

An Open Letter to The Christian Nobility of the German Nation

Concerning the Reform of the Christian Estate, 1520
by

Martin Luther (1520)



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Abuses to Be Discussed in Councils

Introduction and Translation by C. M. Jacobs

Works of Martin Luther:
With Introductions and Notes

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II

Abuses to Be Discussed in Councils

We shall now look at the matters which should be discussed in the councils, and with which popes, cardinals, bishops and all the scholars ought properly to be occupied day and night if they loved Christ and His Church. But if they neglect this duty, then let the laity[1] and the temporal authorities see to it, regardless of bans and thunders; for an unjust ban is better than ten just releases, and an unjust release worse than ten just bans. Let us, therefore, awake, dear Germans, and fear God rather than men, that we may not share the fate of all the poor souls who are so lamentably lost through the shameful and devilish rule of the Romans, in which the devil daily takes a larger and larger place, -- if, indeed, it were possible that such a hellish rule could grow worse, a thing I can neither conceive nor believe.

1. It is a horrible and frightful thing that the ruler of Christendom, who boasts himself vicar of Christ and successor of St. Peter, lives in such worldly splendor that in this regard no king nor emperor can equal or approach him, and that he who claims the title of "most holy" and "most spiritual" is more worldly than the world itself. He wears a triple crown, when the greatest kings wear but a single crown;[2] if that is like the poverty of Christ and of St. Peter, then it is a new kind of likeness. When a word is said against it, they cry out "Heresy!" but that is because they do not wish to hear how unchristian and ungodly such a practice is. I think, however, that if the pope were with tears to pray to God, he would have to lay aside these crowns, for our God can suffer no pride; and his office is nothing else than this, -- daily to weep and pray for Christendom, and to set an example of all humility.

However that may be, this splendor of his is an offense, and the pope is bound on his soul's salvation to lay it aside, because St. Paul says, I Thess. 5:21: "Abstain from all outward shows, which give offense," and in Romans 12:17, "We should provide good, not only in the sight of God, but also in the sight of all men." An ordinary bishop's crown would be enough for the pope; he should be greater than others in wisdom and holiness, and leave the crown of pride to Antichrist, as did his predecessors several centuries ago. They say he is a lord of the world; that is a lie; for Christ, Whose vicar and officer he boasts himself to be, said before Pilate, John 17:36, "My kingdom is not of this world," and no vicar's rule can go beyond his lord's. Moreover he is not the vicar of the glorified, but of the crucified Christ, as Paul says, I Cor 2:2, "I was willing to know nothing among you save Christ, and Him only as the Crucified"; and in Philippians 2:5, "So think of yourselves as ye see in Christ, Who emptied Himself and took upon Him the appearance of a servant"; and again in I Corinthians 1:23, "We preach Christ, the Crucified." Now they make the pope a vicar of the glorified Christ in heaven, and some of them have allowed the devil to rule them so completely that they have maintained that the pope is above the angels in heaven and has authority over them.[3] These are indeed the very works of the very Antichrist.

What is the use in Christendom of those people who are called the cardinals? I shall tell you. Italy and Germany have many rich monasteries, foundations, benefices, and livings. No better way has been discovered to bring all these to Rome than by creating cardinals and giving them the bishoprics, monasteries and prelaties, and so overthrowing the worship of God. For this reason we now see Italy a very wilderness -- monasteries in ruins, bishoprics devoured, the prelaties and the revenues of all the churches drawn to Rome, cities decayed, land and people laid waste, because there is no more worship or preaching. Why? The cardinals must have the income.[4] No Turk could have so devastated Italy and suppressed the worship of God.

Now that Italy is sucked dry, they come into Germany,[5] and begin oh, so gently. But let us beware, or Germany will soon become like Italy. Already we have some cardinals; what the Romans seek by that the "drunken Germans" are not to understand until we have not a bishopric, a monastery, a living, a benefice, a heller or a pfennig left. Antichrist must take the treasures of the earth, as it was prophesied. So it goes on. They skim the cream off the bishoprics, monasteries and benefices, and because they do not yet venture to turn them all to shameful use, as they have done in Italy, they only practice for the present the sacred trickery of coupling together ten or twenty prelaties and taking a yearly portion from each of them, so as to make a tidy sum after all. The priory of Wurzburg yields a thousand gulden; that of Bamberg something; Mainz, Trier and the others, something more; and so from one to ten thousand gulden might be got together, in order that a cardinal might

live at Rome like a rich king.

"After they are used to this, we will create thirty or forty cardinals in a day,[6] and give to one Mount St. Michael at Bamberg[7] and the bishopric of Wurzburg to boot, hang on to these a few rich livings, until churches and cities are waste, and after that we will say, 'We are Christ's vicars and shepherds of Christ's sheep; the mad, drunken Germans must put up with it.'"

