

*Index*

- Agricola, Johann, 53  
 Agricola, Rudolph, 263  
*Aktentversendung* process, 37, 133, 181  
 Althusius, Johannes, 162  
 Ambrose, 282  
 Andreeae, Johannes, 36, 75 n.96, 80  
 Apel, Johann, 62–3, 81, 180, 200 n.3, 264  
 Aquinas, Thomas, 28, 53, 121, 204, 208–10,  
     219  
 Aretinus, Angelus, 75 n.96  
 Aristotle, 141, 146, 156 n.168, 165, 219, 263,  
     264, 265  
 Augsburg, 54;  
     Peace of (1555), 4, 43, 71, 85, 132, 137 n.97,  
     174, 292  
     reformation ordinance (1537), 190  
 Augsburg Confession (1530), 122, 185, 286  
     Apology of (1531), 72, 122, 185, 217–18  
         *see also* Melanchthon, Philip  
 Augustine, 90, 203–5, 217, 219, 226, 282  
 Baden  
     legal reformation (1511), 44  
     territorial ordinance (1495), 47  
 Bamberg  
     reformation of criminal law (1507), 44  
 baptism, sacrament of, 38, 58, 169, 183  
 Bavaria, 49  
     legal reformation (1518), 44  
 Berman, Harold J., xvii  
 Berthold, Johannes von Bruder, 36  
 bigamy, *see* polygamy  
 Blauner, Ambrosius, 250 n.172  
 Blauner, Thomas, 69  
 Bohemia, 43  
 Boniface VIII, Pope, 109  
 Brandenburg, 43  
     laws of, 189  
 Bremen, reformation ordinance (1534), 190  
 Brenz, Johannes, 15, 180, 250 n.179, 251  
     on church order, 71  
     on education, 275, 284–9  
     reformation ordinances of, 189  
 Brunswick (Braunschweig),  
     reformation ordinances (1528/31/43),  
     176, 189, 190, 273 n.79  
     school law, 279–84  
         *see also* Bugenhagen, Johannes  
 Bucer, Martin, 15, 180  
     on celibacy, 62  
     on Christian commonwealth, 153–4  
     on divorce and remarriage, 228–9, 246,  
     251  
     on education, 263–4, 265 n.34, 275  
     on marital love, 221  
     on polygamy, 225–6  
     on uses of law, 104 n.74  
     reformation ordinances of, 189–90  
 Bugenhagen, Johannes, 15, 69, 84, 176,  
     180, 185  
     on education, 268, 272–5, 278–84  
     on marriage and divorce, 249–51  
     reformation ordinances of, 185, 190  
 Bullinger, Heinrich, 220–1  
 Calvin, John and Calvinism, xii, 27, 89,  
     140, 292  
 Capito, Wolfgang, 60  
 Castro, Paulus de, 75 n.96  
 catechisms, 274–5  
     *see also* education; Luther, Martin  
 Cato, 273  
 celibacy and monasticism, 1, 2, 48, 59,  
     61–3, 199–201, 205–6, 222–4  
         *see also* marriage  
 charity  
     *see* Eisermann, Johannes; Luther, Martin;  
     Melanchthon, Philip; social welfare  
 Charlemagne, Emperor, 177  
 Charles IV, Emperor, 42  
 Charles V, Emperor, 167, 187–8  
 Chemnitz, Martin, 139

