior knowledge and approval, all other matters relevant to the church order, the Territorial Ordinance (Landesordnung), or any other ducal mandates, were to be settled by the "visitation counselors" (Visitationsräten) without further consultation with the duke.

According to instructions set down in the Visitation Ordinance, the visitation counselors at their first consultation drew up a Synodal Ordinance which, in contrast to what Brenz would have done, provided for synods or rural chapters to enforce good conduct as well as uniformity of doctrine and ceremonies among the clergy. The ordinance was issued on August 1, 1547. Whereas the boundaries of the old rural chapters had taken no notice of political boundaries, the Synodal Ordinance grouped the forty-eight prefectures into twenty-three deaneries (dechanat), each under the supervision of a dean (decan). The

10 Ibid., VIII, 79.
11 Richter II, 93-98; also in Reyscher VIII, 80-92, and Sattler III, Beilagen, pp. 276-288.
first dean was to be designated by the visitation counselors; his successors were to be elected by the chapter and confirmed by the visitation counselors. It was to be the dean's duty to visit every parish in his charge at least once a year in order to examine the life and doctrine of the local pastor and to take cognizance of all complaints or requests for aid from the pastors. Needed corrections were either to be made on the spot or referred to the next chapter meeting. It was also to be his duty to install new pastors once they had been examined and approved by the visitation counselors. Twice a year (once during Lent and once in the autumn) the dean was to summon, with the prior approval of his superintendent, a chapter meeting at which the life and doctrine of all the clergy, from the dean on down, were to be discussed and serious faults censured. If any person had to be censured three times in a row, his case was to be referred to the duke. At the yearly autumn meeting a dean and his assistant (camerarius) were to be

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12 Apparently a secular official designated as the duke's representative at the chapter meeting. Reyscher VIII, 79 (Visitation Ordinance): "Doch wollen Wir, dass allwegen vnser verstenndiger guthertziger Rath einer oder nechst gesessner Oberuogt zu solchen Sinoden verordnet werde." Cf. Richter II, 96 (Synodal Ordinance): "Und soll aber der decanus nit Macht haben sein Synodum auszuschreiben one vorwissen oder bewilligung seins Superattendanten . . . das er selbs oder jemandt von seinetwegen . . . darby und zugegen sein mög und den actum helfen celebrieren umb Merer ansehens und Authoritet willen."
elected by a secret vote of the chapter; both could be reelected indefinitely.

Neither the Visitation Ordinance nor the Synodal Ordinance had had a chance to be established firmly in practice before the imposition of the Interim (July 1548 in Württemberg) nullified them, leaving church government exclusively in the hands of the duke's counselors and his secular officials. It was thus left to Christopher and Brenz to give the Lutheran church in Württemberg its definitive constitution. The system they established differed from that begun under Ulrich in two essential respects, both of them reflecting Brenz's well-established preference for extreme centralization. First of all, the deans and rural chapters, which might have served as a vehicle for the active participation of the clergy in the process of church government, were discarded in favor of a system of appointed superintendents. Secondly, in place of the old unstable and ill-defined visitation commissions a permanent organ of church government, the consistory, was established in the ducal chancery, with all policy and decision-making power concentrated in its hands. The consistory was established in the Visitation Ordinance of

13 Gustav Bossert, Das Interim in Württemberg (Halle, 1895), p. 23.
May 26, 1553. By this time a Superintendence Ordinance, now lost, had already been in effect since some time in 1551. These ordinances, expanded and elaborated, but basically unchanged, were then incorporated into the CO of 1559.

The consistory was the ecclesiastical counterpart of the supreme council (Oberrat) in the ducal chancery. "Supreme superintendence" over the consistory was the joint responsibility of the ducal Landhofmeister and the provost of the Stuttgart Collegiate Church (Brenz and his successors), while direct supervision of its functioning was

14 Reyscher VIII, 100-105.

15 Brenz refers to the ordinance in a memorandum of July, 1553, in which he describes the Württemberg consistorial system and proposes its adoption by Count Ottheinrich of the Neuberg Palatinate; HStA A63, Bl. 10. Eugen Schneider, Württembergische Reformerationsgeschichte (Stuttgart, 1887), p. 97, gives autumn, 1551, as the date of its appearance, which is not unlikely, since the names of a number of superintendents in office at that time have been preserved; see Bossert, op. cit., p. 167, and note 51 on p. 201; also PrColl IIb, 27 ("Aus den Visitationsberichten").


17 In the ordinance of 1553 this body was called the "Visitationsrat." In the CO of 1559 it was called the "Kirchenrat." The use of "consistory" as the equivalent of "Kirchenrat" established itself in the period after 1559.

18 This is according to the CO of 1559, ibid., VII, 273. In the Visitation Ordinance of 1553 Brenz was technically subordinate to the Landhofmeister; ibid., VIII, 100.
entrusted to a secular official known as the "director." 19

The members of the consistory, who were collectively known as the "ecclesiastical counselors" (Kirchenräte), 20 were divided into two groups, four "political counselors" (politische Räte) and three theologians. 21 There was a corresponding division of labor between the two groups.

Under the chairmanship of the director the political counselors handled the routine "political" affairs of the church, principally the collection and disbursement of church income. In accordance not only with the tendency toward ecclesiastical centralization but also with Brenz's contention that church income should be used solely for the support of the church and its related institutions, 22 the income from all prebends, save only those designated for the support of the fourteen monasteries, was paid into a central church treasury (Gemeiner Kirchenkasten) administered by the political counselors of the consistory. The local collecting and disbursing agents, known as church stewards (geistliche Verwalter), paid the pastors and

19 Ibid., VIII, 100, 275.

20 They were called "Visitationsräte" in the ordinance of May, 1553, but already in July of the same year Brenz was referring to them as "Kirchenräte" (HStA A63, Bl. 10), the usage preserved in the CO of 1559.

21 Ibid., VIII, 273.

22 See above, p. 81.
schoolteachers an annual salary fixed by the consistory, maintained the parsonages, churches, schools, and other buildings, and disbursed the funds made available for hospitals and poor relief. 23

The three theologians, together with the director and two political counselors, met twice a week under the chairmanship of Brenz. 24 Their function was to appoint all clergymen, including the superintendents and schoolteachers, and to determine what action was to be taken to satisfy the needs or to correct the abuses brought to their attention by the superintendents' reports or by other sources. 25 In order that the theologians not be distracted from their studies and preaching duties by being burdened with political matters, the director was to screen all correspondence and to see to it that only purely theological and scholastic

23. Reyscher VIII, 100-101, 275-282. See also Viktor Ernst, "Die Entstehung des württembergischen Kirchenguts," Württembergische Jahrbücher für Statistik und Landeskunde, 1911, pp. 377-424, esp. pp. 399-414. As Ernst points out, the establishment by Christopher of a separate church treasury (1551-1553) whose funds were earmarked ad pios usos was a conscious reaction against the policy of Duke Ulrich, who had channelled three-quarters of all church income into his Rentkammer and applied it to the retirement of his debts. However, Christopher himself did not hesitate regularly to dip into the surplus in the church treasury to ease the deficit in the state treasury.