I advise, however, that the number of the cardinals be reduced, or that the pope be made to keep them at his own expense. Twelve of them would be more than enough, and each of them might have an income of a thousand gulden a year.[8] How comes it that we Germans must put up with such robbery and such extortion of our property, at the hands of the pope? If the Kingdom of France has prevented it,[9] why do we Germans let them make such fools and apes of us? It would all be more bearable if in this way they only stole our property; but they lay waste the churches and rob Christ's sheep of their pious shepherds, and destroy the worship and the Word of God. Even if there were not a single cardinal, the Church would not go under. As it is they do nothing for the good of Christendom; they only wrangle about the incomes of bishoprics and prelaties, and that any robber could do.

If ninety-nine parts of the papal court[10] were done away and only the hundredth part allowed to remain, it would still be large enough to give decisions in matters of faith. Now, however, there is such a swarm of vermin yonder in Rome, all boasting that they are "papal," that there was nothing like it in Babylon. There are more than three thousand papal secretaries alone; who will count the other offices, when they are so many that they scarcely can be counted? And they all lie in wait for the prebends and benefices of Germany as wolves lie in wait for the sheep. I believe that Germany now gives much more to the sheep. I believe that Germany now gives much more to the pope at Rome than it gave in former times to the emperors. Indeed, some estimate that every year more than three hundred thousand gulden find their way from Germany to Rome, quite uselessly and fruitlessly; we get nothing for it but scorn and contempt. And yet we wonder that princes, nobles, cities, endowments, land and people are impoverished! We should rather wonder that we still have anything to eat!

Since we here come to the heart of the matter, we will pause a little, and let it be seen that the Germans are not quite such gross fools as not to note or understand the sharp practices of the Romans. I do not now complain that at Rome God's command and Christian law are despised; for such is the state of Christendom, and particularly of Rome, that we may not now complain of such high matters. Nor do I complain that natural or temporal law and reason count for nothing. The case is worse even than that. I complain that they do not keep their own self-devised canon law, though it is, to be sure, mere tyranny, avarice and temporal splendor, rather than law. Let us see!

In former times German emperors and princes permitted the pope to receive the annates from all the benefices of the German nation, i.e., the half of the first year's revenues from each benefice.[11] This permission was given, however, in order that by means of these large sums of money, the pope might accumulate a treasure for fighting against the Turks and infidels in defense of Christendom, so that the burden of the war might not rest too heavily upon the nobility, but that the clergy also should contribute something toward it. This single-hearted devotion of the German nation the popes have so used, that they have received this money for more than a hundred years, have now made of it a binding tax and tribute, and have not only accumulated no treasure, but have used the money to endow many orders and offices at Rome, and to provide these offices with salaries, as though the annates were a fixed rent. When they pretend that they are about to fight against the Turks, they send out emissaries to gather money. Oft-times they issue an indulgence on this same pretext of fighting the Turks,[12] for they think the mad Germans are forever to remain utter and arrant fools, give them money without end, and satisfy their unspeakable greed; though we clearly see that not a heller of the annates or of the indulgence-money or of all the rest, is used against the Turks, but all of it goes into the bottomless bag. They lie and deceive, make laws and make agreements with us, and they do not intend to keep any of them. All this must be counted the work of Christ and St. Peter! Now, in this matter the German nation, bishops and princes, should consider that they too are Christians, and should protect the people, whom they are set to rule and guard in things temporal and spiritual, against these ravening wolves who, in sheep's clothing, pretend to be shepherds and rulers; and, since the annates are so shamefully abused and the stipulated conditions are not fulfilled, they should not permit their land and people to be so sadly robbed and ruined, against all justice; but by a law of the emperor or of the whole

nation, they should either keep the annates at home or else abolish them again.[13] For since the Romans do not keep the terms of the agreement, they have no right to the annates. Therefore the bishops and princes are bound to punish or prevent; such thievery and robbery, as the law requires.

In this they should aid the pope and support him, for he is perchance too weak to prevent such an abuse all by himself; or if he were to undertake to defend and maintain this practice, they ought resist him and fight against him as against a wolf and a tyrant, for he has no authority to do or to defend evil. Moreover, if it were ever desired to accumulate such a treasure against the Turks, we ought in the future to have sense enough to see that the German nation would be a better custodian for it than the pope; for the German nation has people enough for the fighting, if only the money is forthcoming. It is with the annates as it has been with many another Roman pretence. Again, the year has been so divided between the pope and the ruling bishops and canons,[14] that the pope has six months in the year -- every other month -- in which to bestow the benefices which fall vacant in his months.[15] In this way almost all the benefices are absorbed by Rome, especially the very best livings and dignities,[16] and when once they fall into the hands of Rome, they never come out of them again, though a vacancy may never again occur in the pope's month. Thus the canons are cheated. This is a genuine robbery, which intends to let nothing escape. Therefore it is high time that the "papal months" be altogether abolished, and that everything which they have brought to Rome be taken back again. For the princes and nobles should take measures that the stolen goods be returned, the thieves punished, and those who have abused privilege be deprived of privilege. If it is binding and valid when the pope on the day after his election makes, in his chancery, rules and laws whereby our foundations and livings are robbed, -- a thing which he has no right to do; then it should be still more valid if the Emperor Charles on the day after his coronation[17] were to make rules and laws that not another benefice or living in all Germany shall be allowed to come into the hands of Rome by means of the "papal months," and that the livings which have already fallen into its hands shall be released, and redeemed from the Roman robbers; for he has this right by virtue of his office and his sword.