Cicero, 141, 146, 156 n.168, 164, 265  
 Clavasio, Angelus de, 36, 53  
 Coglerus, Johannes, 118, 198  
 Cologne, 35, 43, 262,  
     legal reformation (1437), 43–4  
     reformation ordinance (1539), 190  
     University of, 270  
 common good (*res publica*)  
     *see* Eisermann, Johannes; Melanchthon,  
         Philip; Oldendorp, Johann  
 conciliarism, 41, 177–8  
     *see also* Great Schism  
 confirmation, sacrament of, 38  
*consilia* (legal opinions), 37, 180–1  
     *see also* Bucer, Martin; Bugenhagen,  
         Johannes; Brenz, Johannes; Kling,  
         Melchior; Lagus, Konrad; Melanchthon,  
         Philip; law; canon; law, civil; Oldendorp,  
         Johann; Schürpf, Jerome  
 Constantine, Council of (1415), 178  
 Constantine, Emperor of Rome, 40  
     *see also* Donation of Constantine  
 Cusa, Nicolaus of, 40–1  
 Decalogue, 126–7 n.45, 169–71, 173–4,  
     273–5, 279–81, 286–7  
     as source of natural law, 10, 13, 113–14,  
     125–7, 302–3  
     as source of Church law, 72–3  
     *see also* Eisermann, Johannes;  
         Luther, Martin; Melanchthon, Philip;  
         Oldendorp, Johann  
*Decretales*, 74, 78, 79, 81  
*Decretum* (1140), *see* Gratian  
 digamy, *see* polygamy  
 Dilthey, Wilhelm, 26, 121  
 divorce, *see* marriage  
 Donation of Constantine, 39–40  
 Donatus, 273  
 *drei Stände lehre*, *see* Luther, Martin;  
     Melanchthon, Philip  
 Dresden, 186  
 Duaren, François, 162  
 Duns Scotus, John, 53  
 East Friesland, reformation ordinance  
     (1529), 190  
 Eck, Johann, 53, 54, 67  
 education, 18–19, 66, 155, 257–92, 293–6  
     Catholic Church schools, 259–61  
     Catholic theology of, 259–61, 290–2  
     Church responsibilities for, 265–6, 268–9,  
     281–2, 284  
     civil laws of, 18–19, 48, 183, 277–97  
     cloister schools, 287–8

curriculum of, 260–1, 263, 272–7, 280,  
     286–9  
 Latin schools, 261–2, 269–70, 272–3,  
     278–80, 283–7  
 Lutheran theology of, 18–19, 262–3,  
     265–77, 279–80, 284–5, 290–2  
 public education, 258–9, 262, 269,  
     271–7, 282  
 state responsibilities for, 267–72, 277–95  
 territorial schools, 278–9  
 vernacular schools, 262, 273–4, 278–9,  
     281, 283–4, 288  
     *see also* Brenz, Johannes; Bugenhagen,  
         Johannes; law; canon; law, civil; Luther,  
         Martin; Melanchthon, Philip  
 Eisermann, Johannes, 9, 12, 140–54, 156,  
     168–75, 180, 225  
*On the Common Good* (1533), 142–3  
*On the Good Ordering of the Commonwealth*  
     (1556), 142  
 on ancient commonwealths, 145–6  
 on charity, 149–50  
 on Christian commonwealths, 147–54, 172  
 on civil law, 142, 145  
 on covenant, 144, 145  
 on equity, 152  
 on human nature, 143–4, 148–50  
 on jurists, 150–2  
 on Lutheran theology, 142–3  
 on natural law, 144, 150–2  
 on privacy, 148–9, 172  
 on state and political authority (*Obrigkeit*),  
     146–7, 150–3, 173–4  
 on social contract theory, 143–7  
 on uses of law, 171  
 Emser, Jerome (Hieronymous), 53, 67  
 England, 41, 153–4, 175, 204  
 equity, 14–15  
     *see also* law; canon; Eisermann, Johannes;  
         Luther, Martin; Melanchthon, Philip;  
         Oldendorp, Johann  
 Erasmus, Desiderius, 26, 63, 270, 273  
 Erbach, legal reformation (1520), 44  
 Erfurt, University of, 270  
 eucharist, 58, 169  
 Evangelical(ism), definition of, 12 n.9  
 Everardus, Nicolaus, 39, 40, 162  
 extreme unction, sacrament of, 169, 191  
 Ferrarius, Johannes Monatus, *see* Eisermann,  
     Johannes  
 France, 40, 41, 204  
 frankelmoigne, 193  
 Franken  
     legal reformation (1512), 44