25. This is stipulated in the 1553 ordinance, ibid., VIII, 102-103, but not in the CO of 1559.

26. Ibid., VIII, 102-103, 274.
questions were referred to their meetings. In cases in which political and theological issues were mixed, the director was to secure the written opinion of the theologians on the theological issues. 27

In a special section dealing with the appointment of clergymen, 28 the CO of 1559 declared that no person was to be appointed to any clerical office in the duchy until he had passed an examination to be administered by the theologians of the consistory. When he appeared for the examination the candidate was to present reliable credentials concerning his personal background. If his credentials were in order and the examination revealed him to be orthodox in doctrine according to the Württemberg Confession, the candidate was to deliver a trial sermon before the three theological counselors. If his pronunciation and delivery proved satisfactory, he was assigned to whatever position was vacant at the moment. The church order also provided that if any patron other than the duke wanted to exercise his right of appointment, he could do so, provided the candidate he nominated could pass the above examination. If the patron could not or would not appoint suitable

27 Ibid., VIII, 103, 274, 245-246.

28 "Wie alle Pfarren, Predicaturen, Diaconaten und Subdiaconaten, besetzt werden sollen," ibid., VIII, 222-241.
persons, the duke would exercise his rights under the Peace of Augsburg by having his theological counselors do so.\footnote{Ibid., VIII, 222-227. Schoolteachers had to undergo a similar examination; see below.}

However, in accordance with the position taken by Brenz in 1525, the duke conceded to the congregations a severely limited right to veto the appointment of a new pastor. Before a person who had met the above requirements was formally installed in the parish to which he had been assigned, he was to deliver several public sermons with the local superintendent and subprefect (amptmann) present. If the congregation found him acceptable, the superintendent and the subprefect were to report this to the consistory, and the pastor was to be installed formally by the superintendent. If the congregation objected to the proposed pastor, the consistory was to decide whether the objections were valid. If so, the pastor was not to be installed. But if the objections were "trivial and without valid ground . . . based on ignorance or obstinacy," the consistory was not to countenance them but inform the congregation of its error.\footnote{Reyscher VIII, 231-234.} Although there is no evidence on which to base a judgment, it may well be doubted whether a veto right thus qualified had any significant effect in practice.
The superintendents were divided into two ranks, general and special superintendents. In each local district the most capable and learned pastor was to be designated (special) superintendant. The CO of 1559 neither defines the superintendents' districts nor gives their number, but it appears that initially one superintendent was appointed in each of the twenty-three districts established in the Synodal Ordinance of 1547, with subsequent modifications bringing the number up to twenty-eight. Having very little independent authority, the superintendent acted primarily as the eyes and ears of the consistory in the local district. His principal duty was to visit every parish in his district twice a year to investigate the life and doctrine of the clergy, schoolteachers, local officials, and residents, and to determine how carefully the provisions of the church order (i.e., the CO of 1553) and

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32 The adjective "special" is superfluous and will henceforth normally be omitted.

33 HStA A63, Bü. 10: "Zum andern, das in einem yeden ampt besonder auss den pfarherrn des selben ampts der geschickt, gelertist und erbars wandels zu einem Superattendentzen, wie biss anher dem /?/ in Rurales erweelet und verordnet wurde . . ."

34 Schneider, op. cit., p. 114; Julius Rauscher, Württembergische Reformationsgeschichte (Stuttgart, 1934), p. 192. According to one contemporary source, however, a superintendent was appointed in every prefecture; see Ernst I, no. 265, "Auszug aus eines glaubhaften Mannes Schreiben" (October 4, 1551), a denunciation of Christopher, intended for the emperor.

35 See above, p. 29.
other relevant ordinances were being observed. The local secular authorities were under orders to render him all necessary assistance. After the completion of each visitation the superintendent was to submit a full written report to his general superintendent. In addition to this the superintendent was to report directly to the consistory for its consideration and decision any of the following circumstances: (1) a clergyman's persistence in a "strange opinion," despite the superintendent's attempt to correct him; (2) refusal of a clergyman to desist from immoral behavior despite two formal admonitions, the first by the superintendent and the second by the superintendent and general superintendent together; (3) serious disputes among the clergy, or between the clergy on the one hand and the secular officials or private individuals on the other, which could not be settled locally through the mediation of the superintendent; (4) charges of serious wrongdoing against a clergyman; (5) the split of a congregation into hostile factions, either caused by the pastor's intemperate and abusive behavior, or made worse by his alliance with one of the factions; (6) death or disability of any clergyman; and (7) culpable failure of the church steward to pay a clergyman his proper wage or to provide him with necessary housing.

36 Reyscher VIII, 246-250; HStA A63, Bt 10.

37 Reyscher VIII, 250-252.
The duties of the four general superintendents were to supervise the superintendents in their districts, to offer help and advice in cases too difficult for them to handle, and especially to refer the written reports of the superintendents to the consistory and to participate in the consistory's semi-annual deliberations on them. The CO of 1559 does not define the four general superintendencies, but by that time the prelates of the monasteries in Adelberg, Bebenhausen, Maulbronn, and Denkendorf regularly held the office.

If any clergyman, schoolteacher, or lay person had a complaint to raise concerning any ecclesiastical matter, he was first to bring it to the attention of the special and general superintendents. If they could not help, a supplication could be addressed to the consistory if countersigned by the superintendents in matters affecting the life and doctrine of the clergy, or by the local secular officials and church steward in matters concerning pay, church buildings, and so forth.

Whereas the daily administration of the church was assigned to the consistory, the formulation of general

38 Ibid., VIII, 252; HStA A63, Bü. 10.
40 Reyscher VIII, 251-252.
policies was assigned to a body known as the synod, which was simply the consistory enlarged by the addition of the general superintendents, meeting twice a year under the chairmanship of Brenz (and his successors as Stuttgart provost) in his capacity as "supreme superintendent of ecclesiastical affairs in the chancery" (Oberster Superintendent unserer Kirchensachen in unser Cantzley). Their method of operation was to take the visitation reports of the superintendents, which the general superintendents were to bring with them, consider all the errors and deficiencies revealed in them, and render to the duke a written recommendation concerning appropriate measures of correction, prevention, or punishment. When approved by the duke, these recommendations became church law. In 1554, for example, the synod decided how superintendents were to handle complaints made against clergymen in the course of their

41 In the Visitation Ordinance of 1553 the functions of this body were described, but no name was given to it; ibid., VIII, 103. In the CO of 1559 it was called the "Conventus" or "gemeiner conventus des Consistorij;" ibid., VIII, 269. After 1559 the name "synodus" gradually established itself. See Lempp, op. cit., p. 19.

42 According to the CO of 1559, ibid., VIII, 269. The ordinance of 1553 had stipulated four meetings per year, ibid., VIII, 103; but by 1554 the number already had been reduced to two, Pressel, p. 386.

43 Ibid., VIII, 103, 269.

44 Ibid., VIII, 103, 269-270.
visitations. Two years later they established measures to be taken against parents who did not send their children to catechism, and resolved that all drinking and gaming at the time of the chief worship services should be banned. 45

Furthermore, especially important cases of public misconduct or doctrinal aberration on the part of any clergyman could be referred to the synod, which could admonish the person, sentence him to prison, or dismiss him from office, depending on the nature of the offense. 46 Finally, the synod was the only body authorized to impose the sentence of excommunication. This brings up once again the problem of ecclesiastical discipline, which will be treated separately below.