But now the Roman See of Avarice and Robbery has not been able to await the time when all the benefices, one after another, would, by the "papal months," come into its power, but hastens, with insatiable appetite, to get possession of them all as speedily as possible; and so besides the annates and the "months" it has hit upon a device by which benefices and livings fall to Rome in three ways:

First, If any one who holds a free [18] living dies at Rome or on the way to Rome, his living must forever belong to the Roman-I should rather say the robbing-See;[19] and yet they will not be called robbers; though they are guilty of such robbery as no one has ever heard or read about.

Second, In case any one who belongs to the household of the pope or of the cardinals[20] holds or takes over a benefice, or in case one who already holds a benefice afterwards enters the "household" of the pope or of a cardinal; but who can count the "household" of the pope and of the cardinals, when the pope, if he only goes on a pleasure-ride, takes with him three or four thousand mule-riders, eclipsing all emperors and kings? Christ and St. Peter went on foot in order that their vicars might have the more pomp and splendor. Now avarice has cleverly thought out another scheme, and brings it to pass that even here many; have the name of "papal servant," just as though they were in Rome; all in order that in every place the mere rascally little word "papal servant" may bring all benefices to Rome and tie them fast there forever. Are not these vexatious and devilish inventions? Let us beware! Soon Mainz; Madgeburg and Halberstadt will gently pass into the hands of Rome, and the cardinalate will be paid for dearly enough.[21] "Afterwards we will make all the German bishops cardinal so that there will be nothing left outside."

Third, When a contest has started at Rome over a benefice.[22] This I hold to be almost the commonest and widest road for bringing livings to Rome. For when there is no contest at home, unnumbered knaves will be found at Rome to dig up contests out of the earth and assail livings at their will. Thus many a good priest has to lose his living, or settle the contest for a time by the payment of a sum of money.[23] Such a living rightly or wrongly contested must also belong forever to the Roman See. It would be no wonder if God were to rain from heaven fire and brimstone and to sink Rome in the abyss, as He did Sodom and Gomorrah of old. Why should there be a pope in Christendom, if his power is used for nothing else than such archknavery, and if he protects and practices it? O noble princes and lords, how long will ye leave your lands and people naked to these ravening wolves!

Since even these practices were not enough, and Avarice grew impatient at the long time it took to get hold of all the bishoprics, therefore my Lord Avarice devised the fiction that the bishoprics should be nominally abroad, but that their land and soil should be at Rome, and no bishop can be confirmed unless with a great sum of money he buy the pallium,[24] and bind himself with terrible oaths to the pope's servant.[25] This is the reason that no bishop ventures to act against the pope. That, too, is what the Romans were seeking when they imposed the oath, and thus the very richest bishoprics have fallen into debt and ruin. Mainz pays, as I hear, 20,000 gulden. These be your Romans! To be sure they decreed of old in the canon law that the pallium should be bestowed gratis, the number of papal servants diminished, the contest lessened, the chapters[26] and bishops allowed their liberty. But this did not bring in money, and so they turned over a new leaf, and all authority was taken from the bishops and chapters; they are made ciphers, and have no office nor authority nor work, but everything is ruled by the archknaves at Rome; soon they will have in hand even the office of sexton and bell-ringer in all the churches. All contests are brought to Rome, and by authority of the pope everyone does as he likes.

