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**Manifestations of  
Discontent in Germany on the  
Edge of the Reformation**

*A Collection of Documents Selected,  
Translated, and Introduced by*

**Gerald Strauss**



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[ I I ]

**The Grievances of the German  
Nation against Rome**

3. *The Debate with Enea Silvio Piccolomini  
(1457-1515)\**

**T**HE GRAVAMINA NATIONIS GERMANICAE are German national complaints against the practices of the Roman Church and its agents, and frequent remonstrances made to Rome in hopes of abolishing some, and alleviating all, of these complaints. First formulated at the Council of Constance in 1417, the *Gravamina* remained a rallying cry for anti-Roman resentments among the German clergy and for the reform movement within the German Church. Few other titles appear as frequently in the political literature of the century before the Lutheran Reformation. The three following selections are representative examples of this extensive grievance literature.

In the winter of 1457 Enea Silvio Piccolomini, a prolific and widely known literary man, humanist scholar, secretary, diplomat, churchman, memoirist, and—from 1458 to 1464—Pope Pius II, addressed a

\* The texts translated here are most conveniently available in Latin in Adolf Schmidt, ed., *Aeneas Silvius, "Germania" und Jakob Wimpheling "Responsa . . ."* (Köln-Graz, 1962) and in German in the same editor's *Enea Silvio Piccolomini, Deutschland, Der Brieftraktat an Martin Mayer . . .* (Köln-Graz, 1962).

lengthy treatise on the state of German society and the German Church to Martin Mair, the chancellor to the Archbishop of Mainz. Mair, who was one of the ablest of German statesmen in the fifteenth century and an energetic proponent of imperial and ecclesiastical reform, had sent a congratulatory message to Enea on his elevation to the cardinalship, using the occasion to deliver a forceful reminder of the many complaints of the German nation against the Roman curia. Mair's letter has not survived, but Enea placed a condensation of it at the head of his reply. This reply, the so-called *Germania*, an expansion of an actual letter sent some months earlier, aims at far more than a refutation of Mair's charges. Enea saw himself as a candidate for the papacy, and he wished to be known as an advocate of doctrinal orthodoxy and papal absolutism, especially in view of his own past association with, and defense of, the Council of Basel.<sup>1</sup> Hence his spirited apology for the entire papal establishment. The *Germania* set him on the way to the famous sentence he uttered when confronted with the contradiction between his earlier advocacy of conciliarism and his later condemnation of it in the bull *Execrabilis*: "Forget Aeneas, follow Pius."

The *Germania* had an interesting history in the empire. Its second book was universally admired as a model for geographical and historical descriptions of country and people, and for useful comparisons of ancient and modern Germany. On the other hand, its defense of papal centralization, fiscalism, and misgovernment continued to be resented. A rebuttal was called for, particularly in the early years of the sixteenth century when the influence of the descriptive part of Enea's treatise was at its height while demands for a change in the relations between Rome and the empire were more insistent than ever. In response to these demands the Alsatian publicist Jacob Wimpfeling (1450-1528), lecturer, preacher and writer in Heidelberg, Strassburg and Schlettstadt, friend of Sebastian Brant and Geiler von Kaisersberg (see below, Nos. 11 and 30), wrote his *Responsa et replicae ad Eneam Silvium* in 1515. Wimpfeling, on commission from Maximilian I in 1510, had drawn up a memorandum

1. For this defense, see his *Commentaries on the Proceedings of the Council of Basel*, ed. and trans. Denys Hay and W. K. Smith (Oxford, 1967).

on the *Gravamina nationis germanicae*, which contained suggestions of remedies and a draft of a pragmatic sanction for the empire on the model of the French Pragmatic Sanction of Bourges of 1438.

Thoroughly familiar with the entire grievance literature, he was the obvious man to set readers straight on Enea's assertions.

I have translated Mair's letter (in Enea's version) in its entirety, summarized the *Germania*, and translated about two-thirds of Wimpfeling's response, shearing it here and there of Wimpfeling's rhetorical excrescences.

#### MARTIN MAIR'S LETTER

MARTIN MAIR, chancellor to the Archbishop of Mainz, sends warmest greetings to the venerable Father Enea, Cardinal of Siena.

Letters from friends have brought me the news of your elevation to the cardinalship. My congratulations go to both of us: to you because a fitting reward has now been bestowed upon one of your ability, and to myself whose friend has attained a position and dignity which may upon occasion be useful to me and to those close to me.