Although the Württemberg church was thus organized as a branch of the state bureaucracy and was governed by agencies operating ex voluntate et mandato principis, 47 it cannot be maintained that the church entirely lost its separate identity or independence. For the consistorial system established by Christopher and Brenz, much more

45 The information provided here was derived by Lempp, op. cit., pp. 32-34, from the Cynosura oeconomiae ecclesiasticae Wurtembergicae (1639), a handbook of the bylaws of the Württemberg Church. The contemporary records have been lost.

46 Reyscher VIII, 270.

47 As Brenz said of the synod; Pressel, p. 386.
than the means of church government employed by Duke Ulrich, was characterized by a scrupulous effort to maintain the distinction between secular and spiritual authority, and especially to avoid the subjection of the latter to the former. This is reflected in the careful distinction made between the ecclesiastical and secular councils in the chancery, as well as that between political and theological affairs in the consistory; in the visitation of the churches by ecclesiastical superintendents rather than by secular officials; in the separate accounting of ecclesiastical and secular funds; in the elevation of the Stuttgart provost to a position of authority in the ecclesiastical administration parallel to that of the Landhofmeister in the secular administration; and in the practice of referring major decisions in matters of doctrine to special synods of theologians in accordance with Brenz's view of the church's exclusive authority to render judgment in matters of doctrine. 48

However, implicit in the above is the fact that it was exclusively the divines holding the highest positions in the state church—the provost, the theological counselors, the prelates of the monasteries, the professors of theology, and

48 See Article XXIX of the Württemberg Confession, Reyscher VIII, 159. Both the confession (1551) and the Württemberg Confession of the Lord's Supper (1559) were officially approved by the Württemberg divines before being proclaimed as law by the duke; H & J II, 278.
whoever else may have won the favor of the duke or provost—who spoke for the church. The voice of the congregations and of the bulk of the clergy, in so far as it was heard at all, reached the consistory only in the form of written reports or petitions which were there evaluated by men with little or no personal experience of conditions or attitudes in the congregations outside Stuttgart. The point is not simply that the pastors and their flocks were denied the means of participating actively in the process of church government, but that the central agencies of the state church were largely cut off from living contact with the congregations composing the church they governed. The gap might to a great extent have been bridged if the superintendents, who through their visitations had close contact with the local congregations, had been summoned to the semi-annual synod meetings to participate in the discussions of their visitation reports—a procedure which would have been analogous to that described in the Visitation Ordinance of 1547.

For want of sources it is impossible to describe the strengths and weaknesses of the consistorial system as revealed in its day to day operation. That it was on the whole highly effective is indicated by the fact that the CO of 1559 was reissued in slightly revised form in 1582 and again in 1660,\(^49\) and by the fact that the system was

\(^{49}\)Reyscher VIII, 107 (footnote).
copied in the church orders of several other territories, the most important of which was the Saxon CO of 1580.  

**Ecclesiastical Discipline**

In this period ecclesiastical discipline remained the most vexing problem of church order that Brenz had to deal with. Since he had the full support of Duke Christopher, he had little difficulty in securing the establishment of an order of public excommunication along the lines suggested after the defeat of his proposed synodal court. But he was ultimately defeated in his attempt to get the system accepted and enforced in practice.

The order of "ecclesiastical censure" first established between 1551 and 1553 and later incorporated into the CO of 1559 was the complement of those sections of the Territorial Ordinance of January, 1552, which provided for the punishment by the secular authorities of public offenses against Christian morality. In the event either that the

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50 Müller, op. cit., pp. 18-21.

51 The rather sketchy instructions in the pre-1553 Superintendence Ordinance were supplemented by additional instructions issued by the synod. See Brentii Consilium in causa Censurae Ecclesiasticae ad Lyseri epistolam (September 10, 1554), Pressel, pp. 385-388, esp. p. 386.

52 "Censur der Kirchen," Reyscher VIII, 265-269. See also the supplementary provisions in the section dealing with "Visitation Superintendentz," pp. 253-254.

53 Ibid., XII, 195-205.
secular penalties produced no improvement in the life of the person affected or that the secular authorities were lax in enforcing the law, ecclesiastical censure was to be applied "in the pastoral and preaching office" in accordance with a procedure modelled on that described in Matthew 18:15-18.\(^{54}\)

First of all, the pastor was to use all means at his disposal to bring the guilty party to repentance and improvement of life. The CO of 1553 stipulated that whenever a pastor planned to hold a communion service he was to require all prospective communicants to attend a special penitential service the evening before. There he was to interview each person individually, pronounce absolution on the truly penitent, and privately admonish any persons guilty of serious offenses but still impenitent not to commune.\(^{55}\) If the guilty person did not seek to commune, the pastor was to visit him privately and attempt to bring him to repentance.\(^{56}\) If the person remained impenitent, or if repeated lapses into the same offense indicated that his repentance was insincere, the pastor was to follow Christ's injunction to "tell it to the church" (Mt. 18:17)

\(^{54}\)Ibid., VIII, 266; Pressel, p. 386.

\(^{55}\)Reyscher VIII, 192-194. The CO of 1559 complained that too many pastors were not observing this procedure and called upon the general and special superintendents to see to it that they did; ibid., VIII, 246, 252-253.

\(^{56}\)Ibid., VIII, 253.
by reporting the matter to his superintendent. Under no circumstances was the pastor publicly to exclude anybody from the sacrament *privato suo judicio*.  

When a case was reported to him by the pastor, the superintendent, together with the pastor and two members of the local court (*Rugrichtern*), was to visit the person and admonish him again to lead a better life. If this had no lasting effect, the superintendent, pastor, and judges were to submit a written report to the consistory in order that the guilty person be summoned to appear before the synod to receive a final admonition. If this last resort failed, the synod, with the duke's prior knowledge and consent, was to impose the sentence of excommunication, which was to be proclaimed formally against the guilty party by his pastor in the presence of the congregation.  

The excommunicated person was barred from the sacrament (except in case of a death-bed repentance) and from all other Christian ceremonies except the sermon. If he died without repenting, he was not to receive Christian burial. Furthermore, the local subprefect was to bar him from all

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57 Pressel, pp. 386, 387-388; Reyscher VIII, 253, 266.

58 Pressel, p. 386; Reyscher VIII, 253-254, 266-267. It was further provided that if a case were so extremely scandalous that it could not await disposition by this somewhat slow and deliberate process, the superintendent was to report it without delay to the general superintendent, who would refer it to the consistory for immediate action. *Ibid.*, VIII, 254, 269.
weddings, taverns, and other social gatherings, while the people were to be warned that all social intercourse with him, save necessary business dealings, was a punishable offense. It is thus clear that public excommunication as established in the Württemberg church included several of the features of the old *excommunicatio major*. If the excommunicated person led a virtuous life until the next visitation and then asked for pardon, the superintendent and pastor, together with the subprefect and judges, were to inform the consistory, which would lift the sentence and order the pastor publicly to proclaim his readmission to full church membership. Finally, the pastors were to teach their people that excommunication is not to be despised or scorned but that

> just as the communion and fellowship of the holy, Christian church is a fellowship of all divine and heavenly blessings, so therefore is orderly and lawful excommunication the deprivation of all temporal and eternal salvation.\(^{59}\)

How ineffective this order of ecclesiastical censure was at first is shown by the case of Caspar Lyser and Jakob Andreä, which occurred in 1554.\(^{60}\) Lyser was pastor in

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\(^{59}\) Ibid., VIII, 267-269.  

