



Volume 1. From the Reformation to the Thirty Years' War, 1500-1648
Defense of the Imperial Church – Regensburg Reform (July 7, 1524)

The eruption of evangelical agitation in the 1520s challenged the Imperial bishops, who possessed no concepts or structures for collective church reform. While a few secular princes advocated straightforward repression, many bishops knew, and some even admitted, that Luther's teachings flourished because of longstanding clerical indiscipline and neglect of pastoral and catechetical duties. The possibility of reform depended on collaboration between spiritual and temporal authorities, bishops and lay princes, just as success for the evangelicals depended on collaboration between preachers and civic magistrates. Shortly after Emperor Charles V (r. 1519-1556) instituted his first countermeasure, the Edict of Worms (1521), he ordered his Austrian regime at Innsbruck to support the archbishop of Salzburg's measures to reform the clergy. The most important early consultation of Catholic rulers took place on July 6, 1524, at Salzburg, where the papal legate, Lorenzo Campeggio met with representatives of Archduke Ferdinand of Austria, the dukes of Bavaria, and twelve southern prince-bishops. They formed an association (A) dedicated to defending the old faith against heresy, to upholding traditional practices against innovations, and to punishing married monks and priests, clandestine preachers, and all those who spread false teachings through print. On the following day, July 7, they enacted a reform ordinance (B). Its provisions were a veritable catalogue of the abuses that reformists had complained about since the early fifteenth century. And although these provisions anticipated the disciplinary decrees of the Council of Trent (1546-63) in many respects, they included no innovations in agency beyond the revival of provincial and diocesan synods.

(A) Treaty of Association, July 6, 1524

[Archduke Ferdinand obligated himself and the Catholic estates represented at a meeting in Regensburg to join an alliance with the aim of enforcing the Edict of Worms in their territories.]

In the first place, to the praise of God Almighty, to the honor of His holy Mother, all the dear saints and angels, for just obedience toward the Holy Father and His Imperial Majesty and toward the edicts, mandates, and decisions they have issued, also for the spiritual welfare of ours and our principals' subjects, we and our principals accept and hold to the common Christian understanding of the Holy Gospel and other divine writings, according to the interpretations of the Church's holy teachers, who have approved and defended the teachings [of these writings] through their sound, honorable morals and manner of living, even through their martyrdom. We will in no way permit or tolerate this Gospel to be proclaimed against

praiseworthy Christian traditions and usage of good words and good works and true Christian brotherhood, nor in any other perverted sense. Further, if anyone shall preach, spread, or adhere to damnable heresies or blasphemy concerning Christ, our only Savior, His praiseworthy Mother, the Virgin Mary, and the dear saints or other [sacred] things, and shall give open scandal and spread rebellion among the Christian common people, and if such is attested by confession or trustworthy report and experience and found worthy of condemnation, he shall be punished according to the Imperial edict [of Worms] and according to the nature of his guilt, crime, and violation. And to the end that the Holy Word of God be preached according to its true meaning and interpretation without tumult or offense, but with moderation, we will and shall establish in ours and our gracious lords' principalities and bishoprics, jurisdictions, lands, and districts, as mentioned above, that no one shall be permitted to preach in the churches unless he has heretofore been examined by his spiritual superior [i.e., bishop] and been judged able, competent, and trustworthy. Similarly, the preachers who have been preaching in the past shall also be examined for their competence, and no clandestine preaching shall be allowed. [. . .]

(B) Reform Ordinance, July 7, 1524

The damnable heresy (which appeals to the common man's desire to have his own will and is preached or interpreted under the pretext of brotherly love) is caused in part by the clergy's irregular character and way of life, and in part by abuses of the holy laws and ordinances, on account of which the clergy is no longer highly regarded.

[. . .]

The soul lives chiefly from the Word that comes from the mouth of God, but it is not to be preached anywhere and by anyone, just as the Apostle Paul says, "And how shall they preach, except they be sent?" [Rom. 10:15] Accordingly, we establish and ordain that no one (whether a member of a religious order or of other exempt status)¹ may teach the Gospel unless he has been examined by the bishop or episcopal vicar concerning his way of life, character, and skill. And once the preachers have displayed a written credential in the form of an open letter, which, except for the scribe's fee, they will receive free of charge, and once they have been examined and installed, they shall preach the Gospel correctly, moderately, and clearly. And they shall not attempt to interpret in a new or false sense the passages that are somewhat obscure and unclear, or are difficult for reason to comprehend, but shall teach and explain according to the doctrine and instructions of the Church's holy Fathers, especially Cyprian, Chrysostom, Ambrose, Jerome, Augustine, and Gregory. Also, they shall be careful not to present dreams or fables as truth, [introduce] uncertainties instead of certainties, or say or preach things suppressed and condemned by the true Church. They shall preach with all modesty, avoiding