One thought alone clouds my joy in your elevation. It is that you have been born into a time fraught with dangers for the Holy See. The Archbishop, my master, receives daily accusations and complaints against the Roman pontiff [Calixtus III, 1455-58], who, if is charged, keeps neither the decrees of the Council of Basel nor the agreements made by his predecessor [Nicholas V]; who, moreover, despises the German nation and seems bent on sapping it of its strength and substance. To wit: Elections of prelates are set aside. Benefices and incomes of all kinds are reserved<sup>2</sup> to cardinals

2. Papal reservation: the pope's right to reserve to himself nomination to certain benefices. Originally confined to posts of clerics dying at Rome, this right was greatly expanded in the thirteenth and fourteenth centuries. In Germany, opposition to papal reservation gained force from the attempts—unsuccessful—of the Council of Basel and the Vienna Concordat to restrict the practice.

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and protonotaries; you yourself are the holder of reservations of benefices in three German provinces. Expectancies<sup>3</sup> are granted in unlimited numbers. Annates or semi-annual revenues are collected without thought of respite, and everyone knows how much more is squeezed out of us than we owe. Clerical positions are given not to those best qualified to hold them but to the highest bidders. New indulgences are approved day after day for one purpose only: their profits to Rome. Turkish tithes are levied without so much as a by-your-leave to our own prelates. Law suits that should plainly be heard in our own courts are summarily transferred to Rome. A thousand subtle tricks are invented to cheat us "barbarians" out of our money.

As a result of these abuses, our proud nation, once renowned for the ability and courage with which it gained the Roman imperium and became lord and master over the world, has been reduced to beggary, subjected to humiliating exactions, and left to cower in the dust, bemoaning its misery. Now, however, our leaders have been, so to speak, awakened from their sleep and have begun to ponder what means they might take to oppose their misfortunes, shake off their yoke, and regain the ancient freedom they have lost. Consider what a blow it will be to Rome if the German princes should succeed in their design! Thus, joyful as I am in the thought of your new dignity, I am saddened that your service as cardinal should come at so troublesome a time. God's plan may be otherwise, however, and His will is sure to prevail.

Be of good cheer, then, and let your wisdom reflect on the measures that must be taken to keep the raging stream safely in its bed. Farewell!

From Aschaffenburg, August 31, 1457<sup>4</sup>

3. Expectancy: the appointment to an ecclesiastical post before it falls vacant, assuring right of succession. The practice had been forbidden by canon law but gained currency in the fourteenth and fifteenth centuries, particularly through the papal custom of appointing coadjutors to bishops with rights of succession.

4. Enea Silvio's date. Mair's actual letter must have reached him before then.

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ENEA SILVIO'S *Germania* (1457)

ENEA'S REPLY to Martin Mair is usually entitled *De ritu, situ, moribus et conditione Germaniae*, or simply *Germania*. The following is a brief synopsis.

BOOK I: The grievances and burdens catalogued by Mair either do not exist or are trivial. Each of Rome's alleged violations of conciliar decrees can be explained. Papal arrogation of rights formerly possessed by chapters was necessary for the better and independent administration of Church and society. Papal fiscal practices, though universally maligned, are in fact efficient and, by and large, honest. Abuses do exist, but popes and cardinals are men, after all, and will occasionally fall victim to human failings. If you observe the conduct of secular rulers, Rome will come out well in the comparison. Take law courts, for example. Everyone knows that common people find no justice before German judges; Roman courts are their only recourse. As for indulgences, their purchase is voluntary; why should this be condemned? You are jealous of the money going to Rome; there you have the root of your accusation. "All your lamenting is about money!"

BOOK II: Mair contends that Germany used to be rich and mighty and has been reduced to beggary by Rome. The very opposite is the case. Caesar, Strabo, and Tacitus portray a barbarous and uncivilized society. By contrast, look at Germany today: larger than in antiquity, dominated by superb cities [Enea describes more than twenty of them and mentions several others; they are, according to him, the finest in Europe.], highly developed natural resources, abundant mercantile wealth. The Germans themselves are a pious, industrious, resourceful people. "This then, is the present appearance and might of your country. If you call it contemptible, there is no lack of observers who would rather deem you to be contemptible and lacking in judgment." True, the

empire can no longer boast the universal dominion it enjoyed under Charlemagne and the Hohenstaufen emperors. But who could claim this to be Rome's fault? If the empire is weak today, the cause must be sought in the divisiveness of the Germans themselves. No one obeys the emperor; there are too many rulers, each bent on achieving his own "freedom." Germany's political history is one of contention, feud, and civil strife. Face this fact, and do not blame Rome for your own troubles.