\(^{60}\) Most of what is known of the case is contained in three sources: *Epistola Casp. Liseri ad Ducem Wirtemb. Christophorum de reproducenda Censura Ecclesiastica s. Excommunicatione contra improbos* (September 6, 1554); *Sattler IV, Beilagen*, pp. 71-76; *Brentii Consilium* . . . cited above, note 51; and *Protocoll der Synodalverhandlung im Fall Lyser-Andreä* (November 24, 1554), PrColl IIb, 46 (original in Brenz’s hand).
Nürtingen while his brother-in-law, André, was pastor and superintendent in Göppingen. Outraged by the fact that so many so-called Christians not only regularly disgraced themselves through drunkenness and other scandalous behavior but also demanded admittance to the sacrament without showing any sign of repentance or of mending their ways, they were consequently troubled by the fact that (according to them) no order of excommunication was yet in use in the Württemberg church. In the course of the year 1554, or perhaps even earlier, Lyser and André became the nucleus of a group of pastors who met to discuss ways and means of establishing the practice of excommunication. In February, 1554, Lyser wrote to John Calvin asking his advice. But before Calvin had time to reply Lyser and his colleagues already had come into possession of a book by Pierre Viret, the Calvinist reformer of Lausanne, describing the exercise of excommunication by a consistory of six or eight persons,

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61 Sattler IV, Beilagen, p. 72.
62 "Excommunicatio nulla apud nos adhuc est in usu." CR 43, 51; Lyser to John Calvin, February 27, 1554.
63 Sattler IV, Beilagen, p. 72.
64 Letter cited above, note 62; CR 43, 49-52. Lyser also complained that pastors were being appointed by the duke rather than being elected by the church "as of old," and asked Calvin to write concerning these matters to Brenz, whose influence on the duke, he said, was very strong.
65 Calvin to Lyser, September 5, 1554, CR 43, 214-215.
elected in part from the clergy and in part from the laity, which met once a week to admonish those guilty of improper conduct and to excommunicate those who would not heed the admonition. Finding this plan "indeed pious and in accordance with Scripture," Lyser and Andreä desired to establish it in their congregations. So, heeding Viret's counsel to act only with the consent of the secular authorities, 66 Lyser wrote to the duke seeking his approval of their project. 67

Although Duke Christopher requested Brenz's opinion concerning what action to take on Lyser's request, 68 he seems at the same time to have given Lyser and Andreä at least the impression that they had his permission to proceed with their project. 69 Brenz, however, while commending Lyser's zeal in the cause of moral discipline, took offense at his ignorance, real or feigned, of the established order

66 Sattler IV, Beilagen, p. 73.

67 Andreä also appealed directly to the duke: "Dieweil auch Ir, Doctor Jacob Andreä, main gnedigen F. und herrn etlich mall vonwegen der anrichtung Ecclesiasticae censurae angesucht . . ." PrColl IIb, 46.

68 At the end of Lyser's letter Christopher wrote instructions to this effect; Sattler IV, Beilagen, p. 76.

69 Andreä to Duke Christopher, November 2, 1554: "Quod enim nobis benigne ac clementer concesseras, id universum a Consiliariis Clementiae T. nomine retractatum, nobisque severissime inhibitum est." Cited in Schnurrer, p. 237.
of ecclesiastical discipline. At his insistence the duke, who feared a theological squabble on the eve of the Augsburg Diet (February-September 1555), ordered Lyser to desist from his "innovations" and abide by the provisions of the Superintendence Ordinance. When Lyser and Andreß again appealed to the duke, they were summoned before the synod, where they were required solemnly to promise to abide by the established order of ecclesiastical discipline.

Brenz's case against the Lyser-Andreß proposal is a curious phenomenon indeed. Cast in a style frequently so vague and incoherent as to defy rational comprehension, it relies heavily on arguments that are either irrelevant or insubstantial or both. But despite its weakness as a theoretical critique, it does indicate that Brenz had compelling practical reasons for wanting to secure the rejection of Lyser and Andreß's proposal. Furthermore, it comes closer than anything else Brenz wrote to being a theoretical exposition of his efforts in the area of ecclesiastical discipline.

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70 Pressel, p. 385.
71 PrColl, IIb, 46.
72 S. Reyhing to Lyser, September 11, 1554, PrColl IIb, 43. Reyhing was a ducal official delegated to communicate the duke's wishes to Lyser.
73 PrColl IIb, 46.
74 In the above-cited Consilium and Synodalprotocol.
Brenz's principal contention was that public excommunication is far too weighty a matter to be left to the whim of the individual pastors. He conceded to the pastors only the right to exercise the persuasive forms of ecclesiastical discipline, including what he called the excommunicaatio minor: the private admonition of impenitent sinners not to commune until they are prepared to lead better lives. This excommunicaatio minor, said Brenz, is adequately provided for in the CO of 1553 and should be practiced with all due zeal by the pastors.\textsuperscript{75}

On the other hand, Brenz continued, public exclusion of impenitent sinners from the sacrament is something much more serious and difficult (\textit{weitleuffiger}). To be sure, Christ established this excommunicaatio major "in the church" (\textit{in ecclesia}), but he intended that it be exercised, not at the whim of this or that individual pastor, but by the "church in general" (\textit{die gemeine Kirche}), by means of an "orderly, legal procedure" based on "special laws or cannons" (Mt. 18:15-18).\textsuperscript{76} What made this form of excommunication so serious and difficult in Brenz's eyes was not simply the fact that it was supposed to deprive the person affected of salvation—he did not even mention that in this context—but also the fact that publicly excluding a person from the

\textsuperscript{75}PrColl IIb, 46.

\textsuperscript{76}Ibid., IIb, 46; Pressel, pp. 385-387.
sacrament was tantamount to declaring him a social outcast (see below). Consequently, Brenz's insistence that public excommunication be imposed by a church court rather than by the individual pastor was probably as much the result of his sense of justice as it was of his understanding of scriptural precept.

Despite his assertion to the contrary, Brenz's definition of the distinction between the greater and the lesser excommunication was not the traditional one preserved in the Lutheran confessional writings which he had signed. The reasons for his indulgence in this self-contradiction have to be guessed at. Although it suited his polemical purpose to employ a definition which removed public excommunication entirely from the authority of the pastors, it seems that basically he was trying to redefine the old terminology in such a way as to make of it an accurate description of Protestant ecclesiastical discipline as he understood it. First of all, the terms excommunicatio major and excommunicatio minor were perfectly sensible designations for the two sorts of excommunication, the one more serious than the other, which he felt ought to be exercised in the church. In the second place, Brenz's definition of public exclusion from the sacrament as

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77 PrColl IIb, 46. See also note 79 below.
78 See above, p. 101.
excommunicatio major made considerable sense within the traditional meaning of the term. It took account, first of all, of the fact that because the public and its rulers thought of excommunication in terms of the old excommunicatio major, mere exclusion from the sacrament was not regarded as something "minor," as something purely spiritual or ecclesiastical, but as a social disgrace. Furthermore, as we already have seen, Brenz himself conceived of the exercise of public excommunication as including, in addition to exclusion from the sacrament, some of the features of the old excommunicatio major, designed to humiliate the excommunicated person and thereby, hopefully, hasten his repentance. The CO of 1526 reveals that he expected good Christians to avoid the company of a person excommunicated by a church court, while the CO of 1559 provided for such measures as exclusion from most ecclesiastical ceremonies and social ostracism enforced by the secular government.