What happened this very year? The Bishop of Strassburg[27] wished to govern his chapter properly and to institute reforms in worship, and with this end in view made certain godly and Christian regulations. But my dear Lord Pope and the Holy Roman See, at the instigation of the priests, overthrew and altogether condemned this holy and spiritual ordinance. This is called "feeding the sheep of Christ!" Thus priests are to be encouraged against their own bishop, and their disobedience to divine law is to be protected! Antichrist himself, I hope, will not dare to put God to such open shame! There you have your pope after your own heart! Why did he do this? Ah! if one church were reformed, it would be a dangerous departure; Rome's turn too might come! Therefore it were better that no priest should be left at peace with another, that kings and princes should be set at odds, as has been the custom heretofore, and the world filled with the blood of Christians, only so the concord of Christians should not trouble the Holy Roman See with a reformation. So far we have been getting an idea of how they deal with livings which become vacant. But for tender-hearted Avarice the vacancies are too few, and so he brings his foresight to bear upon the benefices which are still occupied by their incumbents, so that they must be unfilled., even they are not unfilled.[28] And this he does in many ways, as follows: First, He lies in wait for fat prebends or bishoprics which are held by an old or a sick man, or by one with an alleged disability. To such an incumbent, without his desire or consent, the Holy See gives a coadjutor's i.e., an "assistant," for the coadjutor's benefit, because he is "papal servant," or has paid for the position, or has earned it by some other ignoble service to Rome. In this case the rights of the chapter or the rights of him who has the bestowal of the living[29] must be surrendered, and the whole thing fall into the hands of Rome. Second, There is a little word commend,[30] by which the pope entrusts the keeping of a rich, fat monastery or church to a cardinal or to another of his people, just as though I were to give you a hundred gulden to keep. This is not called the giving or bestowing of the monastery nor even its destruction, or the abolition of the worship of God, but only "giving it into keeping"; not that he to whom it is entrusted is to care for it, or build it up, but he is to drive out the incumbent, to receive the goods and revenues, and to install some apostate, renegade monk,[31] who accepts five or six gulden a year and sits in the church all day selling pictures and images to the pilgrims, so that henceforth neither prayers nor masses are said there. If this were to be called destroying monasteries and abolishing the worship of God, then the pope would have to be called a destroyer of Christendom and an abolisher of God's worship, because this is his constant practice. That would be a hard saying at Rome, and so we must call it a commend or a "command to take charge" of the monastery. The pope can every year make commends out of four or more of these monasteries, a single one of which may have an income of more than six thousand gulden. This is the way the Romans increase the worship of God and preserve the monasteries. The Germans also are beginning to find it out. Third, There are some benefices which they call incompatibilia,[32] and which, according to the ordinances of the canon law, cannot be held by one man at the same time, as for instance, two parishes, two bishoprics and the like. In these cases the Holy Roman See of Avarice evades the canon law by making "glosses,"[33] called unio and incorporatio, i.e., by "incorporating" many incompatibilia, so that each becomes a part of every other and all of them together are looked upon as though they were one living. They are then no longer "incompatible," and the holy canon law is satisfied, in that it is no longer binding, except upon those who do not buy these "glosses"[34] from the pope or his datarius.[35] The unio, i.e., "uniting," is of the same nature. The pope binds many such benefices together like a bundle of sticks, and by virtue of this bond they are all regarded as one benefice. So there is at Rome one courtesan[36] who holds, for herself alone, 22 parishes, 7 priories and 44 canonries besides, -- all by the help of that masterly "gloss," which holds that this is not illegal. What cardinals and other prelates have, everyone may imagine for himself. In this way the Germans are to have their purses eased and their itch cured. Another of the "glosses" is the administratio, i.e., a man may have beside his