Book III: Contemplating rebellion against Rome is folly. Who are these "leaders" you say are making preparations to "oppose" Rome? [Enea supplies a roster of German princes and prelates, loyal sons of the Church all of them.] It is only the rabble, the mob, that craves "innovations" and talks revolution. What ingratitudes! Where would you be without the Roman Church, the "Mother of the German people"? You would be heathens still. As for papal and curial "opulence," remember Ecclesiasticus 13:23: "When the rich man speaks all are silent: . . . when the poor man speaks they say 'Who is this fellow?'" How could a poor shepherd undertake to accomplish all that the pope must do? Why not demand that secular rulers and city magistrates also return to the humble circumstances of their origins? In any case, no change in Church organization can be contemplated unless it emanates from the pope. Nor may there be a council except under papal auspices. There is no denying that popes do, on occasion, fall into error, but men have no recourse beyond them. Only God can judge the pope.

JACOB WIMPHELING'S RESPONSE TO ENEA SILVIO (1515)

DEDICATION TO ALBRECHT OF BRANDENBURG,  
ARCHBISHOP OF MAINZ

Most venerable father and noble prince! Martin Mair, chancellor to your predecessor in the archdiocese of Mainz, wrote a letter of complaint to Enea Silvio, a man whose popularity in Germany, aided by the intervention of His Majesty the Emperor, won him

his elevation to the cardinalship. Martin's complaint noted a number of oppressive and intolerable burdens weighing on our German society. Enea, as an Italian and acting from the fear that the copious flow of German money into his country might one day be stopped, sought to refute Martin's charges, heaping honeyed praise upon our nation, her cities, churches, people and, especially, her noble families. . . .

On the advice of friends I have now undertaken a task which Martin, were he still living, would no doubt want to assume himself. As a German and on behalf of Germans, . . . as a son of the empire and on behalf of the empire, I reply to Enea as he responded to Martin. It is my conviction that to no person could this reply more fittingly be dedicated than to you, most venerable father and prince, so that as the grievances of our people formulated by Martin Mair issued from Mainz, my refutation may return there; for regardless of how its merits may be judged, my treatise's sole sources are Scripture and the canon law. . . . It is not my purpose to instigate a rebellion. Far from it, I have always abhorred disobedience, knowing that it destroys order in church and empire, creates factions, and enfeebles discipline. Nor have I undertaken my task in order to denigrate the Holy See. . . . No lover of the Gospel and the Holy Fathers will feel stung by the criticism I make of Enea's views; on the contrary, I am confident that all partisans of the right doctrines and the true faith will find themselves in agreement with me. . . .

Written in solitude, May 19, 1515

RESPONSES AND OBJECTIONS TO ENEA SILVIO

Rightly does Enea Silvio praise Germany as the source of his elevation [to cardinal]. Because he is an Italian, however, and loves the land of his birth, he would not enjoy seeing the flow of money from our country to his own slowed to a trickle. He therefore flatters us with stories of the translation of the *imperium* from the Greeks to the Germans, though we all know that our ancestors

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had to win this imperium with their courage and their life's blood. He goes on to laud the ample treasures to be found in our churches and homes. But even if Germany really did possess so abundant a store of hard-earned and frugally managed wealth, how much of it would remain to us after we had taken care of our daily needs, had seen to the maintenance of our churches, cities, streets, and public institutions, assured our country's protection from its enemies, provided for orphans, widows, and the victims of plague, pox, and French disease, and comforted beggars, as Christian piety demands?

Enea makes much of the fact that we Germans received our Christian faith from his compatriots. "Rome," he writes, "preached Christ to you; it was faith in Christ, received from Rome, that extinguished barbarism in you." We concede, of course, that missionaries from Rome brought the saving message of Christ to our land. But by the same token Rome herself was, like Germany, converted to the Christian faith, and Rome should therefore show no less gratitude than Germany for the reception of her faith. For was it not Peter, a Jew from Palestine, who preached the Gospel of Christ in Rome? If Enea's argument were applied to the Romans themselves, they would now be obliged to send annual tributes of gold and silver to Syria. . . .