79 This appears, at any rate, to be the sense behind the following: "Und nach dem disse Excommunicatio, biss anher Excommunicatio Maior genant ist worden, so hatt es so vill uff jm tragen, das der Excommunicatus ist worden Infamis, hat kein Testis in keiner handlung sein mögen, ist keins eerlichen ampts vâhig gewesen, hat nicht heres sein mögen, etc. Es müsste auch ein Summum et generale Consistorium angericht werden, dahin die, so sich der sentens jrer Censoren beklagen, appeliren möchten." FrColl IIb, 46.

80 See above, p. 106.

81 See above, pp. 158-159.
To return to Brenz's case: While it has been possible, he said, to establish the exercise of the *excommunicatio minor*, it has not, "owing to the condition of these times," been possible to establish the exercise of the *excommunicatio major*. This was another way of saying that because of the opposition of the secular government it had not been possible to win for the church its inherent right to exercise public excommunication through its own courts. Therefore, Brenz continued, in order that scandalous vices not remain unpunished, the duke has established in his Territorial and Superintendence Ordinances means for the discipline of morals through the application of secular and ecclesiastical penalties, including the imposition of excommunication by the synod. These ordinances, Brenz insisted, are as fitting and sufficient a provision for the discipline of morals according to the "rule of Christ" (Mt. 18:15-18) and secular law as is possible at the present time. If there are still many people with corrupt morals leading wicked lives, the fault, said Brenz, lies not in any shortcoming of the ordinances themselves but partly in the failure of the prefects to enforce the Territorial Ordinance with sufficient zeal and partly in the failure of

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82 PrColl IIb, 46.
83 Ibid., IIb, 46.
84 Pressel, p. 388.
the pastors to report the sins of their parishioners to the superintendents. To attempt to replace this established order with the exercise of the **excommunicatio major** would, under the circumstances, be a strange and dangerous innovation which would give rise to much resentment and disorder and thus could not profitably be carried into effect. Indeed, the **excommunicatio major** is so serious and difficult a matter that nothing concerning it should be undertaken without the common deliberation and consent of the Protestant Estates.

Viewed as a theoretical critique, Brenz's case is certainly not worth much. One gets the impression that Brenz, faced with an unforeseen challenge to the order of ecclesiastical discipline whose establishment he had secured, could think of no better reply than a recitation of the reasons for establishing that order in the first place. For the arguments Brenz used in 1554 against the Lyser-Andreß proposal were essentially the same as those he had used in 1531 against Osiander's article on excommunication:

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86 PrColl IIb, 46; Pressel, p. 388. Brenz also charged Lyser with intending to establish in his church "novum Consistorium et novos pontificios Canones" (Pressel, p. 387), a charge the sense of which, if any, the author has yet to discover.

87 See above, pp. 119-120.
The exercise of excommunication, which belongs by right to the church, ought to be exercised, not by the individual pastors but by independent church courts. Since it has not been possible to achieve this, authority to excommunicate has been assigned to the synod, one of the governing bodies of the state church. Individual pastors, who are obligated to observe the established order, must not seek to circumvent it by novel experiments in their own congregations. The trouble with this argument in its 1554 version was that it was largely irrelevant. For Lyser and Andreä had not, like Osiander, assigned the right of excommunication to the individual pastors but to consistories whose membership included, in addition to the pastors, elders elected from the congregations. To the question why the congregational consistory proposed by Lyser and Andreä, so similar in many respects to the synod he had proposed in 1526, was not a suitable church court, Brenz could only claim that in the early church ecclesiastical courts (Ecclesiastica Consistoria) were not established in every little town and village but only in the more populous cities where the bishops and their chapters resided. This was of course no real

88 Indeed, Lyser had specifically renounced any desire to arrogate to himself the authority to excommunicate: "Ego vero solus hanc potestatem /of excommunication/ mihi non arrogabo aut exercibo, sed cum senioribus aliis... ." Sattler IV, Beilagen, p. 74.

89 Pressel, p. 385.
argument but simply an allegation of questionable relevance reflecting Brenz's typical unwillingness to entrust the exercise of anything as serious as excommunication to the local congregations and their pastors.

Nevertheless, it is not possible simply to dismiss Brenz's rejection of the Lyser-Andreft proposal as a highly-placed bureaucrat's stand-pattism bolstered by irrelevant and shaky rationalizations. For, viewed strictly as a practical evaluation of the "dangers" presented by that proposal, Brenz's case has considerable merit. What he was saying, in effect, was something like this: In the period 1526-1531 he himself had struggled in the face of governmental and popular hostility to secure the establishment of what in 1554 he called the \textit{excommunicatio major}. In the period 1551-1553 he had at last succeeded in securing the establishment of the compromise solution which the rejection of his proposed synod had driven him to propose in 1531. In place of the impractical goal of the administration of excommunication by an ecclesiastical court in the name of the church he had secured its administration \textit{ex permisu et concessione principis} by an agency of the central government. Except for this necessary concession to the authority of the prince, the Württemberg order of ecclesiastical censure satisfied his demand for conformity to the "rule of

\footnote{Ibid., p. 387.}
Christ" and for due process of law. Consequently, the danger he saw in the Lyser-André proposal was not simply that it called for the establishment of the excommunicatio major in a form inconsistent with the degree of ecclesiastical centralization which he desired nor that it threatened to touch off internal quarrels among the Protestants on the eve of the Diet of Augsburg. For, even if their proposal had been revised to make it conform to Brenz's definition of excommunicatio major, and had, in addition, been proposed at a time less delicate politically, it still would have had the great fault of calling for the replacement of the established order with one which had long since been proved unobtainable. Thus, as Brenz saw it, he was not simply fighting in defense of his own little status quo but rather in defense of the only order or ecclesiastical discipline possible under the circumstances.