¹ That is, exempt from episcopal jurisdiction – trans.

polemics or curses, so that their preaching does not provoke anger among the people. Further, the bishops shall appoint several persons who are well schooled in doctrine, who shall find those who are best suited to preach according to the Gospel and to uproot the false Lutheran teachings; and they shall assure that the people are correctly instructed in Christian doctrine, and that he who diverges from it shall be relieved of his office, so that he does not lead others astray.

Accordingly, we address and warn each and every member of the clerical estate to conduct himself as prescribed by his estate and as desired by Christ, our only Savior, as He says: "Let your light so shine before men, that they may see your good works, and glorify your Father which is in heaven." [Matt. 5:16] They should also wear proper clothing, as St. Paul writes. [I Cor. 4:11] Therefore, every prelate shall be especially attentive to this matter, so that members of religious orders under his authority shall not wear garments in stripes and colors but long robes. And they shall carry no weapons, except when they are traveling; nor shall they decorate their beards or hair. Rather, they shall have their tonsure shorn clean and take care not to anger the laity by improper dress – just as the canon laws prescribe.

Furthermore, the clergy shall avoid public taverns, which they may enter only while traveling. Then, just as at home and elsewhere, they must avoid gluttony, drunkenness, and gaming, which the canon law forbids, and also insults, cursing, fighting, and all other violations and provocations, such as dancing, public gambling, and mixed socializing, so that their actions will not provoke criticism of their clerical dignity. [. . .]

Priests who are pastors, or their vicars, shall not burden their subjects or parishioners with stole fees and other pastoral demands, beyond those obligations prescribed by the law. They shall also not pressure them to pay for Masses for the dead after the funeral, such as on the seventh or the thirtieth day or on the anniversary. Similarly, they must not demand offerings, except on the high feast days, and then only as voluntary gifts. Concerning burials, the administration of the sacraments, and other spiritual services, the clergy shall and must not demand or seek from anyone a contract, agreement, or preliminary payment. Further, if parishioners refuse or fail to respect the pastor's rights, no one may for this reason refuse to give them the sacraments or forbid a burial. In this proscription we do not forbid the collection of such pastoral dues as are established by custom and thus rightfully belong to the clergy.

[. . .]

[. . .] It is improper for priests to indulge themselves in excesses, lest people say, "Their God is the belly." Rather, their office requires them to serve the Almighty with modesty and chastity by saying Mass for the forgiveness of sins.

Further, [it is important that] the clergy should not be despised for attending more to money than to the salvation of souls, which occurs when a layman, having confessed a grave sin, is told by the priests he must seek absolution in some other place at his own, not inconsiderable cost.

Therefore, we establish and order that from now on any confessor may absolve any layman who confesses contritely of all secret sins, great or small, which the bishops have previously reserved for their own judgment. The only exceptions are murders, heretics, and excommunicants, who must be sent to the bishop or his vicar-general. Nothing may be charged for absolution, as one calls the forgiveness of or release from sin.

This constitution changes nothing with respect to priests and other members of the clergy.

St. Paul says that no one shall be too quick to lay on hands, so that no one shall lightly be ordained to the cure of souls. [1 Tim. 5:22] Therefore, we order that before he may be ordained to the priesthood, everyone, whether a member of a religious order or not, shall be examined by the bishop or his official. It does not accord with his charge, nor does it sufficiently serve the parish community, when, without permission from the bishop or his vicar-general, a pastor installs a vicar in his own place and continues to take a share of the pastorate's incomes. One must not muzzle [i.e., starve] a working ox, so we refer the sharing of revenues to the judgment of the bishop or his vicar-general.²

[. . .]

And since it is much more salutary that God's temple [. . .] be served by learned rather than unlearned, incompetent persons – which is especially important in these times – henceforth only those will be accepted in Holy Orders who surpass others in good morals, life discipline, and ability as established through a proper examination.

[. . .]