It is not that we deny our debt to Rome. But we ask: Is Rome not also indebted to us? Have not two of our compatriots, clever and skillful men hailing from Strassburg and Mainz, invented the noble art of printing, which makes it possible to propagate the correct doctrines of faith and morals throughout the world and in all languages? . . . Do we, who have been true and industrious in our service to religion and to the Holy Roman Church, who are steadfast in our faith and even—as Enea admits—prepared to shed our blood for it, who willingly obey orders, buy indulgences, travel to Rome, and send money—do we who perform all these duties deserve to be called barbarians? . . . Despite this slanderous label, Enea speaks with lavish praise of our fatherland, of our cities and buildings. For what purpose? For one only: to make our ears more

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receptive to the demands coming from Rome dressed in Christian garb but serving Italian interests; in other words, to put us in the mood for wasting our fortunes on foreigners. . . . As it is, our compatriots crowd the road to Rome. They pay for papal reservations and dispensations. They appear before papal courts—and not always because they have appealed a case to Rome, but rather because their cases have been arbitrarily transferred there. Is there a nation more patient and willing to receive indulgences, though we well know that the income from them is divided between the Holy See and its officialdom? Have we not paid dearly for the confirmation of every bishop and abbot? . . .

Thus we are done out of fortune, and for no purpose other than to support the innumerable retainers and hangers-on that populate the papal court. Enea himself gives us a list of these papal lackeys, the number of which increases daily. True, if the pope must furnish court rooms for all the legal business in Christendom, he requires a huge staff. But there is no need for this. Apart from imperial courts, there exist in our German cities learned and honorable judges to whom appeals from lower episcopal courts could be directed. It is in the highest degree objectionable that Rome bypasses courts of higher resort—often on trivial pretexts or out of pique—and compels our compatriots, laymen included, to appear in Rome. No one will deny that intricate and weighty matters should be appealed to Rome as the seat of highest power and of greatest wisdom and justice. But the rights of imperial and episcopal jurisdiction must not be infringed. If these rights had remained intact, the Apostolic See would not today stagger under an unmanageable weight of legal and administrative business. . . .

The Council of Basel pointed out that our sacred church fathers had written their canons for the purpose of assuring the Church of good government, and that honor, discipline, faith, piety, love, and peace reigned in the Church as long as these regulations were observed. Later, however, vanity and greed began to prevail; the laws of the fathers were neglected, and the Church sank into immorality and depravity, debasement, degradation and abuse of

office. This is principally due to papal reservations of prelaties and other ecclesiastical benefices, also to the prolific award of expectancies to future benefices, and to innumerable concessions and other burdens placed upon churches and clergy. To wit:

Church incomes and benefices are given to unworthy men and Italians.

High offices and lucrative posts are awarded to persons of unproven merit and character.

Few holders of benefices reside in their churches, for as they hold several posts simultaneously they cannot reside in all of them at once. Most do not even recognize the faces of their parishioners. They neglect the care of souls and seek only temporal rewards.

The divine service is curtailed.

Hospitality is diminished.

Church laws lose their force.

Ecclesiastical buildings fall into ruin.

The conduct of clerics is an open scandal.

Able, learned, and virtuous priests who might raise the moral and professional level of the clergy abandon their studies because they see no prospect of advancement.

The ranks of the clergy are riven by rivalry and animosity; hatred, envy, and even the wish for the death of others are aroused.

Striving after pluralities of benefices is encouraged.

Poor clerics are maltreated, impoverished, and forced from their posts.

Crooked lawsuits are employed to gather benefices.

Some benefices are procured through simony.

Other benefices remain vacant.

Able young men are left to lead idle and vagrant lives.

Prelates are deprived of jurisdiction and authority.

The hierarchical order of the Church is destroyed.

In this manner, a vast number of violations of divine and human law is committed and condoned. . . . "It is the pope's special mission," writes Enea, "to protect Christ's sheep. He should accomplish this task in such a way as to lead all men to the path of

salvation. He must see that the pure Gospel is preached to all, that false doctrines, blasphemies, and unchristian teachings are eradicated, and that enemies of the faith are driven from the lands of Christendom. He must heal schisms and end wars, abolish robbery, murder, arson, adultery, drunkenness and gluttony, spite, hatred and strife. He must promote peace and order, so that concord might reign among men, and honor and praise be given to God."

So Enea. My question is: Does a court of epebes and mulcters and flatterers help the pope prevent schism and abolish blasphemy, wars, robbery, and the other crimes mentioned by Enea? Would he not be better served by men learned in canon law and Scripture, by men who know how to preach and can help the faithful ease their conscience in the confessional? The Council of Basel was surely inspired when it decreed that a third of all benefices should go to men versed in the Bible. . . . If I am not mistaken, the conciliar fathers wished to see the true Gospel of Christ preached everywhere. They wished honor and glory given to God. We ourselves want nothing else. We would rejoice if many men were to praise God, if every priest in his sufficiently endowed benefice were to serve God and celebrate the Eucharist, if popes and emperors, if the whole Church were to draw rich benefit from this holy work, the most efficacious office of them all. . . .