The only possible order it may have been; an enforcement order it was not. This fact is revealed in a memorandum submitted to Duke Christopher in December 1565 by Brenz on behalf of the theologians of the synod. Brenz and his colleagues complained that the measures for the treatment of excommunicated persons prescribed by the CO of 1559 were not being enforced by the local officials against those declared

91PrColl IIc, 64: Underthenig bericht der Theologorum, das bedenken De publica excommunicacione belangendt (December 8, 1565).
excommunicate by the synod. The result, the theologians reported, was that the sentenced persons persisted uncorrected in their wicked ways and were consequently called before the synod time after time for repetitions of the same offense. Highly distressed at having to spend a disproportionate amount of time at each synod session dealing with the same old crew of blasphemers, fornicators, drunkards, and usurers, Brenz and his colleagues called for measures to secure better enforcement of the censure ordinance. Specifically, they proposed that responsibility for imposing the sentence of excommunication be transferred from the synod to a local committee composed of the pastor, superintendent, subprefect, and several judges, the only proviso being that the approval of the consistory be required to make the sentence operational. It is obvious, however, that this proposal was beside the real point. For the problem, as Brenz and his colleagues themselves pointed out in the memorandum, was not getting the offenders sentenced but rather getting the ordinance enforced against those already sentenced. The reason the ordinance was not being enforced, as one Tübingen jurist pointed out to Christopher, was that the secular officials were not willing to do so and that, in any case, the populace as a whole would have preferred rebellion to submission to a rigorous enforcement of it. It

—92 H & J II, 293.
would almost seem that Brenz and his colleagues, unable to propose any means of dealing with this basic problem, decided instead to shift the burdensome task of coping with an unenforceable ordinance to someone else. But the duke's secular counselors sharply opposed the theologians' proposal, arguing that there would never be any rest from the litigation concerning appeals from the hasty and ill-considered judgments such a local committee could be expected regularly to hand down. In this instance Christopher sided with his secular counselors against Brenz.\footnote{Ibid., II, 295.}

In the sixteenth century the type of strict ecclesiastical discipline which Brenz wanted proved, as a rule, to be feasible only in churches whose membership was composed entirely of "committed" Christians, such as Anabaptist conventicles or Calvinist congregations, not in territorial churches like that in Württemberg, the bulk of whose members were conventional Christians at best. In other words, whereas Brenz's earliest proposals in the field of ecclesiastical discipline were found to be incompatible with the state church, his later ordinance proved unenforceable in the Volkskirche.

Education

Although there is ample evidence indicating that in the Württemberg period Brenz retained an active interest in
the welfare of the University of Tübingen, whose reformation
he had directed in 1537-38, the major task facing him and
Christopher in the field of education was the organization of
a system of schools at the pre-university level. The end
product of their efforts was a system which met the educa­
tional needs of state and church in substantially the way
envisioned by Brenz in the Hall period. The Co of 1559
contained ordinances, drafted by a committee of three,
including Brenz, for Latin, German, and cloister schools
as well as the so-called Tübingen Stipendium. All of
these had been established prior to 1559 while all but the
cloister schools had their origin in the reign of Duke
Ulrich or earlier.

At the beginning of the sixteenth century the only
schools in Württemberg were the Latin schools which had

94 In 1551 Brenz was instrumental in the appointment of
two new professors of theology at Tübingen; Fressel, pp.
322-323; H & J II, 300. He also served frequently on ducal
commissions sent to inspect the university and make sugges­
tions for improved organization; FrColl IIb, 57, 61;
H & J II, 301.

95 See above, p. 29, note 80.

96 Lumped together in a section entitled "Von den Schu­
len," the individual ordinances are as follows: "Von Par­
ticular [Latin] Schulen," Reyscher XI-2, 27-62; "Von Teutschen Schulen," ibid., XI-1, 2-9; "Ordnung der
Kirchenübung vnd Schulen, bey den Prelaturen Mans Klöstern," ibid., XI-2, 63-91; "Von dem Stipendio zu Tüwingen," ibid.,
XI-2, 91-123. Also included was an "Ordination des
Pädagogiums zu Tübingen," ibid., XI-2, 123-125, a very brief
and intrinsically uninteresting order for a school for the
education of selected youths of noble birth.
been established in nineteen of the cities in the duchy. The introduction of the Reformation brought not only an increase in the number of Latin schools but also the establishment of a large number of German schools. Incomplete returns from a survey ordered by Duke Christopher in 1559 listed 194 schools in thirty-eight of which both Latin and German were taught while in 156 of them, located mostly in the villages, only German was taught. These schools had been established under various auspices. Some had been founded at the initiative of the ducal government, which provided former church buildings and ecclesiastical income to help defray the costs. Others were established in response to Luther's appeal of 1524 at the initiative of local officials, who then applied to the central government for financial and material assistance. Finally, many of the German schools were first established by local pastors in order to facilitate catechetical instruction.

The CO of 1559 not only provided the existing Latin and


98 Ibid., p. 97.

99 See above, p. 123.

German schools for the first time with ordinances effectively imposing uniformity on them but also called for the establishment of new schools where needed. In the general preface to the section "Concerning Schools" it was declared that in every town in the duchy, large or small, as well as in certain of the larger villages, a Latin school was to be established and maintained in order that the duchy be supplied with well-educated theologians and public officials.\textsuperscript{101} While preparing the Latin school ordinance the three-man committee had available to it a memorandum written in 1555 by Michael Toxites, professor at Tübingen and disciple of Jakob Sturm in Strassburg, proposing a thoroughly Ciceronian nine-class curriculum for the Latin schools.\textsuperscript{102} Finding this proposal an impractical one for a duchy possessing only relatively small towns with tiny schools, the committee adopted a simpler, five-class curriculum modelled on that already established in Stuttgart.\textsuperscript{103}

\textsuperscript{101} Reyscher XI-2, 24-25.


\textsuperscript{103} Ibid., pp. 503-509. The curriculum is so much like that in the Hall School Ordinance described in chapter three (see above, pp. 129-130 ) that it need not be discussed in any detail here.
Like Toxites' proposal, the CO of 1559 placed strong emphasis on good Ciceronian style but, in line with Brenz's views on education, it placed much greater stress than had Toxites on measures designed to inculcate "discipline and the fear of God." For example, to produce the fear of God, morning and afternoon sessions were to begin with the singing of a Latin hymn and to end with one pupil reciting a passage from the catechism. Every Friday all pupils were to be examined on the catechism while on Saturdays the teacher was to expound the gospel lesson for the following Sunday in Latin and, for the advanced pupils, in Greek. Fridays and Saturdays the pupils were to practice hymn singing in German and Latin. The boys attended church as a group under the supervision of the schoolmaster, who was to see to it that they listened to the sermon with a degree of attention sufficient to enable them to answer questions concerning it afterwards. On the other hand, the training of the school children in discipline and good morals was declared to be the joint responsibility of the school teachers and the parents or guardians. Parents or guardians who neglected to discipline their children properly despite admonitions from the schoolmaster were to be reported by him to the superintendent and subprefect at the time of their visitation. Finally, at least twice each year the pastors were to preach sermons admonishing parents diligently to send
their children to school. 104

Because the German schools, which offered only elementary instruction in reading, writing, and religion, did not produce people fit to hold ecclesiastical or secular office, Duke Ulrich did not accord them the same degree of support as he did the Latin schools. In fact, in the Visitation Instruction of 1546 he ordered that in a number of small towns where German and Latin schools existed side by side, the former were to be abolished lest they siphon off students from the latter to the detriment of church and state. 105 In the following year fees for Latin schooling were abolished while those for German schooling were not. 106

Under Duke Christopher the primary emphasis on Latin schools remained but, as one might expect considering the stand taken by Brenz in the CO of 1526, 107 German schools won recognition as institutions performing an intrinsically important function complementary to, rather than in competition with, that performed by the Latin schools. Consequently, the CO of 1559, recognizing that most parents,

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104 Reyscher XI-2, 50-52. While attendance of all children at Sunday catechism in church had been required by law ever since 1535, school attendance remained voluntary until 1649. See Schmid, op. cit., p. 119.

