

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 archbishops and bishops to abbays, priories, parishes, and other ecclesiastical prebends. . . . Although the old regulations placed a pallium fee of not more than ten thousand gulden upon the bishops 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 abbays, 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.

13. *Concerning Regulations of the Papal Chancellery.* These regulations are trimmed to the advantage of Roman courtiers. They are frequently altered or reinterpreted so as to bring ecclesiastical benefices, especially German benefices, into Roman hands and to compel us to buy or lease these benefices from Rome, a practice which is against both statutory law and the dictates of justice.

14. *Concerning Reservations, Regressions, Incorporations, Unions, and Concordats.* When it comes to such procedures, His Holiness is insatiable. Day after day he invents new devices to enable him to squeeze money out of the German nation and further to destroy the divine service. . . .

18. *Concerning the Pope's Prevention of Episcopal Elections.* The pope takes it upon himself to prevent, restrict, or set aside the free election of bishops, priors, deans, etc., in our cathedral churches. Instead he distributes these offices as he pleases, eliminating a canonically elected bishop and replacing him with another *per confirmationem consistorialem*.<sup>2</sup> . . .

19. *Concerning Papal Dispensation and Absolution.* Popes and bishops reserve to themselves certain sins and offenses from which, they say, only they can absolve us. Whenever such a "case" occurs and a man wishes absolution, he discovers that only money can procure it for him. Nor does Rome give out a dispensation except on payment of gold. A poor man without money will not see his matter despatched. A rich man can, moreover, for a sum, obtain papal letters of indult, which entitle him to priestly absolution for any sin he might commit in the future, murder, for example, or perjury. All this shows how Roman greed and covetousness cause sins and vices to multiply in the world.

20. *Concerning the Depredations of Papal Courtiers.* The German nation also suffers exceedingly from the greed of papal and curial hangers-on who are bent on occupying ecclesiastical benefices in our land. These courtiers compel honorable old clerics,

2. *Per confirmationem consistorialem*: confirmation by the consistory, i.e., the College of Cardinals.

long established and blameless in their offices, to go to Rome, where they are subjected to humiliating chicaneries. There they must wait until Rome gets what it wants through reservations and pensions obtained by means of so-called Chancellery Rules, setting aside old agreements and replacing them with new ones. In this way, honorable old clerics who are not schooled in courtiers' tricks are defrauded of their benefices *lite pendente*,<sup>3</sup> no matter what the outcome of their case will be.

21. *Under the Pretext of Papal Familiarity, Many Benefices Are Acquired.* Excellent remunerative benefices come into the hands of motley persons who claim to be officials or familiars of the pope. They gain the right to hold prebends or offices in commendam or "provisionally," or through "regression," "reservation," "pension," or "incompatibility," which causes benefices in our country to decrease and decline as more and more of them fall into Roman hands.

22. *Concerning Indulgences.* We also regard it in the highest degree objectionable that His Holiness should permit so many indulgences to be sold in Germany, a practice through which simple-minded folk are misled and cheated of their savings. When His Holiness sends nuncios or emissaries to a country, he empowers them to offer indulgences for sale and retain a portion of the income for their traveling expenses and salaries. . . . Bishops and local secular authorities also get their share for helping with the arrangements for the sale. All this money is obtained from poor and simple people who cannot see through the curia's cunning deceptions.

23. *Concerning Mendicants, Relic Hawkers, and Miracle Healers.*<sup>4</sup> These riffraff go back and forth through our land, begging, collecting, offering indulgences, and extracting large sums of

3. *Lite pendente*: pending judgment. A case in litigation but not yet decided.

4. The German word used to describe these is *Stationierer*, from Latin *stationarius*, a trader or salesman, but referring particularly and derogatorily to itinerant monks exhibiting relics for cures and indulgences.

money from our people. We think these hawkers ought to be kept out of our country. . . .

31. *How Some Clerics Escape Punishment for Their Misdemeanors.* If an ordained cleric going about in the world on secular business and in secular clothes is brought before a secular court on some charge and is detained by it, he need only say "I am ordained" and demand to be transferred to an ecclesiastical court, and he will go free. His bishop will support him, notwithstanding the fact that the man was apprehended without tonsure and wearing worldly dress. And if the secular court does not release him within twenty-four hours, its judges are excommunicated. Are not such practices bound to encourage clerics to wicked acts, the more since ecclesiastical courts let them go scot-free, no matter what their offense? . . .

32. *How Secular Property Comes into Ecclesiastical Hands.* Seeing that the spiritual estate is under papal instructions never to sell or otherwise transfer the Church's real estate and immobilia to the laity, we think it advisable for His Roman Imperial Majesty to cause a corresponding law to be made for the secular estate, to wit, that no secular person be allowed to make over any part of his real property to any ecclesiastical person or institution, and that this proscription apply to inheritance as well. If such a law is not introduced without delay, it is possible that the secular estate will, in the course of time, be altogether bought out by the Church . . . and the secular estate of the Holy Roman Empire eventually be entirely beholden to the Church.