Let therefore the Holy Apostolic See and our gracious mother, the Church, reduce at least the most severe of the taxes she has placed on our country. Let her show herself mild and considerate to the successors of our present archbishops and bishops when these shall have been called from this world. For the sums of money our prelates must send to Rome are taken from the pockets of poor burghers, rural clerics, and impoverished peasants, and many a husband and father cannot nourish his family for the taxes he must pay. Such a reduction of our tribute might well prevent the outbreak of a violent insurrection of our people against the Church. My own ears, God be my witness, have overheard the grumbling, muttering, and threats of popular discontent. It would not take much for the Bohemian poison to penetrate our German

lands. . . . The taxation of twenty thousand or more gulden recently imposed on the people of Mainz is surely excessive, the more since the election of a new archbishop will require payment to be made a second time, even though the first sum has not yet been fully met. We cannot forget that in the old days the pallium fee was never more than ten thousand gulden. But when one incumbent failed to make payment, his successor owed not only his own ten thousand gulden but his predecessor's as well, and this double fee was then entered into the rolls and became the standard pallium fee of twenty thousand gulden.<sup>5</sup>

Let our gracious mother, the Church, also consider that while Rome's need for money increases daily through the proliferation of offices, the income of German electors and princes is reduced by war and lawlessness in their lands. Let her not forget that German fields lie uncultivated, and that formerly rich veins of precious metal (located in mining regions described with clever flattery by Enea) have become exhausted. . . . Let her lighten the heavy burden of reservations placed on our tired land. Let her desist from granting numberless expectancies to a single collator, a practice condemned not only by the Council of Basel but by Enea himself. . . .

Would that our nation were able to accomplish other much needed reforms in the Church. To wit: Candidates for benefices should not with impunity pass themselves off as the pope's familiars. Such people must not receive preferential treatment in the assignment of benefices, for this practice works to the disadvantage of the sons of our own princes. Sixtus IV explicitly forbade the custom of granting expectancies to German benefices to non-Germans. Furthermore, incumbents of wealthy clerical livings should not, when they grow old or infirm, become the victims of

5. An exaggeration. In 1420 Martin V doubled the *servitia communia* of the archdiocese of Mainz from 5000 gulden to 10,000 to make its tax equal to that of Cologne. But to the *servitia communia* must be added *servitia minuta*, pallium tax, and various special fees and gifts. The total may therefore well have been in excess of 20,000 gulden.

vicious law suits intended to drive them from their posts, to be replaced by cunning rogues who have no right or claim to the benefices in question. . . . Well-to-do canons should not be allowed to acquire expectancies to additional benefices through the intervention of influential personages. No one ought to hold two or three prebends at several collegiate churches in the same city, as well as the vicariate of the cathedral church, thus excluding learned and able candidates from nearly all positions, dignities, parish posts, and pensions.

Law suits, often concerning trivial or capricious matters, consume more money than would be required to appoint a new parish priest or to purchase properties with which to support a learned cleric. This should not be so. Some of the richest priests spend their lives and employ what money they can squeeze out of the poor in competition or litigation for new and more profitable posts. . . . If I were to record all the intrigues that people of this sort carry on against one another, I should require as many pages as are contained in the Old and New Testaments.

I need say nothing of indulgences here, except to point out that the many conflicting interpretations of penance and indulgences given in sermons must confuse the faithful, while the prolific distribution of indulgences is likely to incline people to immoral lives. We all know how heavy a burden on our nation these indulgences have become, to say nothing of confessional letters which, by the way, are not available for small change, as Enea contends, but will cost a man a week's household money or more.

The wise Archbishop and Elector of Mainz, Berthold von Henneberg, learning with pleasure of the election to the apostolic throne of Francesco Piccolomini [Pius III, nephew of Enea Silvio], a man most generously inclined toward our nation, set down all the above-mentioned and other complaints of the German nation against Rome, having long and carefully pondered each item. He hoped to gain from the Holy Father a moderation of at least the worst of these abuses. My sympathy with the objectives and aspirations of this noble prince has prompted me to undertake in

the place of Martin Mair the composition of this reply to Enea Silvio. Other motives urging me on were my love of empire and nation, my devotion to Holy Scripture, also my compassion for our wretched peasants, plagued by Jews and oppressed by tyrannical princes, . . . and the affection I hold for my Christian neighbors, which impels me to protest against the neglect of pastoral duties by ignorant and careless priests. . . .