105 Sattler III, Beilagen, p. 273.

106 Ziemssen, op. cit., p. 483.

107 See above, pp. 124-126.
because of their long hours of labor, had not sufficient time to give their children the sort of elementary education needful for their secular occupations or for their proper comprehension of the church's teaching, declared that in every one of the more populous villages where there existed an endowment for the support of a sexton, a German school was to be established with the sexton serving as schoolmaster. 108

According to the German school ordinance, which was much briefer and less detailed than that for the Latin schools, instruction in some localities was available both to boys and girls, but in segregated classes. 109 The pupils were first to be taught the alphabet, then the connection of syllables, and then reading and writing. Since the primary aim was to train the children in the fear of God, instruction was to be based solely on wholesome, Christian books such as the catechism, the Psalter, the Proverbs of Solomon, the Wisdom of Jesus ben Sirach, and the New Testament. Above all, emphasis was to be placed on the memorization and elucidation of the catechism and, secondarily, on practice in church music. The German school pupils, like their counterparts in the Latin schools,

108 Reyscher XI-2, 27.

109 Ibid., XI-1, 3. In the sixteenth century attendance of girls at German schools seems to have been confined to the cities. By 1600 it had begun to spread to the villages. In any case they were always vastly outnumbered by the boys. See Schmid, op. cit., pp. 118-119.
attended church as a group under the supervision of their schoolmaster. The schoolmaster was to designate several each week to recite portions of the catechism during Sunday catechetical instruction in church and was also to examine them on the content of the sermon.  

While the number of Latin schools appears to have remained static after 1559, the number of German schools increased markedly. According to the records of a synod meeting in 1581, there were one hundred more schools than in 1559, all of them German schools in the villages.

Control over the schools, which before the Reformation had been in the hands of local secular or ecclesiastical authorities, was, like all other aspects of church order, taken over by the central government as a result of the Reformation. The Visitation Instruction of 1546 stipulated that no community was to appoint anyone as a schoolmaster who had not first been examined and found suitable by the central authorities. Duke Christopher placed all schools under the authority of the consistory as soon as it was established and required prospective teachers to pass

110 Reyscher XI-1, 3-5. Neither the ordinance for the Latin schools nor that for the German schools gives any indication of the age span of the pupils or of the period of time it normally took to complete the course.

111 Schmid, op. cit., p. 108.

112 Sattler III, Beilagen, p. 273.

113 Reyscher VIII, 102.
an examination very much like that administered to prospective pastors.\textsuperscript{114} Whereas the Visitation Instruction of 1546 had assigned local supervision of all schools to the local pastor, subprefect, and burgomaster,\textsuperscript{115} the CO of 1559 assigned local supervision of the Latin schools to a committee composed of the local pastor and subprefect plus two or three "pious, God-fearing, intelligent, and honourable" men from the local court or council. The pastor was to visit the school at least once every month to see how well the school ordinance was being observed, to check on the pupils' progress in Latin, and, above all, to see to it that the fear of God and good moral discipline were being diligently inculcated and practiced. The whole committee was to visit the school quarterly to hold an examination to determine which pupils were ready for promotion to the next class. Furthermore, any deficiencies in the school not cleared up by the pastor's visits were to be reported by the committee to the superintendent, who was then to visit the school together with the committee. What this visitation could not correct was to be reported to the synod through the general superintendent.\textsuperscript{116} Wherever a German school was connected

\textsuperscript{114}Detailed description in the CO of 1559, \textit{ibid.}, XI-1, 6-7; XI-2, 54-57.
\textsuperscript{115}Sattler III, \textit{Beilagen}, p. 273.
\textsuperscript{116}Reyscher XI-2, 58-59.
to the Latin school, the former was to be included in the above-described inspection of the latter. In those communities where only German instruction was offered, supervisory control over the school was to be exercised by the pastor alone. Every two weeks or so he was to drop in on the school unannounced and examine a few of the pupils to determine how effectively the schoolmaster was teaching them. He was also to observe in church how well the pupils performed during hymn singing and catechism. Deficiencies on the schoolmaster's part which could not be ameliorated by the pastor were to be reported to the superintendent for his action.

The office of schoolmaster was normally combined with some clerical office, an arrangement which not only recognized the extensively religious and ecclesiastical function of the schools but also had the advantage of cutting costs through the exploitation of offices with well-established incomes. Teachers in the Latin schools were most often deacons, although other persons having Latin, such as municipal scribes, might also hold the post. The position of deacon-schoolmaster was for many the first step toward

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117 Ibid., XI-1, 8-9.
118 Diacon, assistant pastor.
a career in the ministry. From 1556 onward, moreover, the custom of combining the office of sexton with that of German schoolmaster was pursued as a matter of fixed policy. At the same time it became less and less customary for the pastor himself to teach school.

The Tübingen Stipendium, a foundation for the maintenance of promising but needy students of theology at the University of Tübingen, was established by Duke Ulrich in 1557 in an attempt to supply the desperate need of the duchy for trained theologians. In a new ordinance issued in 1557 and subsequently incorporated into the CO of 1559 with only slight revisions, Christopher raised the number of Stipendiaten from 70 to 100. Selected by the consistory from candidates nominated by the local pastors and


120 Messner; the sexton's ecclesiastical function was to lead psalm singing in church and to serve as a general assistant to the pastor.

121 Schmoller, op. cit., p. 117.

122 By the end of the century it was extremely rare. Schmid, op. cit., p. 110.


124 Rauscher, op. cit., p. 184.

125 Reyscher XI-2, 92.
schoolmasters, the Stipendiaten (sixteen to seventeen years of age at entrance) obligated themselves to study only theology, only at Tübingen, and to accept whatever ecclesiastical or other office the duke might assign them upon completion of their training. Living in specially provided quarters under the supervision of a master, the Stipendiaten were subject to a severe, semi-monastic discipline much like that in the cloister schools (see below).  

Occupying a middle position between the Latin schools and the university was the most uniquely Brenzian element in the Württemberg school system, the junior seminaries established by Christopher in fourteen of the fifteen monasteries in the duchy. Duke Ulrich's Cloister Ordinance of July, 1535 had prescribed a course of biblical study much like that outlined in Brenz's memorandum of 1529 on the reform of the monasteries. However, since Ulrich's ordinance specifically banned the acceptance of any more novices, the long-range aim had been the closing down of the monasteries rather than their permanent transformation into educational institutions. During the Interim the monasteries,

126 Ibid., XI-2, 92-108.
127 See above, p. 136, note 88; also pp. 134-135.
128 Schnurrer, pp. 552-553; see also J. Eitle, "Die einstigen Klosterschulen und jetzigen niederer evangelisch-theologischen Seminarien in Württemberg," pp. 7-43 in the volume cited above in note 97.
restored to the control of Catholic prelates, were once again permitted to accept novices. In July, 1552 Christopher wrote to the prelates forbidding them to burden the novices already admitted with "superstitious ceremonies and monastic vows" or to accept any more novices without special permission.¹²⁹ Otherwise the prelates were, for the time being, left unmolested in the free exercise of their office.¹³⁰ Although Christopher claimed authority as prince to reform the monasteries, he waited until the Religious Peace of Augsburg specifically conceded this right before issuing the Cloister Ordinance of January, 1556.¹³¹ Written by Brenz,¹³² this ordinance, an expanded version of which was included in the CO of 1559, was the perfect realization of the ideas first articulated in the memorandum of 1529.