bishopric, an abbacy or a dignity,[37] and possess all the property which goes with it, only he has no other title than that of "administrator." [38] For at Rome it is sufficient that words are changed and not the things they stand for; as though I were to teach that a bawdy-house keeper should have the name of "burgomaster's wife," and yet continue to ply her trade. This kind of Roman rule St. Peter foretold when he said, in II Peter 2:3: "There shall come false teachers, who in covetousness, with feigned words, shall make merchandise of you, to get their gains." Again, dear Roman Avarice has invented the custom of selling and bestowing livings to such advantage that the seller or disposer retains reversionary rights,[39] upon them; to wit, if the incumbent dies, the benefice freely reverts to him who previously sold, bestowed or surrendered it. In this way they have made livings hereditary property, so that henceforth no one can come into possession of them, except the man to whom the seller is willing to dispose of them, or to whom he bequeaths his rights at death. Besides, there are many who transfer to others the mere title to a benefice from which those who get the title derive not a heller of income. It is now an old custom, too, to give another man a benefice and to reserve a certain part out of the annual revenue.[40] In olden times this was simony.[41] Of these things there are so many more that they cannot all be counted. They treat livings more shamefully than the heathen beneath the cross treated the garments of Christ. Yet all that has hitherto been said is ancient history and an every-day occurrence at Rome. Avarice has devised one thing more, which may, I hope, be his last morsel, and choke him. The pope has a noble little device called *pectoralis reservatio*, i.e., his "mental reservation," and *proprius motus*, i.e., the "arbitrary will of his authority." [42] It goes like this. When one man has gotten a benefice at Rome, and the appointment has been regularly signed and sealed, according to custom, and there comes another, who brings money, or has laid the pope under obligation in some other way, of which we will not speak, and desires of the pope the same benefice, then the pope takes it from the first man and gives it to the second.[43] If it is said that this is unjust, then the Most Holy Father must make some excuse, that he may not be reproved for doing such open violence to the law, and says that in his mind and heart he had reserved that benefice to himself and his own plenary disposal, although he had never before in his whole life either thought or heard of it. Thus he has now found a little "gloss" by which he can, in his own person, lie and deceive, and make a fool and an ape of anybody -- all this he does brazenly and openly, and yet he wishes to be the head of Christendom, though with his open lies he lets the Evil Spirit rule him. This arbitrary will and lying "reservation" of the pope creates in Rome a state of affairs which is unspeakable. There is buying, selling, bartering, trading, trafficking, lying, deceiving, robbing, stealing, luxury, harlotry, knavery, and every sort of contempt of God, and even the rule of Antichrist could not be more scandalous. Venice, Antwerp, Cairo[44] are nothing compared to this fair which is held at Rome and the business which is done there, except that in those other places they still observe and reason. At Rome everything goes as the devil wills, and out of this ocean like virtue flows into all the world. Is it a wonder that such people fear a reformation and a free council, and prefer to set all kings and princes at enmity rather than have them unite and bring about a council? Who could bear to have such knavery exposed if it were his own? Finally, for all this noble commerce the pope has built a warehouse, namely, the house of the datarius,[45] in Rome. Thither all must come who deal after this fashion in benefices and livings. From him they must buy their "glosses"[46] and get the power to practice such archknavery. In former times Rome was generous, and then justice had either to be bought or else suppressed with money, but now she has become exorbitant, and no one dare be a knave unless with a great sum he has first bought the right. If that is not a brothel above all the brothels one can imagine, then I do not know what brothel means. If you have money in this house, then you can come by all the things I have said; and not only these, but all sort of usury[47] are here made honest, for a consideration, and the possession of all property acquired by theft or robbery is legalized. Here vows are dissolved; here monks at granted liberty to leave their orders; here marriage is on sale to the clergy; here bastards can become legitimate; here all dishonor and shame can come to honor; all ill repute and stigma of evil are here knighted and ennobled here is permitted the marriage which is within the forbidden degrees or has some other defect.[48] Oh! what a taxing and a robbing rules there! It looks as though all the laws of the Church were made for one purpose only -- to be nothing but so many money-snares, from which a man must extricate himself,[49] if he would be a Christian. Yea, here the devil becomes a saint, and a god to boot. What heaven and earth cannot, that this house can do! They call them compositions[50]! "Compositions" indeed! rather "confusions"! Oh, what a modest tax is the Rhine-toll,[51] compared with the tribute taken by this holy house! Let no one accuse me of exaggeration! It is all so open that even at Rome they must confess the evil to be greater and more terrible than any one can say. I have not yet stirred up the hell-broth of personal vices, nor do I intend to do so. I speak of things which are common talk, and yet I have not words to tell them all. The bishops, the priests and, above all, the doctors in the universities, who draw their salaries for this purpose, should have done their duty and with common consent have written and cried out against these things; but they have done the very opposite.[52] There remains one last

word, and I must say that too. Since boundless Avarice has not been satisfied with all these treasures, which three great kings might well think sufficient, he now begins to transfer this trade and sell it to Fugger of Augsburg,[53] so that the lending and trading and buying of bishoprics and benefices, and the driving of bargains in spiritual goods has now come to the right place, and spiritual and temporal goods have become one business. And now I would fain hear of a mind so lofty that it could imagine what this Roman Avarice might yet be able to do and has not already done; unless Fugger were to transfer or sell this combination of two lines of business to somebody else. I believe we have reached the limit. As for what they have stolen in all lands and still steal and extort, by means of indulgences, bulls, letters of confession,[54] "butter-letters" [55] and other confessionalia,[56] -- all this I consider mere patch-work, and like casting a single devil more into hell.[57] Not that they bring in little, for a mighty king could well support himself on their returns, but they are not to be compared with the streams of treasure above mentioned. I shall also say nothing at present of how this indulgence money has been applied. Another time I shall inquire about that, for Campoflore,[58] and Belvidere[59] and certain other places probably know something about it. Since, then, such devilish rule is not only open robbery and deceit, and the tyranny of the gates of hell, but also ruins Christendom in body and soul, it is our duty to use all diligence in protecting Christendom against such misery and destruction. If we would fight the Turks, let us make a beginning here, where they are at their worst. If we justly hang thieves and behead robbers, why should we let Roman Avarice go free? For he is the greatest thief and robber that has come or can come into the world, and all in the holy Name of Christ and of St. Peter! Who can longer endure it or keep silence? Almost everything he owns has been gotten by theft and robbery; that is the truth, and all history shows it. The pope never got by purchase such great properties that from his office[60] alone he can raise about a million ducats, not to mention the mines of treasure named above and the income of his lands. Nor did it come to him by inheritance from Christ or from St. Peter; no one ever loaned it or gave it to him; it has not become his by virtue of immemorial use and enjoyment. Tell me, then, whence he can have it? Learn from this what they have in mind when they send out legates to collect money for use against the Turks.

NOTES:

[1] Der Haufe, i.e. Christians considered en masse, without regard to official position in the Church.