I have not attempted to rebut here all of Enea's assertions. Most of them are, in any case, easily refuted. Because of my preoccupation with other tasks I have had to write hastily and keep to generalities. Nothing I have said is intended to hold anyone up to scorn or to cause harm. My only purpose has been to caution the prospective reader of Enea's treatise to arm himself, like Odysseus against the sweet song of the sirens, in order to resist Enea's honeyed flattery of our German people. I have also tried to persuade him to do as much as lies in his power to remedy the steadily deteriorating condition of our country and raise the welfare and dignity of our German nation and the honor of the Holy Roman Empire.

#### 4. *A German Clergyman's Criticism of Rome* (c. 1451)\*

THE FOLLOWING STATEMENT of grievances was compiled on the occasion of Nicholas of Cusa's mission to Germany in 1451-52 and forwarded to the Cardinal, perhaps at the Synod of Mainz in 1451. Its aggressive and outraged tone suggests that its author was a member of the lower clergy, or perhaps a monk. The document may well be a memorandum intended to acquaint the Cardinal-Legate with the mood prevailing among German churchmen as he traveled about the

\* Printed in Latin in Christian Wilhelm Walch, *Monimenta mediaevi* . . ., I (Göttingen, 1757), 101-110 and in German translation in Bruno Gebhardt, *Die Gravamina der deutschen Nation gegen den römischen Hof* . . ., 2nd ed. (Breslau, 1895), 5-9.

country organizing provincial synods and outlining programs for reform.

MOST VENERABLE FATHER,

I submit the following grave matters for consideration at a holy council:

1. The authority of general councils should not be destroyed or weakened by the decrees of the Cardinal-Legate. The Cardinal-Legate has been introducing, on the authority of his legation and as though they were his own decrees, certain decrees issued by the Council of Basel which have not yet been accepted by the German nation. If our nation were now to accept these decrees on the authority of a cardinal's legation, the legate's power would appear to be superior to that of the council, which is contrary to the truth. Furthermore, it does not seem advisable to begin special and particular reform of one province without reforming other provinces at the same time. Practices vary widely in the Church, and faithful observance of divine laws would vary from province to province if they were to be reformed separately. For the same reason, both a general council and a national council for Germany must be called into session, so that the German nation, if reformed, will not deviate in its ways from the practices of other nations.

2. The Cardinal-Legate has come to us in order to reform our nation. But how shall he succeed in this reform? If the head is sick, the limbs also feel the pain. If reform is to be accomplished, it must begin with the pope and the Roman curia. It is the pope and the cardinals who daily commit the most fearful transgressions and abuses, carrying on a cursed and detestable simoniac trade in ecclesiastical benefices as though they were taking pigs and cows to market. Such wicked transactions bring a hoard of gold and silver to Rome, and the pope, in his haste to fill his money bags, is heedless of what the rest of us know, namely, that the higher a man's place, the graver his sins.



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3. Another much-needed papal reform concerns inflated fees for apostolic letters. These used to cost seven or eight gulden. Now they cost twelve to fourteen. It is the same with awards of expectancy.

4. Day after day the pope and his advisers use their cunning to squeeze money out of the German people. I could cite many examples to prove this. In the first year of his papacy, the pope [Nicholas V] showed himself gracious and benevolent and awarded expectancies to all who applied to him. Rich men and poor therefore hoped to receive benefices, to which they felt entitled by the expectancies they were holding. Having in this manner drawn a good sum from Germany, the pope began in the second year of his reign to offer more favorable expectancies, issued *motu proprio*,<sup>1</sup> to all and sundry. Once again, both the rich and the poor sent their money, thinking they would profit thereby. But in his third year, seeing that no more money could be made from expectancies issued *motu proprio*, the pope proceeded to interpret *motus proprius* as a device to abolish the fraudulent acquisition of benefices. And so the poor wretches who had hoped to acquire something desirable by means of the pope's *motus proprius* were cheated of their money. The pope also began to grant reservations to benefices not yet vacant, a previously unheard-of practice. Such a reservation was worded as follows: "We desire that you have as your prebend or dignity the first that shall become vacant in such-and-such a place. To this end we suspend any and all expectancies, however and to whomever we may have issued them in the past, until you shall have received the first prebend or dignity." I ask: Is it just or holy to hold people in such contempt?