## Index

333

- Frankfurt am Main, 189  
     legal reformation (1509), 44, 48  
     legal reformation (1578), 48–9
- Frankfurt an der Oder, 189  
     University of, 180, 262
- Freiburg im Breisgau  
     reformation statute (1520), 44, 47  
     *see also* Zasius, Ulrich
- Freiburg, Johannes von, 36
- Gerson, Jean, 275
- Gilmore, Grant, 303
- Göttingen, reformation law (1530), 189, 190
- Gratian, 28, 53, 72–4, 73 n.82, 75 n.96, 79, 81, 157–8, 205  
     *see also* law, canon
- Great Schism, 41
- Gregory VII, Pope, 177, 204
- Greifswald, University of, 155, 180
- Grumbach, Argula von, 59, 62
- Günzburg, Johann Eberlin von, 61
- Halle, reformation ordinance (1541), 189
- Hamburg, 155, 262  
     legal reformation (1497), 44  
     reformation ordinance (1529), 190
- Hanover  
     Church ordinance (1536), 64
- Heckel, Johannes, 88
- Hegel, G. W. F., 24
- Hegendorf, Christoph, 162, 275
- Heidelberg, 189
- Helmholz, R. H., 55 n.8
- Hemming, Nicolaus, 139–40, 180, 190
- Hendrix, Scott, 55 n.8
- Herforder, reformation ordinance (1532/34), 190
- Herzberg, reformation ordinance (1538), 189
- Hesse, 141, 189  
     reformation ordinance (1526), 141–2, 189
- Hesse, Johannes of Breslau, 141 n.111
- Hildesheim, reformation ordinance (1544), 190
- Hitler, Adolf, 27, 297–8  
     *see also* Luther, Martin
- Holborn, Hajo, 28
- Holocaust, 27
- Holy Roman Empire, xi, xv, 33–34, 35, 42–3, 178  
     polities within, 33–4 n.2, 42  
     *Reichspolizeiordnungen* (1530/48/77), 187  
     *see also* law, civil; law, Roman; Maximilian, Emperor; Reichskammergericht; Sigismund, Emperor
- Hostiensis, 55 n.8, 75 n.96, 212–3
- Hotman, François, 162
- Hugh of St. Victor, 204
- humanism, 40–1, 194 n.44, 263–4  
     legal humanism, 28, 155  
     *see also* education; Melanchthon, Philip
- Hus, John, 40
- Imola, Johannes de, 75 n.96
- Ingolstadt, University of, 262
- Innocent III, Pope, 75 n.96
- Innocent IV, Pope, 75 n.96
- Isidore of Seville, 218
- Jena, 189  
     University of, 82
- Jerome, 282
- Jonas, Justus, 15, 59, 180, 189
- jurisdiction  
     of Catholic Church, 35–41, 46–9  
     spiritual, 35–6, 46–8  
     temporal, 36–7, 48–9  
     *see also* law, canon; law, civil;  
     Holy Roman Empire
- Kant, Immanuel, 164
- Kassel, reformation ordinance (1539), 190
- Katherine von Bora, 67, 200 n.3, 201, 220, 222, 234
- keys, power of, 38–9
- Kling, Melchior, 79–81, 180, 237, 238, 243, 250 n.172
- Königsberg, University of, 82, 180
- Kurbrandenburg  
     church ordinance (1543), 75
- Kuyper, Abraham, 27
- Laibach  
     reformation of criminal law (1514), 44
- Lagus, Konrad, 81, 162, 180, 237
- law, canon, 1, 35–41, 45, 61, 136, 156–7, 178, 237, 239  
     and civil law, 46–9, 71–83  
     as Christian equity, 11, 14–15, 39–40, 55–6, 59, 167–8, 241–2  
     as source of Protestant civil law, 10–11, 22–3, 71–83, 254–5, 264–5, 275–6, 290–2  
     attacks on, 53–64, 214–6  
     of asylum, 54–5 n.8  
     of social welfare, 191–2  
     *see also* education; Gratian; jurisdiction; keys; Luther, Martin; marriage; Melanchthon, Philip; Oldendorp, Johann; sacraments; social welfare
- law, civil, 22, 25, 39, 42–9, 170  
     and canon law, 46–9, 64, 71–83  
     Golden Bull (1356), 42–3