37. *Ecclesiastical Courts Give Support to Jewish Usury.* Everyone knows that the Jews' usury in Germany pauperizes and corrupts Christian society. But whenever a secular authority sets out to curb the Jews, the latter call upon an ecclesiastical court for help and cause the Christians to be excommunicated. For although the debtors swear that the money owed the Jews was not procured on terms of usury, the court knows that Jews do not lend except usuriously and that the poor, in their great need, perjure themselves. Canon and civil law forbids the rendering of judicial or

other aid in matters of usury, but bishops and prelates permit it nonetheless.

39. *Sinners Are Given Fines to Pay Rather Than Spiritual Penance to Do.* Although spiritual penance ought to be imposed upon sinners for one reason only, to gain salvation for their souls, ecclesiastical judges tend nowadays to make penalties so formidable that the sinner is obliged to buy his way out of them, through which practice untold amounts of money flow into the Church's treasury. . . .

43. *Excommunication Is Used Indiscriminately, Even in Trivial Matters.* Notwithstanding the original and true purpose of spiritual censure and excommunication, namely, to aid and direct Christian life and faith, this weapon is now flung at us for the most inconsiderable debts—some of them amounting to no more than a few pennies—or for non-payment of court or administrative costs after the principal sum has already been returned. With such procedures the very life blood is sucked out of the poor, untutored laity, who are driven to distraction by the fear of the Church's ban. . . .

47. *Concerning Improper Interdicts and Suspensions of Divine Service.* If a priest is injured by a layman, or done to death by him, an interdict is generally laid upon the town or village where the deed occurred, even if it was done in self-defense or in other legally extenuating circumstances. This interdict remains in force until the guilty party, or else the council or commune of the town, declares himself responsible. Moreover, interdicts are imposed for debt and other monetary matters, although the Church's own laws prohibit this; but the Church evades this prohibition by claiming "insubordination" as the real cause of the interdict. . . .

50. *They Demand Their Share of Pilgrims' Offerings.* In some bishoprics the clergy demand a third or fourth part of all offerings collected from pilgrims who come to visit a shrine or holy place. There is no basis in canon law for such a demand.

54. *There Are Too Many Vagrant Mendicants in Our Land.* The poor in Germany are sorely oppressed by the extraordinary

number of mendicant monks, especially by begging friars maintained by mendicant orders in violation of their own rules. Some villages and towns have two, three, or four of these begging brothers going about with hands outstretched, and the alms that should go to old and indigent householders who can no longer support themselves fill the monks' pouches instead. Bishops condone this practice in return for a portion of the collection.

56. *Too Many Priests Are Ordained, Many of Them Unlearned and Unfit.* Archbishops and bishops have been ordaining base and uneducated persons whose only claim to the priesthood is that they are needy. Such people, either because of their low estate or because of some native inclination to wickedness, lead reckless and dishonorable lives, bringing the whole spiritual estate into disrepute and setting the common folk a bad example. Before making ordination, the bishop is obliged to consult six witnesses on the candidate's fitness for the priestly office; but as things are now, the witnesses have, likely as not, never seen or heard of the candidate. Thus our Christian laws are nothing but pretense and sham to them.

58. *Bishops Ought to Hold Frequent Synods.* All the above shortcomings would doubtless be alleviated if bishops fulfilled their obligation to meet in synods with their prelates and ecclesiastical subjects in order to seek the aid and counsel of all the clergy present, as the law of the Church obliges them to do.

62. *The Common Folk Are Forced to Give Money for Processions and Prayers for the Soul.* Priests have become accustomed to burdening their flock with special payments for processions and displays of the holy sacrament. The amount of these payments is left to the priests. They even molest the poor, who cannot afford to have special prayers offered on the anniversaries of their friends' and relatives' deaths, shaming them into paying a few pennies to have a mass sung, or at least to have one read, though they know that their benefices oblige them to say anniversary masses whenever required. Thus, with a single mass, a priest may take in two or three salaries at once.

63. *Priests Demand Payment from Parishioners Who Leave*

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*the Parish.* If a man or woman marries outside the parish, his or her priest demands a gulden as a leaving fee. The parishioner has no choice but to pay it, for if he refuses, the sacraments are withheld from him.

64. *In Some Circumstances Gravesites Must Be Bought for the Dead.* Persons who have been found dead under questionable circumstances, such as drowning, murder, and so on, but who did not necessarily die in mortal sin, are refused proper burial by the Church unless their friends or next of kin accommodate the priest.