Further, since, in all things, nothing is more appropriate than ensuring that those who work in the Lord's shrine, whom the Lord God Himself has made priests, and who daily handle and transform the holy things, shall be of pure life, we order that, in accordance with the canon law established by the holy Fathers of the Church, priests shall lead a chaste life, and that those who live with wives, and thus impurity, be disciplined according to the canon law, custom and episcopal tolerance notwithstanding.

[. . .]

The pastor should recognize the voice of his sheep, and the sheep in turn should recognize the pastor's voice. [John 10:3] So that all causes for itinerancy be abolished, we order that itinerant unknown priests shall not be allowed to say Mass. Nor shall they be allowed to reside for more than one month in the parish, unless they produce both written permission from the archbishop

² This refers to the share of a benefice's revenues that the incumbent was obliged to pay his vicar, who was not benefice – trans.

or bishop in whose diocese they reside and written permission from the bishop of their own diocese. Thus no one may escape punishment for bad deeds by fleeing to another diocese.

[. . .]

Because of the new, recently condemned heresies, a steadily growing number of people have left their orders and the priesthood, and many of them have married. In order that such spiritual crimes not go unpunished, it is our order and recommendation that all temporal princes, estates, and authorities, together with their vicars and officials, arrest such criminals. They shall promptly interrogate or torture and hand them over to their bishops for punishment. We urge the bishops to proceed, without delay or favor and with greater than usual diligence, in punishing these criminals according to the canon law. After the case is proved, the bishop may jail such a person or condemn him to life in prison, but the canon law must be followed. Once the bishops' dilatoriness is reported to Rome, at the request of princes and other temporal rulers, spiritual judges may be appointed, who, after investigating the situation, may punish the heretics.

Further, in order to establish and strengthen a solid understanding and unity among the diocesan clergy, we order that the old episcopal custom be revived, namely, that a triennial metropolitan [archiepiscopal] synod be held after Easter once every three years.

[. . .]

In order that grave blasphemy against God's name and the saints (who are not to be despised) be abolished, we order that any priest or other clerical person who openly criticizes or curses God Almighty, and thereby mocks or dishonors Our Lord Jesus Christ or his praiseworthy Mother, the holy virgins, or other saints, shall be deprived of the incomes of his benefice or of the entire benefice, or shall be otherwise punished following a judicial trial.

Against spiritual usury, called simony,³ we order that the laws of the ancient Fathers be honored, and that the punishment they prescribed be applied.

Against clergymen who prophesy or practice sorcery, and who condemn both the saints and the ancient Fathers, we order that the rulers declare them dishonorable and proceed against those who, having been admonished, refuse to cease these practices. The temporal rulers shall remove them from their own religious communities and relegate them to another monastery, and they shall be stripped of their spiritual benefices and offices.

There are the other false Christians, who have little regard for the Christian faith, and who consort with the Jewish and other sects. They shall be expelled from the holy Christian community and prosecuted. Those who will not recant shall be tried and punished by the

³ Simony is the ecclesiastical crime of paying for an office or position in the Church. It is named for Simon Magus [Acts 8:18-24] – trans.

bishops, their vicar-generals or others appointed to investigate heresies, or judges named by the Holy See or by us.

We also forbid the clergy and laity to discuss lightly our Holy Faith, especially while drinking in taverns. And we command the clergy to live moderately and read the Old and New Testaments (as is their duty), so that through indolence they do not become prey to vice and lechery.

We order, too, that every bishop should, with due diligence, make sure that the vicars, whether appointed for life or at the patron's pleasure, draw a suitable share of the benefice's incomes, so that they are not driven by poverty and the need to press and burden their flocks.

[. . .]

There is no use making ordinances and rules unless they are followed and enforced. So that our Christian faith should flourish once again, and the priesthood will regain its old standing through the destruction of the roots of heresy through strict and effective enforcement, there is no better means than the old practice of convening diocesan assemblies, called "synods," which shall be revived, established, and held. Therefore, we order that all bishops and leading prelates, deans, and other persons of standing in their dioceses hold annual assemblies, called "diocesan synods." They shall appoint judges who will diligently investigate whether the aforementioned ordinances and rules, plus all others issued (with episcopal permission) by the diocesan synods, are being enforced or not. They shall do this, where necessary, with the aid of the temporal ruler.

We also command that these, our constitutions, be read in metropolitan and diocesan assemblies, called "synods," so that thereafter no one can plead ignorance of them.

[. . .]

Source of original German text: Albrecht P. Luttenberger, ed., *Katholische Reform und Konfessionalisierung*. Darmstadt: WBG, 2006, pp. 215-25.

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