[2] The papal crown dates from the XI Century: the triple crown, or tiara, from the beginning of the XIV. It was intended to signify that very superiority of the pope to be rulers of this world, of which Luther here complains. See Realencyk., X, 532, and literature there cited.

[3] A statement made by Augustinus Triumphus. See above, p.73, note 5; and below, p. 246. Vol. II.-6.

[4] The Cardinal della Rovere, afterwards Pope Julius II, held at one time the archbishopric of Avignon, the bishoprics of Bologna, Lausanne, Coutances, Viviers, Mende, Ostia and Velletri, and the abbacies of Nonantola, and Grottaferrata. This is but one illustration of the scandalous pluralism practiced by the cardinals. Cf. LEA, in Cambridge Mod. Hist., I, pp. 659 f.

[5] The complaint that the cardinals were provided with incomes by appointment to German benefices goes back to the Council of Constance (1415). Cf. BENRATH, p. 87, note 17.

[6] The creation of new cardinals was a lucrative proceeding for the popes. On July 31, 1517, Leo X created thirty-one cardinals, and is said to have received from the new appointees about 300,000 ducats. Needless to say, the cardinals expected to make up the fees out of the income of their livings. See Weimar Ed., VI, 417, note I, and PASTOR, Gesch. der Papste IV, I, 137. Cf. Hutten's Vadiscus (Bocking IV, 188).

[7] The famous Benedictine monastery just outside the city of Bamberg.

[8] The proposal made at Constance (see above, p. 82, note 2) was more generous. It suggested a salary of three to four thousand gulden.

[9] As early as the XIV Century both England and France had enacted laws prohibiting the very practices of which Luther here complains. It should be noted, however, that these laws were enforced only occasionally, and

never very strictly.

[10] The papal court or curia consisted of all the officials of various sorts who were employed in the transaction of papal business, including those who were in immediate attendance upon the person of the pope, the so-called "papal family." On the number of such officials in the XVI Century, see BENRATH, p. 88, note 18, where reference is made to 949 offices, exclusive of those which had to do with the administration of the city of Rome and of the States of the Church, and not including the members of the pope's "family." The Gravamina of 1521 complain that the increase of these office in recent years has added greatly to the financial burdens of the German Church (WREDE, Deutsche Reichstagsakten unter Kaiser Karl V, II, 675).

[11] On the annates, see Vol. I, p. 383, note I. Early in their history, which dates from the beginning of the XIV, Century, the annates (fructus medii temporis) had become a fixed tax on all the Church offices which fell vacant, and the complaint of extortion in their appraisal and collection was frequently raised. The Council of Constance restricted the obligation to bishoprics and abbeys, and such other benefices as had a yearly income of more than 24 gulden. The Council of Basel (1439) resolved to abolish them entirely, but the resolution of the Council was inoperative, and in the Concordat of Vienna (1448) the German nation agreed to abide by the decision of Constance. On the use of the term "annates" to include other payments to the curia, especially the servitia, see Catholic Encyclopedia, I, pp. 537 f. Luther here alleges that the annates are not applied to their ostensible purpose, viz. , the Crusade. This charge is repeated in the Gravamina of the German Nation presented to the Diet of Worms (1521), with the additional allegation that the amount demanded in the way of annates has materially increase (A. WREDE, Deutsche Reichstagsakten unter Kaiser Karl V., II, pp. 675 f.). Similar complaints had been made at the Diet of Augsburg (1518), and were repeated at the Diet of Nurnberg (WREDE, op. Cit., III, 660). Hutten calls the annates "a good fat robbery" (ed. Bocking, IV, 207). In England the annates were abolished by Act of Parliament (April 10, 1532)

[12] On the crusading -- indulgences, see Vol. I, p. 18.

[13] i.e., As was done by the Council of Basel. See above, p. 84, note 1.

[14] The canons are the clergy attached to a cathedral church who constituted the "chapter" of that cathedral, and to whom the right to elect the bishop normally belonged.

[15] This whole section deals with the abuse of the "right of reservation," i.e., the alleged right of the pope to appoint directly to vacant church positions. According to papal theory the right of appointment belonged absolutely to the pope, who graciously yielded the right to others under certain circumstances, reserving it to himself in other cases. The practice of reserving the appointments seems to date from the XII Century, and was originally an arbitrary exercise of papal authority. The rules which came to govern the reservation of appointments were regarded as limitations upon the authority of the pope. The rule of the "papal months," as it obtained in Germany in Luther's time, is found in the Concordat of Vienna of 1448 (MIRBT, Quellen, 2d ed., NO. 261, pp. 167 f.). It provides that livings, with the exception of the higher dignities in the cathedrals and the chief posts in the monasteries, which fall vacant in the months of February, April, June, August, October and December, shall be filled by the ordinary methods-elections, presentation, appointment by the bishop, etc. - but that vacancies occurring in the other months shall be filled by appointment of the pope.

[16] i.e., Church offices which carried with them certain rights of jurisdiction and gave their possessors a certain honorary precedence over other officials of the Church. See MEYER in Realencyk., IV, 658.