66. *Certain Clerics Behave Like Laymen and Are Even Seen Brawling in Taverns.* The majority of parish priests and other secular clerics mingle with the common people at inns and taverns. They frequent public dances and walk about the streets in lay garments, brandishing long knives. They engage in quarrels and arguments, which usually lead to blows, whereupon they fall upon poor folk, wound or even kill them, and then excommunicate them unless the innocently injured parties agree to offer money for a settlement with the offending priest.

67. *Clerics Set Bad Examples by Cohabiting with Their Serving Women.* Most parish priests and other clerics have established domestic relations with women of loose morals. They dwell openly with the women and with their children. It is a dishonest, detestable life for priests and a wretched example to set for their parishioners.

69. *Many Clerics Have Turned to Tavern Keeping and Gambling.* Clerics can frequently be seen setting themselves up as innkeepers. On holidays, in places where they have proprietary rights, priests put up tables for dice, bowls, or cards and invite people to play. Then they take the winnings, shamelessly claiming that these belong to them by rights of sovereignty. . . .

70. *Concerning Regular Clergy, Monks and Mendicants.* It is well known that rich monastic orders, such as Benedictines, Cistercians, Premonstratensians, and others, have succeeded in wresting secular properties from lay hands, growing daily more wealthy and powerful. In return for the lay properties thus acquired they offer no other services to His Imperial Majesty or other secular

authorities, pay no higher taxes and shoulder no greater burdens than those they had assumed in days gone by when very much poorer. . . . Our welfare as a country requires that the orders be prevented in future from taking any more real property out of lay hands, whether by purchase or by any other means of acquisition. . . .

71. *They Prevail upon the Old and the Sick to Withhold Their Estate from Their Rightful Heirs.* Priests and monks hover about a man in his final illness if they know him to be rich in gold or land. They attempt to persuade him with cunning words to leave his property to them, though more often than not the estate should go to the man's heirs, offspring, or close friends.

77. *Even Clerical Servants Can Cite Poor People before an Ecclesiastical Court.* It ought to be known that not only do the priests themselves drag laymen into ecclesiastical courts, but their administrative officials, bailiffs, retainers, and even their women servants can do it.

85. *They Try to Gain Exclusive Jurisdiction over Legal Matters, Which Should Be Heard in Secular Courts.* Much legal business that, according to law, may be settled in either ecclesiastical or secular courts, has in fact been usurped by the clergy. For when a secular judge claims a case, it often happens that a spiritual judge steps forward and threatens the other with excommunication unless he lets go of the case. Thus the clergy take over what they wish. According to our laws, offenses like perjury, adultery, and black magic may be handled by either spiritual or lay courts, depending on who first claimed the case. But the clergy make bold to grasp all such cases, thus undercutting secular authority.

88. *How They Take Over Secular Jurisdiction by Falsely Pleading Prescription.* Some experts hesitate to call attention to the Church's practice of acquiring rights by possession, that is, by pleading prescriptive rights to gain legal jurisdiction over lay matters, though His Imperial Majesty's and the empire's highest dignities and jurisdictions are thereby being steadily eroded. But we know it to be according to right and law that no one may prescribe, or claim to have acquired by possession, against the high

sovereignty of pope and emperor, no matter how many years he has held on to something or used it without interference.

91. *Money Can Buy Tolerance of Concubinage and Usury.* If a man and a woman cohabit without being married, they may pay an annual fee to the clergy and be left to live in shame and sin. The same is done with usurers. . . . A married person whose spouse has disappeared but might still be living is, without any further search for the missing partner, allowed to take up cohabitation with another. This they call "toleramus," and it serves to bring contempt upon the holy sacrament of marriage.

95. *Innocent People Who Happen to Live Near an Excommunicated Person Are Themselves Excommunicated.* In some towns and villages ten or twelve neighbors of an excommunicate are placed under the ban along with him, although they have nothing to do with his offense. And this is done for no reason other than the clergy's eagerness to establish its authority and to have it obeyed. Because of this practice, poor and innocent people are forced to buy their way out of the ban, or else to remove their families and belongings from their homes. No distinction is made in these indiscriminate excommunications. No one asks: Is the man poor or not? Did he associate voluntarily with the excommunicated sinner? And even though their own canon law forbids declarations of interdict for debts or other money matters, they impose the ban on whole towns and villages, alleging disobedience as the cause in order to mask their illegal and unjust action.

97. *They Demand a Weekly Tribute from Artisans.* In many places the clergy demand a weekly tax or tribute from millers, innkeepers, bakers, shoe makers, smiths, tailors, shepherds, cowherds, and other craftsmen. If this tribute is refused, they enforce their demand with the threat of excommunication.

101. *They Withhold the Sacraments for Trivial Offenses.* If a man owes a small debt to the priest or to the parish, and if he is too poor to repay it on time and asks for a short extension of the loan, the priest often withholds the sacraments from him and nags and intimidates him, although the matter ought by rights to be brought before a secular judge.