The ordinances of 1556 and 1559 expanded on Brenz's contention in the earlier memorandum that monasteries originally had been founded as schools for the training of clergymen. Reiterating the assertion that the canonical

¹²⁹ Ernst I, no. 689.

¹³⁰ Christopher to Emperor Charles V, September 7, 1552; Ernst I, no. 790.

¹³¹ Ordnung der Gottesdienst und Lectionen in den Clöstern der Prelaten, Sattler IV, Beilagen, pp. 86-98. In the preface to the ordinance Christopher appealed both to his authority as Landesfürst and to his rights according to the Peace of Augsburg; ibid., IV, Beilagen, pp. 88-89.

¹³² See above, p. 30, note 81.
hours were by origin a device for the orderly study of the Bible, they asserted further that the prophets Samuel, Elijah, and Elisha had had special groups of disciples called "sons of the prophets," with whom they had held profitable exercises in Holy Scripture, and that the monasteries of Basil and Augustine had supplied the ancient church with many learned bishops and pastors. In addition to this, the ordinance of 1556 offered the argument that it was only fair that the monasteries, most of whose income was derived from parish churches under their control, devote themselves to supplying the churches with learned pastors and preachers.

Each of the prelates, who as a group retained their traditional status as members of the territorial diet, was charged with the overall supervision of the cloister school located in his monastery. Since most of his attention was to be devoted to the financial administration of the monastery, the task of instructing the pupils in dialectic, rhetoric, and Christian doctrine was entrusted to trained "preceptors." The CO of 1559 declared that because the

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133 Cf. I Sam. 10:5ff.; II Ki. 2:5, 7, 15: 4:38.
134 Sattler IV, Beilagen, pp. 90-91; Reyscher XI-2, 63.
135 Sattler IV, Beilagen, p. 90.
136 Ibid., IV, Beilagen, pp. 91-92; Reyscher XI-2, 87-90.
duke trusted the prelates to run the monasteries according to the cloister ordinance, no regularly scheduled visitation of the monasteries had been established but that a "general superintendence" of the cloister schools had been established to function whenever the ecclesiastical counselors or the prelates themselves felt it necessary.  

Other sources supply the more precise information that in 1556 Brenz himself had been made general visitor of the cloister schools, a function he normally carried out in semi-annual visits to each monastery.  

Admittance to the cloister schools was limited to the children of Württemberg subjects, twelve to fourteen years of age, of high intelligence and good character, with a thorough grounding in Latin (approximately the equivalent of the fourth class in Latin school), and with the intention of studying theology. Candidates who passed a preliminary examination administered by the master of the Stuttgart Latin school in the presence of at least one ecclesiastical counselor were assigned by the consistory to whatever 

137 Reyscher XI-2, 90-91; cf. Sattler IV, Beilagen, p. 97.

138 Jacob Heerbrand, Oratio funebris de vita et morte reverendi viri . . . D. Ioannis Brentii . . . (Tübingen, 1570), p. 45; Brenz to Joachim Camerarius, November 29, 1556, Pressel, p. 433; Schmoller, op. cit., p. 102.

139 According to the C0 of 1559; Reyscher XI-2 64.

The ordinance of 1556 prescribed fourteen to fifteen years of age; Sattler IV, Beilagen, p. 95.
cloister school had a vacancy. When a boy entered a cloister school his parents or guardian signed a pledge obligating him to remain there, study theology, and enter the ministry. In place of the old monastic vows the novice himself took an oath promising to lead a godly, disciplined life and to obey the prelate. As soon as he was ready (after two, three, or more years, if necessary), the pupil was to be promoted, with the prior knowledge of the general superintendent and consistory, to the Tübingen Stipendium, or, if he were already capable and of suitable age, sent directly into the ministry. 140

Although the ordinances of 1556 and 1559 did not employ the terminology of the canonical hours, they were faithful to Brenz's original intention of transforming the traditional round of monastic services into a device for biblical study. The five daily services in the cloister schools were designed so that all the psalms would be chanted in order, two or three at each service, and all the chapters of the other books of the Bible would be read aloud in order, several at each service. In this way each student would have worked through the entire Bible several times before leaving the cloister, thus acquiring a close familiarity with the entire text of the Vulgate. For the intervals between these

140 Reyscher XI-2, 64-68; Sattler IV, Beilagen, pp. 95-96.
services periods were set aside for advanced instruction in dialectic and rhetoric, biblical exegesis, and catechism.  

The ordinances also provided for a very strict, monkish sort of discipline in the cloister schools. At the morning and evening meals one student (all taking turns for a week at a time) was to read one or two chapters from Eusebius' History of the Church and from other sacred histories in order that the history of the church be instilled in the students' minds and proper discipline be observed at table. Furthermore, offenses such as absence without permission from instruction, cursing, and rowdy behavior, were subject to penalties ranging from deprivation of one day's ration of wine to several days confinement (im Kerker) on bread and water.  

At first it proved impossible fully to realize in practice the intentions expressed in the Cloister Ordinance of 1556. The major problem was the refusal of a number of the Catholic prelates to cooperate with the Lutheran preceptors. For example, in 1558 the preceptor in Adelberg complained to the consistory that, among other things, the prelate had locked away all the Bibles and copies of Melanchthon's Loci communes so that the students could not

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141 Sattler IV, Beilagen, pp. 92-94; Reyscher XI-2, 68-78.
142 Sattler IV, Beilagen, p. 95; Reyscher XI-2, 79-85.
use them. As the Catholic prelates died or withdrew they were of course replaced with Lutherans. The declaration of confidence in the prelates contained in the CO of 1559\textsuperscript{144} would seem to indicate that by that date whatever Catholic prelates may have been left in office were at least not disposed to interfere in the operation of the cloister-school ordinance.

\textsuperscript{143}Schmoller, op. cit., 102.

\textsuperscript{144}See above, pp. 185-186.
The problem of church order in the German Reformation requires systematic study on a much broader scope than was either possible or desirable in this dissertation. A meaningful evaluation of the full significance of Brenz's career, for example, will only be possible when further research provides the basis for a detailed comparison of his theories and proposals, successes and failures with those of other church organizers working in other areas of Germany. Beyond this it will be necessary to devote considerable attention to developments in the late sixteenth and early seventeenth centuries, a period which is still something of a no-man's land in Reformation studies but one in which important developments took place—the extension of the Württemberg consistorial system to other areas of Germany, for example. Finally, it will be necessary to look at developments in the non-Lutheran areas of Germany. How, for example, was the problem of church order dealt with in those territories which remained Catholic? And what happened to the ecclesiastical constitutions of those territories such as the Rhineland Palatinate which turned Calvinist after having been Lutheran? When one considers the number of individual careers, political divisions,
geographical regions, and confessional allegiances that have to be taken into account, the immensity of the task of doing justice to the problem of church order in the German Reformation is readily apparent.
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