- law (*cont.*)  
 on Church polity and property, 48–9, 71–2,  
 71 n.76, 75–6, 84  
 on public morality, 16, 61–2  
 on religious establishment, 16, 64, 130–2,  
 186–8, 190–1, 295–7  
*see also* education; Holy Roman Empire;  
 Luther, Martin; marriage; Melanchthon,  
 Philip; Reichskammergericht; Schöffen;  
 social welfare  
 law, criminal, 25, 44, 111, 134–5, 170,  
 186–8, 249–51  
 law, natural  
*see* Eisermann, Johannes; Hemming,  
 Nicolaus; Luther, Martin; Melanchthon,  
 Philip; Oldendorp, Johann  
 law, Roman, 23, 40, 43, 44, 45, 61, 79, 157,  
 165, 173, 204; 237, 239–40, 247–9, 282  
 reception of, 28, 45–6, 119–20, 178  
*see also* Eisermann, Johannes;  
 Luther, Martin; Melanchthon, Philip;  
 Oldendorp, Johann  
 law, uses of, 11, 102–5, 127–9, 163, 170–1  
*see also* Luther, Martin; Melanchthon, Philip;  
 Oldendorp, Johann  
 Leipzig, 186, 189  
 University of, 180  
 Leisnig, reformation law (1523), 189, 195 n.47  
 Leo X, Pope, 54  
 Linck, Wenceslaus, 60, 200 n.3  
 Lombard, Peter, 37, 204–6  
 Lübeck, 155–6, 189, 262  
 reformation ordinances (1530/1), 155, 190  
*see also* Bugenhagen; Johannes;  
 Oldendorp, Johann  
 Lünenburg, laws of, 189  
 Luther, Martin  
*A Mighty Fortress is our God* (1529), 115–16  
*A Sermon on Keeping Children in School* (1530),  
 256, 276–7  
*Babylonian Captivity of the Church* (1520), 53  
*Freedom of a Christian* (1520), 54  
*German Mass and Order of Service* (1526), 69, 185  
*Instructions to Saxon Visitors* (1528), 65, 69,  
 185–6, 286  
*Large Catechism* (1529), 186, 217, 274–5  
*Ninety-Five Theses* (1517), 53, 54 n.8, 67,  
 67 n.57  
*On Marriage* (1530), 69  
*Small Catechism* (1529), 186, 274–5  
*To the Councilmen in all Germany that they Establish  
 and Maintain Christian Schools* (1524), 276–7  
 on canon law, 1, 33, 50, 53–9, 73 n.82,  
 74, 82–3, 87, 92, 214–6  
 on catechesis, 274–5  
 on celibacy, 1, 62, 222–4  
 on charity, 96  
 on Church's nature, xiv–xv, 1–2, 8, 20–1,  
 28, 58–9, 65–6, 70–2, 93, 97–9,  
 109–10, 265–7  
 on civil law, 33, 92, 102–4, 111–13, 169,  
 180, 189  
 on clergy and laity distinction, 6–7, 57–8,  
 107–8  
 on clerical exemptions and immunities, 56  
 on common good, 134–8  
 on conscience, 70–1, 100, 167  
 on criminal law, 111–12, 171  
 on Decalogue, 104 n.73, 113–14, 302–3  
 on dialectic, 87–8, 96 n.38  
 on digamy, 224–5  
 on dissolution of monasteries, 2, 62 n.41  
 on divine judgment, 299–301; *see also* uses  
 of law  
 on divorce, 246–50, 247 n.161, 250–2  
 on education, 8, 262–77, 282  
 on epistemology, 99–101  
 on equity, 164, 164–5 n.211  
 on freedom, 1–2, 65–6, 70, 95–7,  
 131, 269–70, 299–303  
 on human nature, 90 n.8, 94–7, 100,  
 299–303  
 on Jews, 131, 297–8  
 on jurists, 2, 82, 110–1, 119–20  
 on justification by faith, 1, 2, 57–8, 87, 95–6  
 on Law and Gospel, 2, 4, 5, 70–2, 87,  
 89–91, 99–100  
 on marriage and family, 7, 93, 109, 199–202,  
 214–36, 241–2, 245  
 on masks (*larvae*), 6, 99–101  
 on natural law, 92–3, 103–5, 113–5  
 on ontology, 6, 89–94, 106–7  
 on polygamy, 224–6  
 on pope and papal power, 54, 55,  
 74–5, 108–9  
 on priesthood of believers, 1–2, 20–1, 54,  
 95–7, 99, 107–8, 114, 128, 296–7, 301–3  
 on reason, 8, 100, 114–5, 129–34  
 on religious establishment, 131, 185–6,  
 296–7, 299–300  
 on righteousness, 101–5  
 on Roman law, 8, 92, 115  
 on sacraments, 57, 58  
 on sanctification, 105  
 on state and political authority (*Obrigkeit*),  
 7–9, 13, 58–9, 66, 76, 91–4, 109–13, 133,  
 151, 171, 172; *see also* education; law, civil;  
 marriage; social welfare  
 on three estates (*drei Stände*), 7, 93–4, 97,  
 100–1, 109–10, 140, 199–200, 267, 267  
 n.46  
 on tithes and religious taxes, 56–7