[17] Charles V, though elected emperor, was not crowned until October 22d.

[18] i.e., A living which has not hitherto been filled by papal appointment.

[19] This rule, like that of the "papal months," is found in the Concordat of Vienna. Luther's complaint is reiterated in the Gravamina of 1521. (WREDE, Deutsche Reichstagsakten, etc., II, 673.)

[20] Des Papstes und der Cardinale Gesinde, i.e., all those who were counted members of the "family" or

"household" (called Dienstverwandte in the Gravamina of 1521) of the pope or of any of the cardinals. The term included those who were in immediate attendance upon the pope or the cardinals, and all those to whom, by virtue of any special connection with the curia, the name "papal servant" could be made to apply. These are the "courtesans" to whom Luther afterwards refers.

[21] In 1513 Albrecht of Brandenburg was made Archbishop of Madgeburg and later in the same year Administrator of Halberstadt; in 1514 he became Archbishop of Mainz as well. In 1518 he was made cardinal.

[22] This rule, like the others mentioned above, is contained in the Concordat of Vienna.

[23] Cf. The Gravamina of 1521, NO. 20, Von anfechtung der cordissanen (see above, p.88, note 3), where the name cordissei is applied to the practice of attacking titles to benefices. (WREDE, op. Cit., II, pp. 677 f.)

[24] The pallium is a woolen shoulder-cape which is the emblem of the archbishop's office, and which must be secured from Rome. The bestowal of the pallium by the pope is a very ancient custom. Gregory I (590-604) mentions it as prisca consuetude (Dist., C.c. 3). The canon law prescribes (Dist. C.c. 1) that the archbishop-elect must secure the pallium from Rome within three months of his election; otherwise he is forbidden to discharge any of the duties of his office. It is regarded as the necessary complement of his election and consecration, conferring the "plenitude of the pontifical office," and the name of archbishop. Luther's charge that it had to be purchased "with a great sum of money" is substantiated by similar complaints from the XII Century on, though the language of the canon law makes it evident that Luther's other contention is also correct, viz., that the pallium was originally bestowed gratis. The sum required from the different archbishops varied with the wealth of their see, and was a fixed sum in each case. The Gravamina of 1521 complain that the price has been raised "Although according to ancient ordinance the bishoprics of Mainz, Cologne, Salzburg, etc., were bound to pay for the pallium about 10,000 gulden and no more, they can now scarcely get a pallium from Rome for 20 or 24 thousand gulden." (WREDE, op. Cit., II, 675.)

[25] The oath of allegiance to the pope was required before the pallium could be bestowed (Dist. C.c. 1). The canon law describes this oath as one "of allegiance, obedience and unity" (X, I, 6, c. 4).

[26] See above, p.86. note 2.

[27] cf. Luther to Spalatin, June 25, 152. (ENDERS, II, 424; SMITH, NO. 271).

[28] i.e., The benefices are treated as though they were vacant.

[29] In the case of certain endowed benefices the right of nominate the incumbent was vested in individuals, usually of the nobility, and was hereditary in their family. This is the so-called jus patronum, or "right of patronage. The complaint that this right is disregarded is frequent in the Gravamina of 1521.

[30] Commendation was one of the practices by which the pope evaded the provision of the canon law which prescribed that the same man should not hold two livings with the cure of souls. The man who received an office in icommendam was not required to fulfill the duties attached to the position and when a living or an abbacy was granted in this way during the incumbency of another, the recipient received its entire income during a subsequent vacancy. The practice was most common in the case of abbacies. At the Diet of Worms (1521), Duke George of Saxony, an outspoken opponent of Luther, was as emphatic in his protest against this practice as Luther himself (WREDE, op. cit., II, 665); his protest was incorporated in the Gravamina (ibid., 672), and reappears in the Appendix (ibid., 708).

[31] A monk who deserted his monastery was known as an "apostate."

[32] i.e., Offices which cannot be united in the hands of one man. See e.g., note 3, p. 91.

[33] A gloss is a note explanatory of a word or passage of doubtful meaning. The glosses are the earliest form of commentary on the Bible. The glosses of the canon law are the more or less authoritative comments of the

teachers, and date from the time when the study of the canon law became a part of the theological curriculum. Their aim is chiefly to show how the law applies to practical case which may arise. The so-called *glossa ordinaria* had in Luther's time an authority almost equal to that of the *corpus juris* itself. Cf. *Cath. Encyc.*, VI, pp. 588f.

[34] The thing which was bought was, of course, the dispensation, or permission to avail oneself of the gloss.

[35] *Dataria* is the name for that department of the *curia* which had to deal with the granting of dispensations and the disposal of benefices. *Datarius* is the title of the official who presided over this department.