5. The curia, too, needs reform in many respects. Cardinals move about in pomp and splendor, accompanied by a retinue of 160 or 170 horses. Their familiars wear silken garments embroidered in gold and silver. Even in the days of Boniface IX, Innocent III and John XXIII [1410-15, deposed by Council of Constance]

1. *Motu proprio*: a papal disposition or ordinance issued "from his own motive" and without the formalities of a bull.

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they did not live in such ostentation. It is not unknown for a cardinal to hold three metropolitan and cathedral churches in *commendam*<sup>2</sup> and to have ten abbeys, six priories and archdeaconates, and four parish churches as well. As for the number of monks remaining in their monasteries, the cardinals could not care less. A monastery where, in the old days, six or ten monks celebrated divine service has only one or two now, because the place has been stripped bare of income sufficient to support sixty monks. And this is done so that cardinals may live in greater style than the pope himself.

6. Bankers and usurers have free access to the curia and the pope. Pope and cardinals invest their money with them. God alone knows whether this leads to good or to evil.

7. The worst crooks, however, pimps and prostitutes not excepted, are to be found among the familiars of cardinals. Such ruffians used never to disgrace Germany, but the pope tolerates them now. The pope and the Italians are not satisfied with the enormous sums brought to Rome during the Jubilee Year; they now send us a cardinal empowered to take what remains of our fortune through the sale of Jubilee Indulgences. How, under such circumstances, can the faithful believe in the good intentions of the pope and Rome? Have they not been cheated innumerable times before, paying out good money for the conversion of the Bohemians and the restoration of the Greeks, neither of which events ever took place? Furthermore, why should Germans be victimized when Italians make huge profits by pocketing the proceeds from the Jubilee Year and by not contributing anything themselves? Is this how the legate plans to reform German clerics and German millers, butchers, and cooks? To be sure, if pope and curia were to reform themselves, or if a general council were to bring about a universal reformation of the Church, there would be no difficulty in reforming every Christian in his own estate. It is therefore most sensible, as well as most necessary, for the pope to

2. *In commendam*: enjoyment of the income of a benefice by someone who cannot or does not take charge of the duties connected with it.

decide that he must forthwith convoke a general council of the entire Church, as he is sworn to do.

### 5. *The Statement of Grievances Presented to the*

#### *Diet of Worms in 1521\**

READERS OF THE PRECEDING SELECTIONS will by now be familiar with most of the points made in the following list of complaints. But the statement of grievances translated below is, as it were, official. At the Imperial Diet held in the city of Worms in 1521—the first meeting of Charles V with the German Estates and the occasion of Luther's appearance before the emperor—the Estates pointedly reminded Charles of the popular support enjoyed by Luther and urged the emperor to recognize the need of going beyond anti-Lutheran mandates to an attack on the "oppressive burdens and abuses imposed on and committed against the Empire by the Holy See in Rome." Charles, in his reply, invited the Estates to submit an itemized catalogue of these burdens and abuses. A committee of spiritual and secular electors and princes proceeded to draw up a list of grievances for presentation to the emperor, probably using material submitted by individual members of the Estates. No formal action was taken at Worms, but at the Diet of Nuremberg in 1523 the Estates insisted on revising the grievances once more for transmittal to Rome.\*\*

My translation is of the first version, the Estates' report submitted to Charles V at Worms. I have made a selection from among the 102 gravamina, eliminating duplication and emphasizing the most important points. I have retained the numbering used in the edition of the gravamina in the Acts of the Imperial Diet.

HIS ROMAN IMPERIAL MAJESTY desiring the electors, princes, and General Estates of the Empire to acquaint him with the burdens

\* Printed in *Deutsche Reichstagsakten, Jüngere Reihe*, II (Gotha, 1896), 670-704.

\*\* This formal version of the grievances is printed in *ibid.*, III (Gotha, 1901), 645-88.

placed on the German nation by His Holiness the Pope and other ecclesiastics, and to make known to him our counsel and opinions as to how these burdens might be lifted from us, we have in all haste set down the following points, beginning with matters touching His Holiness the Pope.

1. *Secular Cases Are Transferred to Rome for Trial in the First Instance.* Our Most Holy Father the Pope, heeding the clamor of his priests, causes numerous persons to be summoned for trial in Rome in matters of inheritance, mortgage and similar worldly concerns, a practice conducive to the curtailment of the competence of secular authorities. We ask that Your Imperial Majesty undertake to ensure that no person, spiritual or worldly, be summoned to Rome for first trial in any matter, spiritual or worldly, but that he be allowed instead to appear in the first instance before the bishop or archdeacon of his province or, if he is a layman and the matter at issue is secular, before the prince, government, or ordinary judge with appropriate competence.