## Index

335

- on two kingdoms, xiv, 5–9, 87–117, 120, 140–1, 265–7  
 on two swords, 8, 108–9  
 on uses of law, 102–5, 127–9, 171, 266 n.41  
 on vocation or calling (*Beruf*), xiv, 1, 96, 98–9, 101, 107–8, 257–8
- Machiavelli, Niccolo, 28  
 Mainz, 35, 43, 180, 262  
 Marburg, 140–2, 154–5, 189  
     University of, 82, 142, 180  
     *see also* Eisermann, Johannes;  
     Oldendorp, Johann  
 marriage, xiii, 17–8, 36, 38, 66, 199–255, 293–7  
     as contract, 206–7, 209  
     as natural association, 205–6, 209  
     as remedy for lust, 205–6, 217–18, 222–6  
     as sacrament, 16, 58, 207–10, 215–16, 226–30, 252–3  
     as social estate, 17–18, 201–2, 253–4  
     betrothal, 210–1, 233–4, 237–8  
     canon law of, 17, 38, 80–1, 139, 199, 210–14, 241–2, 244–6, 254–5  
     children of, 205, 213, 221–2  
     Church consecration of, 236, 240  
     civil law of, 17–18, 47, 79–81, 159–60, 162, 183, 201–2, 232–52, 254–5  
     clerical, 205–6, 222–4, 231–2, 253  
     consent to, 206–8, 210–11, 232–40  
     divorce and remarriage, 214, 228–9, 245–52  
     goods of, 203–4, 209–10, 218–9  
     impediments to, 199, 211–4, 241–5  
     love within, 219–21  
     parental consent to, 233–5, 238–9  
     secret, 199, 208, 215–6, 236  
     witnesses to, 236, 239  
     *see also* Brenz, Johannes; Bucer, Martin;  
     Bughagen, Johannes; celibacy and monasticism; law, canon; law, civil;  
     Luther, Martin; Melanchthon, Philip;  
     polygamy
- Marsilius of Padua, 40  
 Marty, Martin E., x–xv, xvii  
 Mauser, Konrad, 237, 238  
 Maximilian, Emperor, 43  
 Melanchthon, Philip, 9, 25, 53, 60, 62, 67 n.57, 81, 121–40, 141, 156, 160, 168–75, 180  
*A Catechism for Youngsters* (1532/58), 272  
*Handbook for How Children Must be Taught to Read and Write* (1524), 272  
*Improvement of Education* (1518), 121–2  
*Instructions to Saxon Visitors* (1528), 65, 69, 185–6, 286  
*Loci communes* (1521/35/43/55), 121–22, 139, 270, 270 n.77
- on canon law, 59, 72–3, 76, 81, 133  
 on Church's nature, 71–2, 137  
 on civil disobedience, 137–8  
 on common good, 76–7, 134–8,  
 on contracts, 132, 135–6  
 on clerical exemptions and immunities, 59  
 on criminal law, 132, 134–5  
 on Decalogue, 77, 125–7, 130–3, 138, 139  
 on education, 258–9, 262–77, 282, 286  
 on epistemology, 123–5, 160–1  
 on equity, 77, 165  
 on languages, 121, 264, 272–3, 280  
 on marriage and family, 132, 136–7, 217–20, 241  
 on Mosaic law, 125–6  
 on natural law, 76–7, 123–7, 130–4, 139–40, 217–18  
 on polygamy, 224–6  
 on public morality, 126–8  
 on rational positive laws, 129–34  
 on religious establishment, 130–2, 137, 175, 185–6, 296–7  
 on Roman law, 25, 77, 81, 122, 126  
 on state and political power, 76–7, 129–38, 151, 173–4, 267–71  
 on three estates (drei Stände), 122–3, 140, 267  
 on two kingdoms, 122–3  
 on tyranny, 66–7, 133–4, 137–8, 173–4  
 on uses of law, 104, 127–9, 135, 163  
 reformation ordinances of, 189  
*see also* Augsburg Confession; education; law, canon; law, civil; law, Roman; marriage
- mendicancy, 1, 2, 48, 191–3  
*see also* celibacy and monasticism
- Menius, Justus, 271
- Mindener reformation ordinance (1530), 190
- Monner, Basilius, 237, 238
- More, Thomas, 26
- Niebuhr, Reinhold, 28
- Nuremberg or Nürnberg, 44, 262, 279 n.98  
     legal reformation (1479), 44, 48  
     reformation of criminal law (1481), 44  
     reformation ordinance (1526), 189  
     reformation ordinance (1564), frontispiece, 32
- Oberman, Heiko, 26
- Ockham, William, 28
- Oecolampadius, Johannes, 250 n.172
- Obrigkeit, *see* state and political theory
- Oldendorp, Johann  
*A Legal Disputation on Law and Equity* (1539), 156