[36] See above, p.88, note 2. For a catalogue of papal appointments bestowed upon two "courtesans," Johannes Zink und Johannes Ingenwinkel, see SCHULTE, *Die Fugger in Rom*, I, pp. 282 ff. Between 1513 and 1521, Zink received 56 appointments, and Ingenwinkel received, between 1496 and 1521, no fewer than 106.

[37] See above, p. 87, note 1.

[38] So Albrecht of Mainz bore the title of "administrator" of Halberstadt.

[39] The name of this practice was "regression" (*regressus*).

[40] The complaint was made at Worms (1521) that it was impossible for a German to secure a clear title to a benefice at Rome unless he applied for it in the name of an Italian, to whom he was obliged to pay a percentage of the income, a yearly pension, or a fixed sum of money for the use of his name (WREDE, *op. Cit.*, II, 712).

[41] Simony -- the sin of Simon Magus (Acts 8:18-20) -- the sin committed by the sale or the purchase of an office or position which is formally conferred by a ritual act of the Church. In the ancient and earlier medieval Church the use of money to secure preferment was held to invalidate the title of the guilty party to the position thus secured, and the acceptance of money for such a purpose was an offense punishable by deposition and degradation. The "heresy of Simon" was conceived to be the greatest of all heresies. The traffic in Church offices, which became a flagrant abuse from the time of John XXII (1316-1334), would have been regarded in earlier days as the most atrocious simony.

[42] The *reservatio mentalis* or *in pectore* is the natural consequence of the papal theory that the right of appointment to all Church offices of every grade belongs to the pope (see above, p. 86, note 3.) According to the theory of the canonists (LANCELOTTI, *Institutiones juris canonici*, Lib. I, Tit. XXVII) this right is exercised either *per petitionem alterius*, i.e., by confirmation of the election, appointment, etc., of others, or *proprio motu*, i.e., "on his own motion." In ordinary cases the exercise of the appointing power was limited by rules, which though bitterly complained of (see above, pp. 86 ff. and notes), were generally understood, but the theory allowed any given case to be made an exception to the rules. Of such a case it was said that it was "reserved in the heart of the Pope," and the appointment was then made "on his own motion." Hutten says of this reservation *in pectore* that "it is an easy, agile and slippery thing, and bears no comparison to any other form of cheating" (ed. Bocking, IV, 215).

[43] For a similar instances quoted at Worms (1521), see WREDE, *op. Cit.*, II, 710.

[44] The three chief centers of foreign commerce in the XV and the early XVI Century. The annual fairs (*Jahrmarkt*), held at stated times in various cities, brought great numbers of merchants together from widely distant points, and were the times when the greater part of the wholesale business for the year was done.

[45] Built by Innocent VIII (1484-1490).

[46] See above, p. 93, note 2.

[47] The Church law forbade the taking of interest on loans of money.

[48] During the Middle Ages all question touching marriage and divorce, including, therefore, the question of the

legitimacy of children, were governed by the laws of the Church, on the theory that marriage was a sacrament.

[49] i.e., By buying dispensations.

[50] The sums paid for special dispensations were so called.

[51] The toll which the "robber-barons" of the Rhine levied upon merchants passing through their domains.

[52] Ja wend das blat umb szo findistu es -- The translators have adopted the interpretation of O. CLEMEN, L's. Werke, I, 383.

[53] The Fuggers of Augsburg were the greatest of the German capitalists in the XVI Century. They were international bankers, "the Rothschilds of the XVI Century" Their control of large capital enabled them to advance large sums of money to the territorial rulers, who were in a chronic state of need. In return for these favors they received monopolistic concessions by which their capital was further increased. The spiritual, as well as the temporal lords, availed themselves regularly of the services of this accommodating firm. They were the pope's financial representatives in Germany. On their connection with the indulgence against which Luther protested, see Vol. I, p. 21; on their relations with the papacy, see SCHULTE, Die Fugger in Rom, 2 Vols., Leipzig, 1904. Vol. II.-7

[54] Certificates entitling the holder to choose his own confessor and authorizing the confessor to absolve him from certain classes of "reserved" sins; referred to in the XCV Theses as confessionalia. Cf. Vol. I, p.22.

[55] Certificates granting their possessor permission to eat milk, eggs, butter and cheese on fast days.

[56] The word is used here in the broad sense, and means dispensations of all sorts, including those just mentioned, relating to penance.

[57] Equivalent to "carrying coals to Newcastle."

[58] The Campo di Fiore, a Roman market-place, restored and adorned at great expense by Eugenius IV (1431-1447), and his successors.

[59] A part of the Vatican palace notorious as the banqueting-hall of Alexander VI (1492-1503), turned by Julius II (1503-1513) into a museum for the housing of his wonderful and expensive collection of ancient works of art. Luther is hinting that the indulgence money has been spent on these objects rather than on the maintenance of the Church. Cf. CLEMEN, I, 384, note 15.

[60] i.e., The offices and positions in Rome which were for sale. See BENRATH, p. 88, note 18; p. 95, note 36.

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