2. *Concerning Conservators and Papal Judges.* Ecclesiastical princes and prelates have obtained papal appointment of certain abbots or prelates of their own dioceses as judges with jurisdiction over all their legal affairs. Such judges are called "conservators," and they summon laymen, nobles as well as commoners, to appear before them in order to answer charges in secular matters, notwithstanding the competence of secular courts where the cases in question should be heard. If a man refuses to go before such a conservator, he is excommunicated; many examples of this practice might be given. Thus it happens that secular authorities and secular cases are tried before ecclesiastical courts, which are, needless to say, biased in opinions and judgment. And thus the constitution<sup>1</sup> of the empire is violated, for our laws state categorically that no person is to be deprived of the right to trial before his ordinary judge and court.

3. *Concerning Papal Delegates and Commissioners.* His Holiness the Pope bestows upon ecclesiastical persons who so petition

1. I have generally translated German *Ordnung* as constitution.

him special powers to act as judges delegate or commissioners. Armed with such powers, these clerics undertake to summon before them lay persons of every estate and, in the case of failure to comply, compel them through threats of excommunication. . . .

5. *Concerning Ecclesiastics Who Die in Rome or on the Way to Rome.* His Holiness has decreed that whenever a cleric dies in Rome, or while enroute to Rome, whether or not he was a familiar of the pope, his offices and benefices, large or small, shall fall to the pope. As a consequence of this practice spiritual and worldly patrons and liege lords have been deprived and robbed of their rights.

7. *Rome Often Grants Benefices to Unworthy Persons.* Rome awards German benefices to unqualified, unlearned, and unfit persons such as gunners, falconers, bakers, donkey drivers, stable grooms, and so on, most of whom know not a word of German and never assume the duties connected with their benefices, shifting them instead to worthless vicars who are content with a pittance in pay. Thus the German laity receives neither spiritual care nor worldly counsel from the Church, while a hoard of money flows yearly to Italy with no return to us, least of all gratitude. We think that German benefices should be awarded to native Germans only and that beneficed persons ought to be required to reside in the place to which they are assigned.

8. *There Should Be No Tampering with Ancient Freedoms.* A person who holds a papal privilege entitling him to invest others with benefices or offices should not be deprived of this right, nor should he be subjected to legal pressure to give it up. Papal letters or mandates setting aside these ancient privileges ought to be declared null and void.

9. *Concerning Annates.* In former times emperors granted annates to Rome for a limited term of years only and for no purpose other than to enable the Church to hold back the Turk and support Christendom. In the course of time, however, the payment of annates grew into a regular custom, and, as is generally known, the German nation has been excessively burdened with them. . . .

10. *Annates Are Constantly Increased in Amount.* Not only are annates almost daily raised in amount, but they are also being extended from archbishopsrics and bishoprics to abbeys, priories, parishes, and other ecclesiastical prebends. . . . Although the old regulations placed a pallium fee of not more than ten thousand gulden upon the bishoprics of Mainz, Cologne, Salzburg, and others, the pallium cannot now be fetched home for less than twenty thousand to twenty-four thousand gulden.

11. *Concerning New Devices Employed by Rome.* The main reason for the constant rise in the cost of episcopal confirmations and pallium fees is the proliferation of offices in Rome, such as chamberlains, shield-bearers, and others, for whose emoluments our bishops' subjects must pay taxes and tributes. Furthermore, Rome obtains money by means of a number of cunning and novel devices, especially the following: a certain newly elected bishop has been given papal leave to pay his pallium fees not in cash but instead in the form of a pledge from certain sponsors to make payment at a given time. Suddenly, and for no reason, these sponsors are excommunicated and, almost at once, absolved again, for which absolution the bishop-elect must pay from three to five hundred ducats. It has been made known to us that His Holiness has this year created several new offices and is now personally served by more than 150 retainers who make their living off the proceeds of ecclesiastical benefices, for which the German nation furnishes the money.

12. *Concerning Commendation and Incorporation.* It should be understood that a great many abbeys, monasteries, and other ecclesiastical houses have fallen under the control of cardinals, bishops, and other prelates or, as they say, have been "commended" to them or been "incorporated" by them. As a result of this practice, imperial and princely endowments fall into ruin and the divine service is curtailed, since monasteries formerly housing forty or fifty monks are now reduced to a much smaller number. The cardinals act on the principle: the fewer the monks, the higher the profits.