- Oldendorp (*cont.*)  
*A Methodology of Natural, Common, and Civil Law* (1539), 156  
*A Statesman's Mirror of Good Policy* (1530), 155  
*Collection of Laws* (1541), 80–1  
*Dictionary of the Law* (1553), 80–1  
*Principles of the Decalogue* (1539), 155  
*Topics of Law* (1559), 80–81, 156  
*What is Equitable and Right* (1529), 155  
on biblical (divine) law, 158–60, 162  
on canon law, 78, 80–1, 167–8  
on civil (positive) law, 154–5, 161–4, 180, 189  
on common good, 160 n.181  
on conscience, 160–1, 166–8  
on Decalogue, 159–60  
on dialectics, 162  
on education, 80–1, 154–5, 163  
on epistemology, 160–1, 166–7  
on equity, 14–15, 164–8, 174–5  
on good policy, 162–3  
on human nature, 158, 160, 160 n.186  
on natural law, 158–61, 162  
on religious establishment, 163  
on Roman law, 154–7  
on state and political authority (*Obrigkeit*), 159, 162–4, 162–3 n.189, 173–4  
on uses of law, 163, 171  
*see also* law; canon; law; civil; law; Roman  
Omphalius, Jakob, 78  
ordination, sacrament of, 38  
Osiander, Andreas, 189  
Osnabrück, reformation ordinance (1543), 190  
Padua, Marsilius of, *see* Marsilius of Padua  
Palatinate, 43, 49  
Panormitanus, 55 n.8, 80  
papacy  
  attacks on, 1–2, 40–1  
  power of, 38–9  
*see also* jurisdiction; keys; law; canon;  
  Luther, Martin  
Pelikan, Jaroslav, x, 1, 120  
penance, sacrament of, 35, 38, 58 n.22, 169,  
  191  
  confessional books of, 36  
Penna, Lucas de, 75 n.96  
Pfalzneuburg, reformation ordinance (1543), 189  
Philip, Landgrave of Hesse, 9, 141–2, 151, 153,  
  225–6  
Plato, 141, 146  
*Polizeiordnung*, definition of, 183–4, 183 n.16  
*see also* Oldendorp, Johann  
polygamy, 141, 205, 224–6  
*see also* marriage; Philip, Landgrave of Hesse  
Pomerania  
  church ordinance (1535), 64, 190  
priesthood of believers, *see* Luther, Martin;  
  Melanchthon, Philip  
Prussia  
  reformation laws (1525, 1540, 1544), 000  
public morality, *see* Eisermann, Johannes; law;  
  civil; Luther, Martin; Melanchthon,  
  Philip; Oldendorp, Johann  
Pullan, Brian, 194  
reform, reformation, definitions of, 4–5, 23,  
  29–30, 177–8, 293–5  
reformation movements, pre-1517, 1, 19, 21–2,  
  26, 40–1, 293–5  
of law (Rechtsreformationen), 43–6, 178–9,  
  192–3, 261–2  
*see also* conciliarism; humanism; Trent,  
  Council of; individual city and territory  
  names  
reformation ordinances, Lutheran, 3–5, 15–23,  
  63–4, 181–96  
*see also* education; law; civil; marriage; social  
  welfare; individual city and territory  
  names  
Rehus, Chancellor of Basel, 78–9  
Reichskammergericht, 34, 42, 43, 178  
*see also* Holy Roman Empire  
Reuchlin, Johannes, 263  
Ritschl, Albrecht, 26  
Rosellus, Antonius, 75 n.96  
Rostock, reformation ordinance (1530), 155, 189  
  University of, 270  
sacraments, 37–9, 133, 169–70, 207–10,  
  226–30  
*see also* baptism; confirmation; eucharist;  
  extreme unction; law; canon; marriage;  
  ordination; penance  
Saxony, 43, 75  
  reformation ordinance (1539), 186, 189  
  reformation ordinance (1580), 186  
Schatzgeyer, Kaspar, 62  
Schleswig-Holstein, reformation ordinance  
  (1542), 190  
Schneidevin, Johannes, 82, 180, 235–6, 237,  
  250 n.179, 251  
*Schöffen*, 44–6, 141, 178  
Schürpf, Jerome (Hieronymous), 55 n.8, 67–8,  
  78, 180–1, 237, 238, 243, 243 nn.143–4,  
  250 n.172  
Schwäbisch-Hall, reformation ordinances  
  (1526/54), 189  
Schwarzenberg, Johann Freiherr von, 61–2,  
  159 n.79  
Sehling, Emil, 182–3

## Index

337

- Seneca, 146  
 Sigismund, Emperor, 41  
     Reformation of (1438), 47, 48, 178  
     *see also* Holy Roman Empire  
 social contract theory, *see* Eisermann, Johannes  
 social welfare, 19–23, 48, 66, 183, 191–6  
 Soester, reformation ordinance (1533), 190  
 Sohm, Rudolph, 237  
 Spengler, Lazarus, 73–4, 78, 81  
 state and political authority (*Obrigkeit*)  
     *see* Eisermann, Johannes; law, civil; Luther,  
     Martin; Melanchthon, Philip; Oldendorp,  
     Johann; two-kingdoms theory;  
     two-swords theory  
 Stintzing, Roderich von, 59, 154  
 Strasbourg, reformation ordinance (1524),  
     189–90  
 Sturm, Johannes, 265 n.34, 283  
 taxes, 46, 49, 56  
     cradle tax (*Wigenzins*), 215  
     whore tax (*Hurenzins*), 215  
     *see also* tithes  
 Teutleben, Kaspar von, 81  
 three estates theory, *see* Luther, Martin;  
     Melanchthon, Philip  
 tithes and religious taxes, 1, 48, 49, 59, 187–8  
 Trent, Council of (1545–63), 26, 37, 85, 139,  
     240, 294  
     *see also* reformation movements, pre-1517  
 Trier, 35, 43  
 Troeltsch, Ernst, 23–8, 154  
 Tübingen, 189, 288  
     legal reformation (1497), 44  
     University of, 180, 262  
 two-kingdoms theory, *see* Eisermann,  
     Johannes; Luther, Martin;  
     Melanchthon, Philip  
 two-swords theory, 6, 8, 108–9, 159  
     *see also* law, canon; papacy  
 Tyrol, reformation of criminal law (1499),  
     44  
 Ulm, 47  
     reformation ordinance (1531), 190  
 uses of law, *see* law, uses of  
 Vienna, University of, 270  
 Vitoria, Francisco de, 26  
 von Beust, Joachim, 75, 237  
 von Harnack, Adolf, 232  
 Weber, Max, 27  
 Wesenbeck, Matthaeus, 82  
 Westphalia, Peace of, 132, 292  
 Whitehead, Alfred North, xi  
 Wimpfeling, Jakob, 263  
 Winkler, Benedict, 140 n.110  
 Wittenberg, 54–5 n.8  
     Constitution of the Consistory (1542), 185  
     laws of, 184–9  
     reformation ordinance (1545), 185  
     University of, xiv, 35 n.4, 53, 60, 67, 79,  
         81–2, 87, 119, 121–2, 141, 175, 180, 236,  
         262, 270  
 Wohlhaupter, Eugen, 40  
 Wolfenbüttel  
     church ordinance (1543), 75  
 Worms, 262  
     Diet of, 67, 167  
     legal reformation (1498) 44, 47  
 Württemberg, 49  
     education in, 284–9  
     reformation ordinances, 189  
     *see also* Brenz, Johannes  
 Würzburg  
     reformation of criminal law (1447), 44  
 Zasius, Ulrich (Uldaricus), 68–9  
 Zwingli, Ulrich (Uldaricus), 251–2